

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **September 15, 2021 at 10:00Am, in Conference Room 1038, 1st Floor, Government Administration Building, Elgin Avenue.**

19th Meeting of the Year

CPA/19/21

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Windel Scott

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

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

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

List of Applications Presented at CPA/19/21

1. 1 Confirmation of Minutes of CPA/18/21 held on September 01, 2021. 4
1. 2 Declarations of Conflicts/Interests 4
- 2.1 EDWINA WILLIAMS (GMJ Home Plans Ltd) Block 27D Parcel 489 (P21-0404) (\$441,000) (NP) 5
- 2.2 KIM LUND (Trio Design) Block 20B Parcel 236 (P21-0261) (\$800,000) (BS) 7
- 2.3 PALM SUNSHINE LTD (Arco Ltd) Block 12C Parcel 443 and 444 (P21-0609) (\$2M) (JP) 13
- 2.4 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) (BS) 16
- 2.5 MIRCRIS LTD. (BDCL Architects) Block 12C Parcel 519 (P21-0168) (\$10,000,000) (MW) 18
- 2.6 ELNISKI RESIDENCE (Robert Towell Architect Ltd) Block 17A Parcel 295 (P21-0668) (\$300,000) (JP) 19
- 2.7 RAINBOW DEVELOPMENT LTD (Abernethy & Associates Ltd) Block 32E Parcels 80, 81, & 82 (P21-0503) (\$46,635) (BES) 22
- 2.8 JIMMY BODDEN (Tony Lattie) Block 20E Parcel 378 (P20-0969) (\$200,000) (BS) 27
- 2.9 LEE MCKAY (Craftman's Touch) Block 4B Parcel 525 (P20-1063) (\$660,000) (BS) 32
- 2.10 ANITA & PADRAIG BROSANAN (Trio Design) Block 15B Parcel 401 (P21-0702) (\$40,000) (BS) 39
- 2.11 TERRA LTD. (Garth Ebanks) Block 14C Parcel 334 (P21-0615) (\$2,000) (NP) 40
- 2.15 DON EBANKS (TAG) Block 45A Parcel 130 (P21-0807) (\$492,000) (NP) 50
- 2.16 COUNTRY CORNER LTD (Architextura) Block 28C Parcels 417 and 418 (P21-0708) (\$1.65M) (JP) 60
- 2.17 ALLYSON WHITTAKER (Whittaker and Watler) Block 53A Parcel 43 (P21-0643) (\$1,061,856) (JP) 63
- 2.18 TROY WHITTAKER (TAG Ltd) Block 14C Parcel 110 (P21-0804) (\$120,000) (JP) 65
- 2.19 SPG COLLIERS (Paradise Drafting) Block 73A Parcel 112 (P21-0780) (\$1.8 million) (NP) 69
- 2.20 JESUS RIVERS (Tropical Architectural Group Ltd.) Block 1D Parcel 670 (P21-0733) (BS) 72
- 2.21 DAVID HAMIL (Architectural Designs & Cayman Contemporary Style) Block 43A Parcel 149 (P20-0689) (\$960,000) (BS) 74
- 2.22 MINISTRY OF EDUCATION (iDraft Studio) Block 23C Parcel 167 (P21-0667) (\$200,000) (NP) 76

- 2.23 DAVID WALKER (BDCL Architects) Block 15D Parcel 162 (P21-0765) (\$50,000) (NP)
77
- 3.0 DEVELOPMENT PLAN MATTERS 78
- 4.0 PLANNING APPEAL MATTERS 78
- 5.0 MATTERS FROM THE DIRECTOR OF PLANNING 78
- 6.0 CPA MEMBERS INFORMATION/DISCUSSIONS 78

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

APPLICANT NAME	TIME	ITEM	PAGE
Edwina Williams	10:30	2.1	5
Kim Lund	11:00	2.2	7
Palm Sunshine Ltd	11:30	2.3	13
R.C. Estates Ltd	1:00	2.4	16
Mircris Ltd	1:30	2.5	18
Elniski Residence	2:00	2.6	19

1. 1 Confirmation of Minutes of CPA/18/21 held on September 01, 2021.

1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to 2.6)

2.1 EDWINA WILLIAMS (GMJ Home Plans Ltd) Block 27D Parcel 489 (P21-0404) (\$441,000) (NP)

Application for a proposed duplex and pool.

Appearance at 10:30

FACTS

<i>Location</i>	Bodden Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	.2522 ac. (10,985.8 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,313 sq. ft.
<i>Total building site coverage</i>	26.7

BACKGROUND

August 4, 2021 (CPA/16/21; Item 2.23) – the application was adjourned to invite the applicant in to discuss the deficient lot size.

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

- 1) Lot size (10,985.8 sq ft vs 12,500 sq ft)

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located in a new subdivision in Bodden Town slightly north of the terminus of the new by-pass road at Hirst Road.

The subdivision has one house under construction and the rest of the parcels are undeveloped at this time.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

The required lot size for a duplex in this zone is 12,500 sq ft per Regulation 9(8)(e) and the subject parcel size is 10,985.8 sq ft. A recent June site visit revealed that the subject subdivision is new and has one house presently under construction. In addition, residential buildings along Star Anise Drive in an adjacent subdivision appear to be entirely single family dwellings. In short, there do not appear to be any duplexes in this area of Bodden Town and the Authority should carefully consider whether a duplex on an undersized parcel of land is acceptable in this instance.

SUPPLEMENTARY ANALYSIS

Subsequent to the August 4, 2021 meeting, the applicant submitted the following letter:

We write on behalf of our client Edwina Williams with regards to the following variance:

-a lot size variance – the proposed lot size is 10,983.83 sq. ft. which is less than the required 12,500 sq. ft. in a LDR zone for a duplex

We request permission for the proposed development to remain as shown on the drawings provided and humbly give the following reasons:

- 1. Per section 8(13(d) of the Planning Regulations, the owners of the adjacent properties were notified by registered mail and there were no objections;*
- 2. Per Section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity. To the adjacent property, to the neighbourhood, or to the public welfare;*
- 3. A similar variance was granted for 27D 480 within the subdivision.*
- 4. The application complies with all other relevant planning requirements.*

We look forward to your favourable response to this variance request.

The Department checked records and can confirm that a duplex was granted planning permission within the subdivision on Block 27D Parcel 480 (CPA/03/21; item 2.2 – 3 February 2021). The size of the lot in that application was 10,058 sq ft, smaller than the subject lot. The Authority may wish to take this information into account when considering the subject application.

2.2 **KIM LUND (Trio Design) Block 20B Parcel 236 (P21-0261) (\$800,000) (BS)**

Application for 10,800 sq ft, 3-storey warehouse storage addition.

Appearance at 11:00

FACTS

<i>Location</i>	MacLendon Drive and Owen Roberts Drive, George Town
<i>Zoning</i>	G.COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.80 ac (34,848 sq ft)
<i>Parcel Size Required</i>	20,000 sq. ft.
<i>Current Use</i>	Warehouse/commercial building
<i>Proposed Use</i>	Warehouse storage
<i>Building Size</i>	10,800 sq. ft.
<i>Building Coverage</i>	54.5%
<i>Proposed Parking</i>	18 spaces
<i>Required Parking</i>	26 space

BACKGROUND

August 4, 2021 (**CPA/16/21; Item 2.11**) - CPA adjourned the application and invite the applicant to appear before the Authority to discuss concerns regarding the deficient number of parking spaces and the proposed off-site parking being located more than 500' from the proposed building.

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

- 1) Parking requirements

AGENCY COMMENTS

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

Department of Environment/NCC

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

Fire Service

The CFO approved the site layout.

Chief Environmental Health Officer

The Department of Environmental Health (DEH) acknowledges receipt of your correspondence regarding the above subject.

Approval is granted under the Public Health (Garbage and Refuse) Regulation 2011 Revision, Clause 4 for the use of private garbage service at the above location for one (1) year in accordance with this law. The expiry date of this approval will be the 25th May 2022.

Please note that you will need to make a further request prior to the expiration for an extension of this arrangement.

National Roads Authority

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

Access and On-Site Circulation Issues

Please have applicant elaborate on the means of access to the rear of the subject site. Additionally, the rear of the property is currently used for parking as illustrated on the applicant's site location map (see below)



The NRA is concerned that the proposed addition will displace the current parking

allocation. Additionally, when a container is being loaded or unloaded on the south loading bay of the existing building, the proposed parking will not be accessible. Sheet SP-2 clearly illustrates NRA's concern.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 3,600 sq. ft. has been assessed in accordance with ITE Code 150 - Warehousing. The anticipated traffic to be added onto Dorcy Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
<i>13</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>1</i>

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

Access and Traffic Management Issues

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

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 use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. To that effect, the following requirements should be observed:

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

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

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

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

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

Water Authority

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

Existing Septic Tank

- The existing warehouse building is currently served by an existing (1,000) US gallon septic tank. The developer's agent has provided the Water Authority with confirmation of a completed septic tank service and an inspection report form. Prior to the BCU/CO stage the developer shall rectify the suggested repairs as per the inspection report, these include water tight covers and access to existing effluent well.

Wastewater Treatment & Disposal for The Proposed

- The developer shall provide septic tank with a capacity of at least (1,500) US gallons for the proposed warehouse.
- 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's 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.*

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

Water Supply

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

- The developer shall contact Water Authority's Engineering Services Department at*

949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.

- The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.
- The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>

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

APPLICANT'S LETTER

As the registered owner[s] of Block 20B Parcel 265 and 266, I [we] do hereby give consent to the registered owner of Block 20B Parcel 236 to utilize [5] spaces on our Parcel as [Spillover] parking for the proposed Warehouse should the need arise.

PLANNING DEPARTMENT ANALYSIS

General

The application is for 10,800 sq ft 3-storeys warehouse storage addition to IDG building (commercial and warehouse storage mixed-use) the above-captioned property. The site is located adjoining Woods Furniture Building and opposite warehouses (20B263 and 259) on MacLendon Drive and Owen Roberts Drive, George Town.

Zoning

The property is zoned General Commercial.

Specific Issue

1) Parking Requirements

A total of 26 parking spaces are required for the existing and proposed development. The applicant is proposing 18 spaces on site and 5 spaces off-site. Per regulation 8(1)(a) of the Development and Planning Regulations, (2021 revision), *50% of parking spaces may be provided on land located not more than 500-feet from the respective building.* As noted in the applicant's letter, the 5 off-site parking spaces would be located on Block 20B Parcel 266, approximately 620 ft from the subject building which exceeds the aforementioned 500' limit.

The applicant has provided a copy of a signed lease for the off-site parking – see Appendix A

Should the Authority accept the off-site parking, there is still a shortfall of 3 parking spaces which the applicant has not addressed.

SUPPLEMENTARY ANALYSIS

The applicant submitted no additional information.

2.3 PALM SUNSHINE LTD (Arco Ltd) Block 12C Parcel 443 and 444 (P21-0609) (\$2M) (JP)

Application to modify Planning Permission to add 2443.64 sf, two pools, site layout revisions and amendment to building shape.

Appearance at 11:30

FACTS

<i>Location</i>	West Bay Road, West Bay Beach
<i>Zoning</i>	NC
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	1.4 ac. (60,984 sq. ft.)
<i>Current use</i>	Commercial
<i>Proposed building size</i>	12,690.14 sq. ft.
<i>Total building site coverage</i>	20.38%
<i>Required parking</i>	43
<i>Proposed parking</i>	39

BACKGROUND

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

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

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

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

- 1) Parking deficit (39 v 43)

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health 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:

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

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

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

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

Water Supply:

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

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

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

National Roads Authority

No comments received.

Department of Environmental Health

Solid Waste Facilities:

1. The applicant has satisfied the location and access for the garbage enclosure.

NOTE:

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

Fire Department

Stamped approved plans uploaded.

OBJECTIONS

Regarding notice from Palm Sunshine Ltd re: Block I Parcels 12C443 and 12C444

Notice to adjacent property send by Cayman mail July 23'd, 2021

On August 11, 2021; I am requesting to personally appear and present my objections to the Palm Sunshine Ltd "site plan layout" revisions being presenting to Planning for planning's approval.

Purpose of my objection:

Palm Sunshine appears to operate a group of related entities: Palm Heights Suites (over 100+ rooms) at 747 West Bay road; Tillie's restaurant, Coconut Club restaurant, Paradise Pizza, and soon this proposed Spa.

Palm Heights Suites appears to only have 5 marked off parking spaces next to the hotel.

The jointly shared parking lot for Tillie's, Coconut Club, Paradise Pizza South of the now closed Deckers restaurant has approximately 70 parking spaces (including non-marked areas behind Deckers) and room for another 15 cars parked in island areas within the existing lot gives a capacity of around = 85 cars.

The rooftop full moon restaurant on top of the 5 story building, Tillies, Coconut Club, Paradise Pizza accommodate people eating in an open air environment on the grounds, in excess of the capacity limitations of enclosed environments.

The hotel is at minimum occupancy (think 80 or 90 more cars and people with transportation).

*The applicant routinely on Wednesday, Friday, and Saturday evenings exceeds the joint capacity of 90 park cars **by 20 to 40 cars** (and again the hotel is at minimum occupancy).*

The applicant's overflow Customers are parking at The Grand Pavilion (802 West Bay Rd), The Colonial Club (769 West Bay Rd), Buckingham Square (720 West Bay Rd) and on the shoulders and sidewalks of West Bay Rd.

The surrounding neighborhood is suffering from the Applicant's current lack of capacity for parking and it will only get worse; as the applicant adds more enterprises and when the guests to the hotel return.

The Applicant once a week or more puts up cones and entirely blocks off the parking lot areas located between Decker's and Buckingham Square, leaving only 2 to 3 parking

places for patrons for the entire propeliies. This forces all guests and visitors to park in other properties parking lots. This is not a secret, just drive by and observe.

It appears the applicant has 2 obvious solutions immediately available:

a) Raise Deckers and add more parking there - since the applicant is using the Decker's parking now; and applicant appears related to the owners of the Decker's and Britannia entrance property.

b) The old Britannia entrance just South of Buckingham Square has a curb cut onto West Bay and no buildings, just pave and provide parking for 60 to 70 cars.

I am asking Planning to refuse any applicant permits and applications for permits until the applicant immediately provides another 100 or more places for their current customers to park their cars.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on the Seven Mile Beach Corridor it is constrained to the north, west and east by existing roads and Deckers Restaurant forms the southern boundary.

The applicant is requesting a modification to planning permission to increase floor, modification to site plan, addition of two additional pools and revisions to building shape.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Parking deficit (39 v 43)

The application includes an increase in floor area of 2443.64 sf. Regulation 8(1)(iv) requires parking provision of 1 space per 300 sf of commercial floor space.

The total floor area 12,690.14 sf equates to a requirement of 43 parking spaces to support the proposed development.

Revisions to the site plan include increasing the parking provision to 39 spaces.

A deficit of 4 spaces results.

2.4 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) (BS)

Application to modify planning permission for reconsideration of condition 1)(a).

Appearance at 1:00

FACTS

Location

South Sound Road

Zoning

LDR

Parcel Size

87.7 acres

BACKGROUND

July 21, 2021 (**CPA/15/21; Item 5.1**) – CPA adjourned the application and re-schedule for a later date.

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

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

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

- 1) Reconsideration of CPA's condition of approval

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). 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) Condition for Reconsideration

Determine if the applicant’s proposal to replace a designated area of LPP with road widenings, bike lanes and landscaped paths is acceptable.

2.5 MIRCRIS LTD. (BDCL Architects) Block 12C Parcel 519 (P21-0168) (\$10,000,000) (MW)

Application to modify planning permission to increase the number of bedrooms by 18.

Appearance at 1:30

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
<i>Proposed units</i>	22
<i>Allowable bedrooms</i>	36
<i>Proposed bedrooms</i>	54
<i>Required parking</i>	33 spaces
<i>Proposed parking</i>	40 spaces

BACKGROUND

July 21, 2021 (CPA/05/21; item 2.18) – application was adjourned and applicant invited to appear to discuss concerns with the number of bedrooms

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

- 1) Bedroom Density (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.

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.

2.6 ELNISKI RESIDENCE (Robert Towell Architect Ltd) Block 17A Parcel 295 (P21-0668) (\$300,000) (JP)

Application to modify planning permission to add a second floor.

Appearance at 2:00

FACTS

<i>Location</i>	Daum Quay, West Bay Beach North
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.277 ac. (12,070 sq. ft.)
<i>Current use</i>	Residential
<i>Proposed building size</i>	4,050 sq. ft.
<i>Total building site coverage</i>	18%

BACKGROUND

August 18, 2021 (**CPA/17/21; item 2.21**) – Members adjourned determination to enable an invitation to appear before CPA into discuss concerns regarding the deficient setbacks.

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

- 1) Front setback (18' 1" v 20')
- 2) Side setback (12' 1" v 15')

APPLICANT'S LETTER

We write to the Central Planning Authority to request a 12'-1' side setback variance on the new second floor addition above an existing carport which we intend to convert to a garage. We also understand that a variance is required for the decorative left side wall projection which faces the street which is considered a wall. This feature wall & overhang is 18'-1" from the street. We have included a 3D rendering which shows the intended design detail.

As per Planning Regulations 8 (13b) our proposal meets the characteristics of the surrounding residential neighborhood & will not be materially detrimental to persons resident or working in the vicinity, to the adjacent property, to the neighborhood or public welfare.

As per Section 8 (13d), we have notified the adjacent land owners who have been no objections to this side setback variance request.

PLANNING DEPARTMENT ANALYSIS

General

The application site, which supports a house and ancillary structures, is served by Daum Quay to the south and a canal bounds the property to the north. An existing residential property shares the eastern boundary and a vacant lot is sited to the west.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Front setback variance (18' 1" v 20')

Regulation 9(8)(i) stipulates a 20' setback for the front.

The design includes of decorative overhang on the front elevation which results in a front setback of 18' 1"

Members are invited to consider the content of the variance letter in determination whether to grant a variance.

2) Side setback variance (12' 1" v 15')

Regulation 9(8)(j) requires a 15 setback for more than one storey.

The proposed upper floor addition would encroach into the side setback by 3'

Members are invited to consider the content of the variance letter in determination whether to grant a variance.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.7 to 2.23)

2.7 RAINBOW DEVELOPMENT LTD (Abernethy & Associates Ltd) Block 32E Parcels 80, 81, & 82 (P21-0503) (\$46,635) (BES)

Application for a new 48 lot subdivision and a modification of a previously approved 37 lot subdivision.

FACTS

<i>Location</i>	Opposite Domino's Pizza on Homestead Cres, and Shamrock Road, Savannah.
<i>Zoning</i>	LDR
<i>Notice results</i>	No Objectors
<i>Parcel Size</i>	14.34 acre (624,650.4 sq ft)
<i>Lot Size Required</i>	10,000 sq ft per lots
<i>Lot size proposed</i>	10,000 sq ft minimum

BACKGROUND

March 17, 2021 (CPA/06/21; Item 2.5) – CPA granted planning permission for 33 residential lots, 3-LPP lots and a road parcel with conditions.

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

- 1) Lots width (lots 4, 58, 63, and 64 vs. minimum required lot width 80')
- 2) Access

AGENCY COMMENTS

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

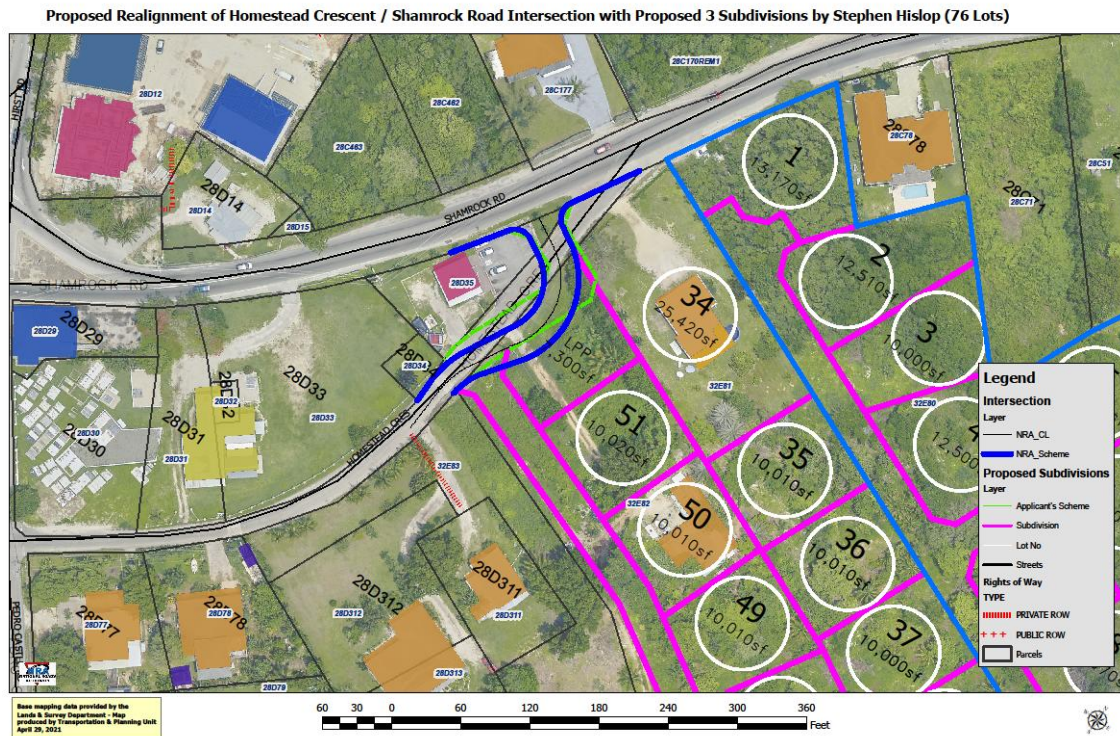
NRA

As per your memo dated May 26th 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Revised Entrance

The NRA endorses the applicant's proposal to eliminate the new entrance of the subdivision approved by the Central Planning Authority for Block 32E Parcel 80 (P20-1137) on Shamrock Road and to combine access to the public road network via the new subdivision of Block 32E Parcels 81 and 82.

Please find below NRA's recommended new intersection alignment for Shamrock Road and Homestead Crescent in which the applicant has accommodated for. The NRA will shortly forward gazettal instructions to the Lands and Survey Department which reflect the intersection improvements depicted in blue in the graphic below.



Stormwater Management Issues

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

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

Infrastructure Issues

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

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

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

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.

Fire Service

The CFO approve the site layout.

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 is predominately man-modified and is of limited ecological value. We note that at the time of reviewing this application clearing on the site has already begun (see Figures 1 & 2).



Figures 1 & 2: DoE site visit photos from 29 May 2021 showing clearing at the application site.

The Department has no objection to the modification of the subdivision site design. However, the DoE believes the parcel was historically used as agricultural land. As we stated previously when reviewing the original application (Planning Ref: P21-0020), the DoE strongly recommends that the Department of Agriculture is consulted on this application and similar applications in the future in order to advise on the potential loss of agricultural land which is already at a premium in Cayman. The conversion of good agricultural land for development purposes places greater pressure on already declining areas of primary habitat. As historically good agricultural land is lost, the likelihood for proposals to clear primary habitat for agricultural use could increase.

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.

Stormwater Management

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

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.*

APPLICANT'S LETTER

Enclosed please find the relevant documents relating to the above subdivision. We are asking for a variance on the lot width for Lots 4, 58, 63, and 64 under the Planning

Regulation 8(13) (b) (iii) to accommodate this.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a subdivision (48-lots), 3-LPP lots, a road parcel and modification of subdivision layout (32E80) at the above-captioned properties. The site is located opposite Domino's Pizza on Homestead Cres, and Shamrock Road, Savannah. It should

be pointed out that the applicant is modifying subdivision (32E80) to connect with the new subdivision road as depicted on the proposal.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Subdivision Access Points Homestead Cres and Shamrock Rd

The applicant has modified the subdivision access road to Homestead Cres and Shamrock Road.

As noted above, the NRA endorses the applicant's proposal to eliminate the new entrance of the subdivision approved by the Central Planning Authority for Block 32E Parcel 80 (P20-1137) on Shamrock Road and to combine access to the public road network via the new subdivision of Block 32E Parcels 81 and 82.

As indicated on the subdivision plan, the applicant has reserved a portion of the LPP to accommodate the new intersection alignment for Shamrock Road and Homestead Crescent.

While the NRA endorse the proposed access, it should be noted that Homestead Crescent is quite narrow in places and the entire traffic generated by the subdivisions will have to utilize this road. The Authority needs to be determine if the one access point to the subdivision on Homestead is sufficient.

2) Lot Widths

As indicated on the subdivision plan, lots 4, 58, 63, and 64 are less than the minimum required lot width of 80'. Per Regulation 9(8)(g) of the Development and Planning Regulations (2021 Revision), the minimum lot width is 80' for houses and duplexes and 100' for apartments.

3) Road Connection

In accordance with Regulation 25(g) of the Development and Planning Regulations (2020 Revision), *the Authority may require provision for the continuation of principal roads to adjoining subdivisions or their proper projections when adjoining property is not subdivided and also continuation of such minor roads as may be necessary for extensions of utilities and access to adjoining properties.* The proposal indicates an access road connection to 32E89.

4) Lands for Public Purposes

The applicant is proposing lots 48A and 48B (10,520 sq ft) and lot 74 (23,153 sq ft) as LPP. Per Regulation 28(1) of the Development and Planning Regulations (2021 Revision), *according to the size of a subdivision, 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.

The proposal indicates a total LPP lot size of 33,673 sq ft, and 5% of the subdivision lot size (14.34 acres or 624,650.4 sq ft) is 31,325.2 sq ft.

It should be pointed out the 2-LPP lots for the subdivision (32E80) has been omitted and combined as a lot (1).

2.8 JIMMY BODDEN (Tony Lattie) Block 20E Parcel 378 (P20-0969) (\$200,000) (BS)

Application for addition to a duplex to create three apartments.

FACTS

<i>Location</i>	Melody LN, George Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2298 ac. (10,010.1sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Duplex
<i>Proposed building size</i>	513.33 sq. ft.
<i>Total building site coverage</i>	19.1%
<i>Allowable units</i>	4
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	7
<i>Proposed bedrooms</i>	4
<i>Required parking</i>	5
<i>Proposed parking</i>	5

BACKGROUND

April 4, 2018, a duplex was granted admin approval with conditions.

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

- 1) Suitability
- 2) Lot size (10,010.1 vs 20,000 sq ft)
- 3) Rear Setback (10' vs. 20')

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, Fire Department and 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
<i>Bodden Apartments</i>	<i>2 x 1-Bed units 1 x 2-Bed unit</i>	<i>150gpd/1-Bed unit 225gpd/2-Bed unit</i>	<i>525gpd</i>	<i>525gpd</i>
<i>TOTAL</i>				<i>525gpd</i>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*

- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a 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.*

Change-of-use with Existing Septic Tank

If the developer proposes to utilize the existing 1,500 gallon septic tank and/or disposal well referenced in the site plan, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority's website via the following link: <https://bit.ly/2RO8MBB>. The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water*

Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).

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

Water Supply

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

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

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

National Roads Authority

As per your memo dated November 19th, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of three (3) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Melody

Lane is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<i>20</i>	<i>2</i>	<i>0</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>1</i>

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

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

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

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

Department of Environmental Health

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

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

Fire Department

The CFO approved the site layout.

APPLICANT'S LETTER

See Appendix A

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition (513.33 sq ft) to a duplex to create 3-apartments at the above-captioned property. The application site is located on Melody LN, George Town.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Suitability

Per Regulation 9(7), apartments are permissible in suitable locations. Based on Cayman Land Info Map, the surrounding area includes apartments (20E118 lot size 11,787.33 sq ft on Music CL), duplex (20E376 adjoining the property), single-family residential, and vacant properties.

2) Lot Size

Per Regulation 9(7)(f), the minimum required lot size is 20,000 sq ft, whereas the proposed lot size is 10,010.1 sq ft or a shortfall of 9,989.9sq ft.

The Authority should ascertain whether or not the applicant has demonstrated there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2020 Revision) to warrant granting the lesser lot size.

3) Rear Setback

Per Regulation 9(7)(i), the minimum required rear setback is 20', whereas the proposed setback is 10'.

The Authority should ascertain whether or not the applicant has demonstrated there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2020 Revision) to warrant granting the lesser setback.

2.9 LEE MCKAY (Craftman's Touch) Block 4B Parcel 525 (P20-1063) (\$660,000) (BS)

Application for three apartments.

FACTS

<i>Location</i>	Velma Banks Dr. off Fountain Road, West Bay.
<i>Zoning</i>	HDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1521 ac. (6,625.5 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	3-apartments
<i>Proposed building size</i>	4,058 sq ft sq. ft.
<i>Proposed footprint</i>	2,029 sq ft
<i>Total building site coverage</i>	30.6% vs 40% max allowable
<i>Allowable units</i>	3
<i>Proposed units</i>	3

<i>Allowable bedrooms</i>	6
<i>Proposed bedrooms</i>	6
<i>Required parking</i>	5
<i>Proposed parking</i>	5

BACKGROUND

No previous planning history

Recommendation: Discuss the application for the following reasons:

- 1) Suitability
- 2) Sides setbacks (10' vs 15)
- 3) Lot width (60'-4" vs. 100')
- 4) Parking lot layout

AGENCY COMMENTS

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

WAC

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

Wastewater Treatment & Disposal

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>	<i>GPD</i>
<i>Apartment Building</i>	<i>3 x 2-Bed Units</i>	<i>225gpd/2-Bed unit</i>	<i>675gpd</i>	<i>675gpd</i>
<i>TOTAL</i>				<i>675gpd</i>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*

- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a 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 4'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

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

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

Water Supply

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

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

NRA

As per your memo dated December 24th, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the

site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of a six (6) 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 Velma Banks Drive 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
40	3	1	2	4	3	1

Based on these estimates, the impact of the proposed development onto Velma Banks 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. Please have applicant revised site plan to show.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. Please have applicant revised site plan to show.

A six (6) foot sidewalk shall be constructed on Velma Banks Drive, within the property boundary, to NRA standards. Please have applicant revised site plan to show.

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

Stormwater Management Issues

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

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

stormwater runoff from the subject site.

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

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that 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.

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 DOE recommends that the applicant 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.

DEH

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

- 1. This development will require a minimum of (3) 33 gallon garbage bins within a 2.50ft W x 7.50 ft L x 2.50 ft H enclosure.*
- 2. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
- 3. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Fire Services

The CFO approved the site layout.

APPLICANT'S LETTER

With respect to our submission for apartments on block 4B parcel 525 located on Velma Banks road, West Bay. We hereby request variances as follows:

- 1. Setback Variance for Proposed apartment to be located 10'-0" from the side boundaries shared with parcels 524 and 11'-0" shared with 526. The rear setback is at 15'-0" shared with Parcel 378.*
- 2. Lot Width Variance for lot width to be less than the minimum 100'-0" at the front.*

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for three (3) apartments with six (6) bedrooms at the above-captioned property.

The site is located on Velma Banks Dr. off Fountain Road, West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability

Regulation 9(6) permits apartments in suitable locations. The surrounding land uses in the area are industrial (Andy's Auto at the rear of the subject property), duplexes, dwelling houses, and vacant properties.

Members are invited to consider whether the site is suitable for apartments.

1) Sides Setbacks

Regulation 9(6)(i) requires a minimum 15' side setback for a building of more than one storey, whereas the proposed sides setbacks are 10' and 11' respectively.

Members are invited to reflect upon the variance letter in order to determine whether adequate justification has been provided.

2) Lot Width

Regulation 9(6)(f) requires a minimum 100' lot width for apartments, whereas the proposed lot width is 60'-4".

3) Parking Lot Layout

The parking layout includes angled parking which could lead to awkward movements within the driveway and perpendicular spaces could be achieved and would function better. Also, two of the spaces are 8' wide instead of 8' 6" and the parking area doesn't show curbing. It would appear that these changes could be realistically accommodated.

2.10 ANITA & PADRAIG BROSANAN (Trio Design) Block 15B Parcel 401 (P21-0702) (\$40,000) (BS)

Application for 682 sq. ft. covered porch and 276 sq. ft. summer kitchen.

FACTS

<i>Location</i>	Sandalwood Cres, off Walkers Road
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.3654 ac. (15,916.82 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Same as above
<i>Building Size proposed</i>	958 sq. ft.
<i>Building Site Coverage</i>	22.9%

BACKGROUND

April 16, 2014 (**CPA/10/14; Item 2.6**) – approval granted for a 2 lot subdivision to re-parcel the previous lots 153 and 154 to create parcels 400 and 401 while acknowledging the location of the existing structures on site.

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

- 1) Rear setback (11'-9" vs 20')
- 2) Side setback (4'-9" vs. 10')

APPLICANT'S LETTER

Letter #1

I am writing on behalf of my clients Anita & Padraig Brosnan for whom I am seeking a variance

based on regulations 8 (13) of the Development & Planning Regulations (2018 Revisions).

We are applying to the Planning Authority for permission to build a [Summer Kitchen 276 sqft.] which is to be attached to an existing Pump Room. The original parcel has been subdivided changing the [West] property line causing the existing pump room to now fall within the side setback.

My clients purchased the house as is and now that they are ready to expand on their outdoor living spaces, I hope this decision by the former owners does not hinder those plans or this application.

Thanks for your kind consideration in this matter. If you require further clarification about the nature of the proposed I will be more than willing to address them.

Letter #2

I am writing on behalf of my clients Anita & Padraig Brosnan for whom I am seeking a variance based on regulations 8 (13) of the Development & Planning Regulations (2018 Revisions).

We are applying to the Planning Authority for permission to build a [Summer Kitchen 276 sqft.] which is to be attached to an existing Pump Room. The Setback of the proposed is 4.9' to the side and 12.7' to the rear. The original parcel has been subdivided changing the [West] property line causing the existing pump room to now fall within the side setback. The Pool which is existing has a Rear Setback of 10.1' with the proposed decking having a setback ranging from 8.5'.

PLANNING DEPARTMENT ANALYSIS

General

The application is for 682 sq.ft. covered porch and 276 sq.ft. summer kitchen at the above-caption property. The site is located on Sandalwood Cres, off Walkers Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear Setback

The proposed kitchen is setback 11'-9" from the rear boundary, whereas the minimum required rear setback is 20'-0" per regulation 9(8)(i) of the Development and Planning Regulations (2021 Revision).

2) Side Setback

The proposed side setback is 4'-9", whereas the minimum required rear setback is 10' per regulation 9(8)(j).

2.11 TERRA LTD. (Garth Ebanks) Block 14C Parcel 334 (P21-0615) (\$2,000) (NP)

Application for proposed land clearing.

FACTS

<i>Location</i>	Portland Road
<i>Zoning</i>	Light Industrial
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	29,760 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	None

Recommendation: Discuss the application to clear land by mechanical means in the absence of an application for the primary development of the site.

AGENCY COMMENTS

Comments from the Department of Environment are provided below:

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

The site has been man-modified but there has been regrowth of mangroves. Mangroves are a Schedule 1 Part 2 Protected Species under the National Conservation Act 2013 and there is an adopted Mangrove Conservation Plan (2020). The vicinity of the site is prone to flooding, and the site is likely acting as a stormwater drainage basin for the surrounding area. Therefore, the clearing and filling of this site may exacerbate flooding in the surrounding area as it will reduce the site's natural capacity to retain storm water.

The Department does not support the speculative clearing of land and we encourage applicants to submit proposals for land clearing along with their proposals for development. There may be varying recommendations for vegetation retention depending on the form and nature of the development being proposed. Speculative clearing reduces the environmental value and eliminates the ecosystem services provided (e.g. drainage), without a social or economic benefit to offset the environmental losses.

However, if the Central Planning Authority is minded to approve this application, it is recommended that a storm water management plan is developed and implemented to ensure that storm water runoff is handled on site and does not impact surrounding areas.

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, on Portland Road directly east of Arch Automotive.

The property is currently vacant and the application is to clear the parcel to the boundaries.

Zoning

The property is zoned Light Industrial.

Specific Issues

1) Timing

The applicant has indicated that the application is to clear the vegetation from the site in preparation of a future use. The Authority has often expressed concern for proposal to clear land when there is no application for the primary development of the site.

2.12 BARAUD DEVELOPMENT Ltd (TAG Ltd) Block 12C Parcel 266 (P21-0500) (P21-0536) (\$2.5M) (JP)

Applications for 10 townhouses and 11 associated land strata lots. See item 2.13 for related application.

FACTS

<i>Location</i>	Canal Point Drive, West Bay Beach South
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	91,0404 (currently) 54,495 sq ft (after subdivision)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	20,265 sq. ft.
<i>Total building site coverage</i>	11.5%
<i>Allowable units</i>	31
<i>Proposed units</i>	10
<i>Allowable bedrooms</i>	50
<i>Proposed bedrooms</i>	30
<i>Required parking</i>	15
<i>Proposed parking</i>	30

BACKGROUND

P21-0794 – sister application for two lot subdivision

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

- 1) Suitability
- 2) Land strata lots

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:

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

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 ext 3000, as soon as possible to ensure that:*
- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *the Authority can make necessary arrangements for connection.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:*

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

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

The Authority will not be responsible for delays due to insufficient notice from the developer.

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.*

National Roads Authority

No comments received

Department of Environmental Health

Solid Waste Facility:

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

NOTE:

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

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 notes that the majority of the subject parcel is predominantly man-modified habitat with some remaining seasonally flooded mangrove habitat along the parcel's northern boundary, as shown in figure 1 below. Therefore it is recommended that native vegetation, particularly the mangroves, 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.



Figure 1: A habitat map showing the subject parcel landcover (DOE 2018).

Fire Department

Stamped approved drawings

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on the Seven Mile Beach Corridor with vacant land to the north and the site access road running along the south. Beyond the subdivision land an

apartment complex is currently under construction with Southampton Gardens, an established apartment complex, located to the south-west.

The application seeks Planning Permission for the construction of 10 townhouses with 11 associated land strata lots.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) permits townhouses in suitable locations.

Members are invited to consider the surrounding developments in determining whether the proposed development of townhouses is appropriate in this location.

2) Land strata lots

Regulation 9(8)(f), (g), (h), (i) and (j) stipulate various design factors such as lot size, lot width and setbacks.

In order to enable the conveyance of dwelling units in townhouse developments, Regulation 9(8)(ja) enables CPA to use discretion in determining the size of strata lots thereby negating the need to grant “technical” variances for the items noted above.

2.13 BARAUD DEVELOPMENT Ltd (TAG Ltd) Block 12C Parcel 266 (P21-0794) (\$4,500) (JP)

Application for a 2 lot subdivision. See item 2.12 for related applications.

FACTS

<i>Location</i>	Canal Point Drive, West Bay Beach South
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.09 ac. (91,0404.4 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

P21-0536 – sister application for 10 townhouses

P21-0794 – sister application for two lot subdivision

Recommendation: Grant planning permission.

AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, 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:

Water Supply:

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

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

Wastewater Treatment:

- *Please be advised that the proposed development is within the Water Authority's West Bay Beach Sewage System (WBBSS) collection area and built development will be required to connect to that system. The developer is required to notify the Water Authority's Engineering Department (949-2837 ext 3000) at the earliest stages of planning for built development to be advised of the site-specific requirements for connection.*

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 (DoE) offers the following comments for your consideration.

The Department reiterates its previous comments that the majority of the subject parcel is predominantly man-modified habitat with some remaining seasonally flooded mangrove habitat along the parcel's northern boundary, as shown in figure 1 below. It is recommended that native vegetation, particularly the mangroves, 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. Mangroves are protected under the Species Conservation Plan for Mangroves (2020) in accordance with 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 (doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).



Figure 1: A habitat map showing the subject parcel landcover (DOE 2018).

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

PLANNING DEPARTMENT ANALYSIS

General

The application site is located on the Seven Mile Beach Corridor with vacant land to the north and the site access road running along the south. Beyond the subdivision land an apartment complex is currently under construction with Southampton Gardens, an established apartment complex, located to the south-west.

The application seeks Planning Permission to subdivide the lot into two parcels.

Zoning

The property is zoned Low Density Residential. The proposed subdivision complies with minimum lot size and lot width requirements.

2.14 THE WATERMARK LIMITED (MJM Design Studio) Block 11B Parcel 56 Rem 3 (P21-0614) (\$50,000) (MW)

Application for an 8' high fence to contain construction material storage area with associated site clearing.

FACTS

<i>Location</i>	West Bay Rd., West Bay
<i>Zoning</i>	N/C
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	4.35 ac. (189,486 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

May 23, 2017 – Apartments; 55,576 sq. ft. – the application was considered and it was resolved to grant planning permission.

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

- 1) Fence height (8'-0" vs. 6'-0")
- 2) Suitability of site for storage of construction materials
- 3) Time frame for the proposed uses

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The DoE's habitat layer showed the application site as predominately man-modified with regrowth and some invasive species. A review of Lands and Survey Department's historical aerial imagery confirmed that the site has experienced instances of land clearing over the years and is likely of limited ecological value. As the applicant has provided justification for the clearing and the storage is related to the ongoing works for a development that has already received planning permission, the DoE has no further comments at this time.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 8' High Fence to Contain the Construction Material Storage & Site Clearing by Mechanical Means to be located on West Rd., West Bay.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Fence Height

Section 4.4.2. of the Wall & Fence Guidelines states:- *"In commercial, industrial and institutional zones, no part of a semi-transparent wall or fence should exceed 72 inches in height, except for where provided within these regulations."* The applicant has proposed an 8'-0" chain link fence which is a difference of 2'-0" in height respectively to secure the site.

2) CPA Concerns to Site Storage

The applicant has proposed to clear the subject site which was recently purchased as part of the approved Watermark Development (P18-0534 /CPA/18/18; Item 2.1) on the neighbouring parcel 11B97. The applicant is currently proposing a material & container storage area which will house materials and containers which will remain on site as the Watermark construction continues in addition a 10' buffer will be retained as added security and sight buffer. The applicant however has not submitted a letter or given any indication outlining the time frame for the land clearing or temporary site storage, as the Department has concerns that the site storage area could potentially remain after construction of the approved development has completed.

2.15 DON EBANKS (TAG) Block 45A Parcel 130 (P21-0807) (\$492,000) (NP)

Application for a proposed house & pool.

FACTS

<i>Location</i>	Rum Point Drive
<i>Zoning</i>	Medium Density Residential
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	21,344 sq. ft.
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,456 sq. ft.
<i>Total building site coverage</i>	16.2%

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

- 1) HWM setback
- 2) Proposed septic setback from the road (20' required vs 14'4" proposed)

AGENCY COMMENTS

Comments from the Department of Environment (NCC) are listed below:

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

Site Overview

The application site is adjacent to a Marine Protected Area, namely a No Dive Zone and consists of a mixture of primary coastal shrubland and man-modified areas.

*The parcel is not located on a turtle nesting beach but is approximately 120 feet away from **critical sea turtle nesting habitat**. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act, 2013, as being 'protected at all times'. Based on over 20 years of DoE turtle nesting monitoring data, critical turtle nesting habitat has been identified and defined in the National Conservation Council's 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*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

This designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the Director of DoE under delegated authority from the National Conservation Council can stipulate the inclusion of those conditions in any Planning Permission that may be given.

Coastline Discrepancies & Climate Change

The Department notes from the plans submitted that the coastline is being referenced as ironshore. The coastline of the parcel is primarily a perched beach atop ironshore rather than a solely ironshore coastline. There are also pockets of beach with little to no ironshore in this location (see Figures 1 & 2). Much of the ironshore outcrops are also covered by water during high tide. Sand is naturally deposited onto perched beaches during storm events.



Figures 1 & 2: DoE site visit photos from 23 August 2021 showing areas with little to no ironshore outcrops along the shoreline.

The Department is unable to reconcile the submission's High Water Mark Survey (Figure 3) with the coastline visible in aerial imagery and the DoE's site visit photos. Much of the boundary of the survey line appears to be in-water.

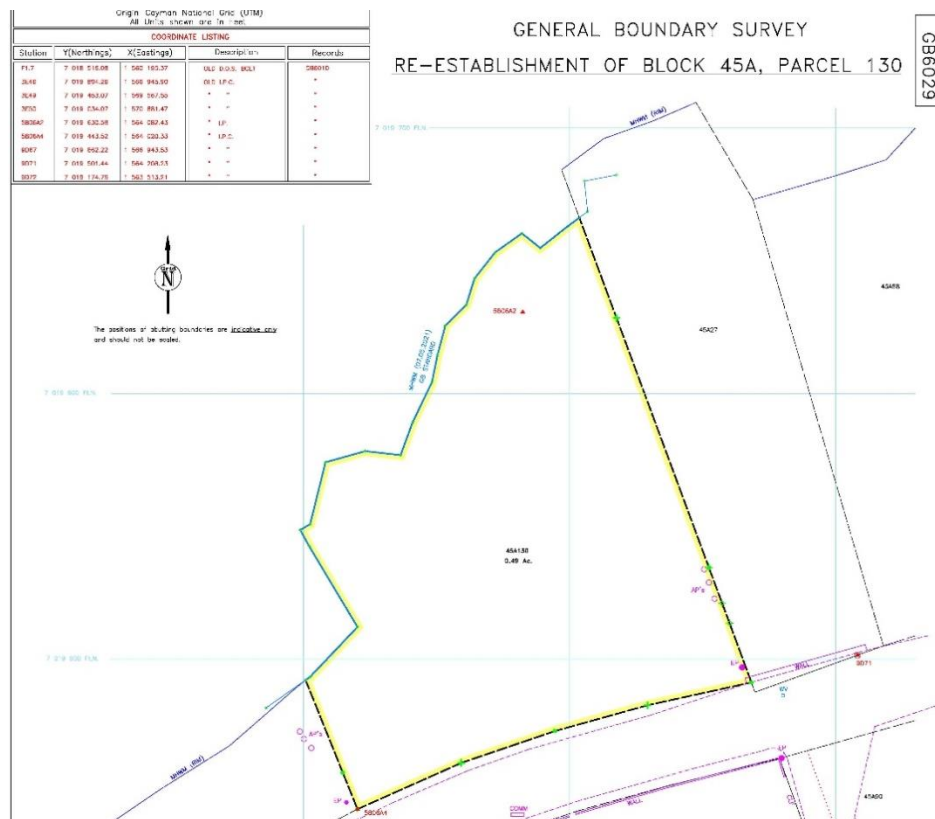


Figure 3 – Cropped image of the applicant's Authenticated High Water Mark Survey (Source: applicant's submissions).



Figure 4: Lands & Survey 2018 aerial imagery showing the coastline of the subject parcel (Block: 45A Parcel: 130). The dark areas are the ironshore outcrops along the beach.

It is clear from Tropical Storm Grace that the incursion of the sea went all the way to the vegetation line. Although it was not as rough on the north coast as other areas of the island, the rack line from Tropical Storm Grace which occurred on 18 August was visible when the DoE visited the site on 21 August 2021 at low tide. Figure 4 shows the distinctly visible wet sand and dry sand and Figure 5 shows the individual wave run-up lines, both of which demonstrate the incursion of the sea.



Figure 4 – DoE site visit photo taken at low tide on 21 August 2021 showing the wet and dry sand.



Figure 5 – DoE site visit photo taken at low tide on 21 August 2021 showing the individual wave run-up lines left on the sand and the rack line left from Tropical Storm Grace (18 August 2021).

The Department notes that the submission uses a minimum coastal setback of 50 feet. Being a perched beach atop ironshore, this is not a typical ironshore coastline. This site is unlikely to experience the substantial wave attenuating benefits of larger ironshore bluff coastlines. The application site is also located on an exposed coastline and lacks the protection of a reef offshore.

Given the climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge), coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development and Planning Regulations, 2021). Setbacks are one of a number of ways of enhancing the resilience of properties against the inevitable effects of climate change, such as coastal flooding and erosion, by ensuring that hard structures are not located in vulnerable locations susceptible to these hazards.

The subject parcel's coastline highlights the need for site-specific consideration of setbacks instead of an overall "blanket" setback approach for the generalised categories of beaches, ironshore or mangrove coastlines. Coastal setback recommendations should also be informed by other factors such as the off-shore marine environment, historic erosion

rates or extreme water levels, rather than adopting arbitrary distances that are not representative of erosion and coastal flooding threats. The DoE is of the opinion that this coastline would be better handled as a beach coastline. However, as the Planning and Development Regulations (2021 Rev) require a minimum coastal setback from the high water mark of 75 feet on beach coastlines for all structures and buildings, including ancillary buildings, walls and structures, this would likely render the parcel undevelopable.

The DoE strongly recommends the applicant reduces the size of the development in order to relocate it further away from the sea. The applicant should also consider building in a more climate-resilient manner incorporating elevated structures or a wash-through ground floor for example.

Impacts of Artificial Lighting

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.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. Figures 6-8 show examples of properties in Grand Cayman that have turtle friendly lighting installed. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches and those adjacent to or with likeliness to impact critical turtle nesting habitat. Although the application site's beach does not experience turtle nesting at this time, artificial lighting from this property would have the potential to impact the critical turtle nesting beach along the coastline depending on the types of lighting fixtures chosen.



Figures 6-8: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

Importance of Coastal Vegetation

Coastal habitat incorporates a variety of salt and wind tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. We encourage the applicant to only clear the development footprint and to retain as much mature native

vegetation as possible. Native vegetation can be incorporated into the landscaping scheme and results in vegetation that is best suited for the habitat conditions of the site, requiring less maintenance and making it a very cost-effective choice.

DIRECTED CONDITIONS

On the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore respectfully stipulates that the following condition be imposed by the Central Planning Authority (CPA) or Department of Planning, as part of any agreed proposed action for planning approval:

- 1) All construction materials shall be stockpiled a minimum of 50 feet from the Mean High Water Mark.*
- 2) No lighting associated with the property shall directly, indirectly or cumulatively illuminate the critical habitat for sea turtle nesting, as defined in the National Conservation Council's 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*).*

Condition 1 is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

Condition 2 is directed to prevent artificial lighting impacts on critical sea turtle nesting habitat.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that the CPA/Department of Planning will relay this to the applicant in its decision notice.

RECOMMENDED CONDITIONS

In addition to the directed conditions above, if the CPA or the Planning Department is minded to grant permission for the proposal, the below conditions should be included.

- 1. Any sand excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move*

such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.

- 2. The applicant shall prepare and submit a turtle friendly lighting plan which minimizes the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*
- 3. Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction is complete.*

We also recommend the retention and use of as much native vegetation as possible in the landscaping scheme. Coastal habitat incorporates a variety of salt and wind tolerant flora. Native coastal vegetation is best suited for the habitat conditions of the site and requires less maintenance (i.e. minimizes the demand for potable water for irrigation) which makes it a very cost-effective choice.

APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a 15'-6" setback variance for the septic tank which requires a 20' Road Setback per Planning Regulation 8 (5) in a Medium Density Residential Zone.

We would appreciate your consideration for this variance request on the following basis:
(1) Under Regulation 8 (13)(d), the adjoining property owners have been notified of the application.

(2) Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

We'd like to present the following points for consideration:

a. As the Proposed House & pool was designed and planned to fit within the Lot, we have placed the septic tank in the front of the house considering it will be the best location to have the waste elements farther from the sea.

b. The irregular lot size and the seaside setback of 50' for Ironshore lot gave us limitation on the size and placement of any proposed structures. We have made sure that the House, pool, pool deck, & other pad utilities sits within the setback. However, due to the distance requirement between the septic tank the pool, the septic will have to be situation along the roadside.

c. The proposed house & pool complied with other Planning regulation.

We look forward to the CPA board's favorable consideration to this request for variances.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in North Side on Rum Point Drive, close to the intersection with Melvilles Lane.

The property is currently vacant and the proposal is to construct a one-storey dwelling and pool.

The applicant has submitted a High Water Mark Survey which indicates that the shoreline is ironshore. Therefore a 50 foot seaside setback is required and the application satisfies that requirement.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) HWM setback

The applicant's site layout is on the basis of the shoreline being ironshore, which is supported by the HWM survey submitted by a license land surveyor. The Department also has first-hand knowledge of the shoreline in this immediate area and would support the surveyor's assessment that it is ironshore. As such, the applicant's proposal complies with the required HWM setback. The Authority should note that DOE disagrees with the categorization of the shoreline as ironshore, but acknowledges that a 75' HWM setback would render the parcel undevelopable.

2) Proposed Roadside setback (14'4" proposed vs 20' required)

The property is zoned Medium Density Residential. Regulation 9(7)(i) requires a rear setback of 20 feet for all structures.

The applicant's variance letter states that the setback to the septic tank is 15'6" but the site plan indicates that the setback is 14'4".

Therefore the requested variance to the septic tank is 5'8".

The Authority should determine whether a variance is warranted in this instance.

2.16 COUNTRY CORNER LTD (Architextura) Block 28C Parcels 417 and 418 (P21-0708) (\$1.65M) (JP)

Application for two commercial buildings (phase 2 of overall development).

FACTS

<i>Location</i>	Shamrock Road, Savannah
<i>Zoning</i>	NC/LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.149 ac. (93,610.44 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant and parking
<i>Proposed building size</i>	7949 sq. ft.
<i>Total building site coverage</i>	74%
<i>Required parking</i>	87
<i>Proposed parking</i>	127

BACKGROUND

December 18, 2019 (**CPA/26/19; item 2.35**) – application for a change of use from storage/office space to restaurant; application to add storage in the upper floor; application for 6 signs; and an application to modify planning permission to revise the sidewalk entry approved (P19-0932)

September 11, 2019 (**Administrative Approval**) – application modify and create attic space in unit B2 (P19-0497)

July 17, 2019 (**CPA/15/19; item 2.19**) – application for advertisements approved (P19-0493)

February 20, 2019 (**CPA/04/19; item 2.26**) – application to revise conditions of Planning Permission approved (P19-0075)

November 14, 2018 (**CPA/25/18; item 2.1**) – application to revise conditions of Planning

Permission approved (P18-0889)

January 04, 2017 (CPA01/17; item 2.4) – application for three commercial buildings, solar panelled parking structure and a generator approved (P16-1026)(P16-1027)(P16-1028)

Recommendation: Discuss the application, for the following reason:

- 1) Zoning:
 - a) NC - meet the needs of the community test
 - b) LDR – parking area

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment:

The existing development is served by an MicroFast 9.0 with a design treatment capacity of 9,000 gpd.

The design capacity of the existing wastewater treatment system can accommodate the wastewater flows from the proposed buildings D & E, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority's discharge limits.

The Water Authority confirms that the existing treatment plant is being serviced and maintained as per manufacturer's guidelines.

Potential High-Water Use

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

Department of Environment (NCC)

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

The DoE's habitat layer showed the application site as man-modified with some regrowth. However, Google imagery shows the site has since been cleared. A review of Lands and Survey Department's historical aerial imagery confirmed that the site has experienced sustained instances of land clearing over the years and therefore was likely of limited ecological value.

It is unfortunate that the site was cleared prior to consultation as the Department would have recommended the retention of mature trees to provide shade in the parking area. However, we still recommend that the applicant plants and incorporates native vegetation into the landscaping scheme for the development. 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. The applicant may also wish to consider the use of porous surfaces in the areas of hardstanding e.g. car parks, to allow rainwater infiltration and therefore help to manage the impacts of stormwater run-off.

Fire Department

Please depict location proposed/existing fire hydrant and fire well

APPLICANT'S LETTER

On behalf of Country Corner Ltd we are pleased to submit our application for Phase 2 expansion of the project. In consideration of the matter, we wish to note the following:

- 1. The first phase of the project is enjoying 100% business occupancy. The second phase is fully leased with a high demand for more commercial space.*
- 2. Additional car parking has been provided to the rear of the property for customers and staff convenience.*
- 3. We are working closely with all government agencies having jurisdiction over the project to ensure all relevant requirements are met.*
- 4. The project has been well received by the public with businesses doing very well in the location. The restaurants have preformed exceedingly well with patrons expressing appreciation for the fine dining restaurants establishments in the neighbourhood.*
- 5. The architectural character, style and ambience of the project has blended seamlessly with the quaint Cayman village style surroundings,*
- 6. As far as we are aware, we have had no objections to the project. Numerous persons residing and working in the community have conveyed appreciation to us for the project and the businesses operating there.*

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in Savannah and forms part of the Country Corner Shopping Centre. The site is accessed from Edison Drive off Hirst Road. Phase 1 is located to the

south and additional commercial units are sited to the west. Vacant lots form the eastern boundary and an existing residential property is located to the north.

The application seeks Planning Permission for phase two which consists of two commercial buildings and associated parking facilities.

Zoning

The property is zoned Neighbourhood Commercial

Specific Issues

1) Zoning

a) Neighbourhood Commercial

Parcel 418 is located within a neighbourhood commercial zone. Regulation 13(1)(b) permits commercial use 'which caters principally for the needs of persons resident in, or in the vicinity of, the zone'.

The agent has provided a letter to address the above Regulation requirements.

Members are invited to consider whether the application adequately addresses the requirements of Regulation 13(1)(b).

b) Low Density residential

Parcel 417 is split zoned NC and LDR. The parking area for the commercial development will be located in the LDR zone. Regulation 9(3) will allow commercial development in a residential zone in locations deemed suitable by the Authority. In this instance, the parking area is associated with an existing commercial development and would appear to be a reasonable use of the land.

2.17 ALLYSON WHITTAKER (Whittaker and Watler) Block 53A Parcel 43 (P21-0643) (\$1,061,856) (JP)

Application for modification to relocate the septic tank.

FACTS

<i>Location</i>	North Side Road, North Side
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.5 ac. (65,340 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Under construction
<i>Proposed building size</i>	43,806 sq. ft.
<i>Total building site coverage</i>	27.5%
<i>Allowable units</i>	30
<i>Proposed units</i>	34

<i>Allowable bedrooms</i>	60
<i>Proposed bedrooms</i>	70
<i>Required parking</i>	48
<i>Proposed parking</i>	55

BACKGROUND

January 20, 2021 (CPA/02/21; item 2.14) – Application for six 2 bedroom apartments and a pool approved (P20-0304)

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

- 1) Front setback (15' v 20')

AGENCY COMMENTS

Department of Environment

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

We have no comments on the proposed modifications, which are landward of the proposed apartments within a cleared area.

We note that there is an approved Construction Plan submitted with the application. This plan proposes placing the parking lot and toilet in an area of primary habitat. If we had been consulted on this plan, we would have recommended relocating the parking lot and toilet to the east, adjacent to Block 53A Parcel 10 which is already cleared, and leaving the remainder as primary habitat.

APPLICANT'S LETTER

On behalf of my client, I would like to request a 5 Ft. variance on septic tank relocation. We are seeking the said variance to meet the 15 Ft. minimum distance between the pool and septic tank based on Section 802.8 IPSDC 2009.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in North Side and straddles North Side Road with part of the lot to the south of the highway and the intended development site situated to the north on the sea. The Caribbean Sea forms the northern boundary and vacant parcels to the east and west.

The application seeks a revision to relocate the septic tank.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Front setback (15' v 20')

Regulation 9(8)(i) requires a minimum front setback of 20'

A revised location of the septic tank with a setback of 15' from the front boundary is sought.

Members may wish to consider requesting a reduction in pool length to adequately accommodate the septic tank outside of setbacks and to enable the applicant to conform to other regulatory requirements.

2.18 TROY WHITTAKER (TAG Ltd) Block 14C Parcel 110 (P21-0804) (\$120,000) (JP)

Application for a proposed 18 unit storage building and 5' chain link fence.

FACTS

<i>Location</i>	Compass Drive, George Town
<i>Zoning</i>	GC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.83 ac. (79,709 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	9,600 sq. ft.
<i>Total building site coverage</i>	70%
<i>Required parking</i>	40
<i>Proposed parking</i>	67

BACKGROUND

November 15, 2006 (CPA/36/06; item 2.13) – Office building and covered store approved (P06-1302)

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

1) Zoning

AGENCY COMMENTS

Comments from the Water Authority, Department of Environmental Health, Department of Environment (NCC) and Fire Department 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 2000 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Warehouse (Proposed)	8 Toilets	150gpd	1,200gpd	1,200gpd
Office (Existing)	2 x 3220sq.ft.	2 x 483gpd	966gpd	966gpd
TOTAL				2,166gpd

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

Water Supply:

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

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

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

Department of Environmental Health

This application is not recommended for the following reasons:

Solid Waste Facility:

The solid waste facility does 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.

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 maneuver and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

Turning radius

The turning radius required for access to the enclosure must be adequate a 3-axil truck. The over 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)

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

The Department confirms that we have no comments at this time as the application site is man-modified and of limited ecological value

Fire Department

Stamped approved drawings.

PLANNING DEPARTMENT ANALYSIS**General**

The application site, located in Georgetown, is accessed from Compass Drive served by Shedden Road and North Sound Road. The application site is surrounded by commercial and/or industrial buildings with a residential property located to the south.

The application seeks Planning Permission for a storage building consisting of 18 units.

Zoning

The property is zoned General Commercial.

Specific Issues**1) Zoning**

Regulation 12(4) permits light industrial use i.e. storage buildings, in non-industrial zones such as General Commercial zones providing the development is not offensive and does not adversely affect the area.

Members are invited to consider the nature of proposed use as storage/warehousing together with the style of existing buildings in the area.

2.19 SPG COLLIERS (Paradise Drafting) Block 73A Parcel 112 (P21-0780) (\$1.8 million) (NP)

Application for proposed house, garage, pool, spa.

FACTS

<i>Location</i>	Austin Conolly Drive, East End
<i>Zoning</i>	Hotel Tourism
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	17,859.6 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4,477 sq. ft.
<i>Total building site coverage</i>	19.2%

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

- 1) Proposed house and pool setback (100' and 75' vs 130')

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 application site is man-modified and the terrestrial habitat is therefore of limited ecological value. However, the area offshore from this parcel is Marine Reserve protected area and the site is located on the edge of a turtle nesting beach. It is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area.

*Therefore, on the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore **respectfully stipulates that the following condition be imposed** by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

All construction materials shall be stockpiled a minimum of 50ft from the Mean High Water Mark.

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

*Additionally, it is **recommended** that the following condition is imposed should planning permission be granted:*

Any sand excavated during the works shall remain on the site and any beach quality sand shall be placed on the active beach area.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

APPLICANT'S LETTER

We are writing on behalf of our client who kindly requests setback variances be considered for this project. Our client kindly requests a setback variance of 75'-0" be granted from the MHWM.

The site is currently zoned Hotel Tourism. We would note that the existing developments along this portion of the coastline are only Low Density Residential. Our client's proposed development was set out to be in keeping with the existing residential homes and the setbacks associated with a Low Density Zoning along a beach coastline. Regulation 8 (10e)

The proposed project is unable to respect the required 130-foot beach setback (MHWM) requirement per Regulation 8 (10e) of the Development and Planning Regulations (2017 Revision) due to the shallow depth of the property. We are attaching an overlay of the adjacent coastline (drawing A-103) and have indicated the approximate setbacks of existing developed parcels. The parcels in the zone closest to our client's parcel which also

tend to be shallow in property depth appear to have similar setbacks from the MHWM as to what our client is requesting. Parcels further north which are deeper in property depth have been able to respect the setback.

We would also note that a house was previously in the process of being constructed on our client's parcel but was abandoned during construction with the death of the previous parcel owner. We have added the outline of the foundation works to the attached site plan (drawing A-102) for your reference, though you probably already have this information in your files for this parcel. We suspect that this house would also have had a patio and a swimming pool typical of most houses along the coast and had a final MHWM setback in line with our client and adjacent parcels

We would hope that the CPA agrees that this request for a setback variances is:

- 1. "consistent with the character of the surrounding area" as it is in line with existing setback conditions on adjacent parcels,*
- 2. "unusual terrain characteristics limit the site's development potential" due to the site being quite shallow in depth for such a large setback requirement,*
- 3. "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" anymore than the effects caused by any of the existing adjacent parcels approved setbacks.*

We look forward to hopefully a favourable review of this request.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in East End on Austin Conolly Drive.

The property is currently vacant and the proposal is to construct a two-storey dwelling, garage, pool, and spa.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed HWM setbacks

The property is zoned Hotel Tourism. Regulation 8(10)(e) requires that all structures and buildings, including ancillary buildings, walls, and structures, shall be setback a minimum of 130' from the high water mark. The applicant is requesting a 75' setback to the proposed pool edge and 100' to the edge of the verandah.

The Authority should be made aware of the approvals granted on parcels 111 and 118 where 75' HWM setbacks were allowed. These approvals were based on the initial subdivision in 2013 which created 7 parcels. The CPA's reasons for the decision at that time were as follows:

Although zoned Hotel/Tourism, the Authority is of the view that the shape and dimensions of the lot do not lend themselves well for the site to be developed for

hotel purposes. As such, it appears that the best use of the land will be for residential purposes and the Authority is of the view that residential setbacks should apply. As a result, the proposed lots will have sufficient lot width and lot depth to allow residential development. The Authority is of the view that there is sufficient reason and exceptional circumstance to warrant granting setback variances for the future residential development of the proposed lots.

2.20 JESUS RIVERS (Tropical Architectural Group Ltd.) Block 1D Parcel 670 (P21-0733) (BS)

Application to modify condition 1) to extend the time limit to submit permit drawings and obtain a C.O.

FACTS

<i>Location</i>	Ebanks Road, West Bay
<i>Zoning</i>	LDR
<i>Parcel size proposed</i>	0.44 ac. (19,166.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House
<i>Proposed building area</i>	394 sq ft
<i>Total building site coverage</i>	8.2%

BACKGROUND

Aug 14, 2019, an Enforcement Notice (CE19-0162) was issued regarding the above-referenced application.

October 14, 2020 (**CPA/17/20; Item 2.20**) – CPA granted planning permission for ATF garage subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning within 6 months of the date of this decision.
- 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.

The applicant shall obtain a Final Certificate (of Fitness for Occupancy) within 12 months of the date of this decision.

Recommendation: Discuss the application for the following reason:

- 1) The applicant's request to extend the time frames for applying for a permit and obtaining a C.O. by an additional 3 months.

APPLICANT'S LETTER

I emailed with regards to the above subject project. We have been granted Planning Approval for an ATF Garage addition to an existing house. As per the Decision Letter, we have to submit a Permit application within 6 months of the date of the decision.

We would like to request from your good office for an extension of submission. The delay was caused by the electrical consultant who had issues completing the Electrical requirement.

We have completed most of the BCU requirements and now awaiting the final set of electrical. And we are hoping all of our efforts can still be considered.

PLANNING DEPARTMENT ANALYSIS

General

This application is a result of an Enforcement Notice.

The application is for an after the fact garage addition (394 sq ft) to a dwelling house at the above-captioned property. The site is located on Ebanks Road, West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Time frames

The applicant is requesting to modify condition 1) of (CPA/17/20; Item 2.20) to extend the time limit to submit permit drawings by 3 months. This 3 month extension was confirmed by the applicant via a phone call as the time frame was not specified in their letter. The requested time frame extension would also have to be applied to the requirement for obtaining a C.O.

2.21 DAVID HAMIL (Architectural Designs & Cayman Contemporary Style) Block 43A Parcel 149 (P20-0689) (\$960,000) (BS)

Application for 2-duplexes.

FACTS

<i>Location</i>	Harvey Stephenson Drive and Boysberry Drive, Bodden Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.4067 ac. (17,715.9 sq. ft.)
<i>Parcel size required</i>	15,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	residential
<i>Proposed building size</i>	7,920 sq. ft.
<i>Proposed footprint</i>	5,140 sq ft
<i>Total building site coverage</i>	29.01%
<i>Required parking</i>	4
<i>Proposed parking</i>	8

BACKGROUND

June 23, 2021 (**CPA/13/21; Item 2.10**) – CPA adhered to the decision of CPA/10/21; item 2.15.

May 12, 2021 (**CPA/10/21; Item 2.15**) – CPA adjourned the application for the following reason:

- 1) The applicant is required to submit revised plans showing access to the site from the internal subdivision road, not Harvey Stephenson Dr.

Recommendation: Grant planning permission

APPLICANT'S LETTER

Letter #1

On behalf of my client Hyalyn Tatum, we wish to apply for a variances in regards to the proposed 2 duplexes on Block : 43A Parcel: 149. The request for variance pertains to area of property (17,716 sq. ft.), being less than the 25,000sq.ft. that is required . Also that a small portion of duplex #2 being within the 20' set back , which is mainly due to the odd shape of the parcel.

The parcel also has 2 possible road accesses, which are both owned by the developer. Who has been notified , along with all others within the required radius . And have no objections

with our proposal.

We hope that CPA will favourably consider our proposal as the area has apartments and duplexes in this area

PLANNING DEPARTMENT ANALYSIS

General

The application is for 2-duplexes with 16-bedrooms at the above-captioned property.

The site is located on Harvey Stephenson Drive and Boysberry Drive, Bodden Town.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Access

The subject property benefits from vehicular right-of-ways from the internal subdivision road and Harvey Stephenson Drive. It would appear that the overall subdivision was designed such that the subject parcel would gain access from the internal subdivision road thereby reducing the number of access points onto Harvey Stephenson Drive, the main spine road for the subdivision, but the applicant has designed the site with access to Harvey Stephenson Drive. The Authority needs to determine if the proposed access is acceptable.

2) Front setback

The proposed setback from Boysberry Drive is 18'-7", whereas the minimum required setback is 20' per regulation 9(7)(i). The applicant has indicated that the setback variance is needed because of the odd shape of the parcel, but it appears that if the site were redesigned such that access was gained from Boysberry Drive instead, it is likely that a setback variance would not be required.

SUPPLEMENTARY ANALYSIS

The applicant has submitted a revised site plan showing access to the site from the internal subdivision road as required by the Authority. As a result of the revision to the access location, a setback variance from Boysberry Drive is no longer required.

2.22 MINISTRY OF EDUCATION (iDraft Studio) Block 23C Parcel 167 (P21-0667) (\$200,000) (NP)

Application for proposed relocation of two modular classroom buildings.

FACTS

<i>Location</i>	Shamrock Road, GT
<i>Zoning</i>	Neighbourhood Commercial
<i>Notice Requirements</i>	No objectors
<i>Parcel size</i>	4.7 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	School
<i>Proposed use</i>	School

Recommendation: Grant planning permission.

AGENCY COMMENT

The Fire Department has provided the following comment:

Please depict proposed/existing fire well as the red bay school fire well that is in proximity is currently damage due to earthquake.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located along Shamrock Road in George Town.

The applicant seeks permission to relocate two existing modular classroom buildings from the north side of the property to a new location between the school building and the covered playground.

The new location is 84 feet at the closest point to the neighbouring property boundary, which is further than the existing modular classroom setback.

Zoning

The property is zoned Neighbourhood Commercial.

2.23 DAVID WALKER (BDCL Architects) Block 15D Parcel 162 (P21-0765) (\$50,000) (NP)

Application for a proposed boat storage garage.

FACTS

<i>Location</i>	South Sound Road
<i>Zoning</i>	Low Density Residential
<i>Parcel size</i>	267,894 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Horse corral, storage buildings.
<i>Proposed use</i>	Boat storage garage.
<i>Building size</i>	770 sq. ft.

Recommendation: Grant planning permission.

AGENCY COMMENTS

Comments from the Department of Environment (NCC) are provided below:

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

The application is located within the South Sound Drainage Basin and predominately consist of primary seasonally flooded mangrove habitat. Therefore, it is encouraging to see that the applicant is proposing the boat garage to be located within the already man-modified section of the site.

It is recommended that the applicant does not clear any primary habitat for storage of construction materials but to keep to the man-modified sections of the parcel. The basis for our recommendations to retain native vegetation are below:

- It can be retained along parcel boundaries and between buildings to serve as a privacy buffers/screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping,*
- It can serve as an amenity, providing green space and shade for those who live nearby/on the property.*
- It can assist with on-site stormwater management and drainage.*
- It can remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species).*

- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere. and;*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on the land side of South Sound Road, just east of Winter Haven Condos.

The property is developed with a horse corral and various ancillary buildings.

The proposal is to construct a free standing garage (770 square feet) to be used for the storage of boats.

The proposed garage is to be setback 158 feet from South Sound Road and 102 feet east of the west property boundary.

Zoning

The property is zoned Low Density Residential.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

Appendix A

PARKING LEASE AGREEMENT

BETWEEN

CADS Holdings Ltd., as registered owner of Block 20B Parcel 265 and 266

AND

Kim Lund, as registered owner of Block 20B Parcel 236

PARTIES

This Parking Lease Agreement ("Agreement"), is made and entered into, by and between CADS Holdings Ltd. ("Lessor") and Kim Lund ("Lessee").

LEASE TERM

The Lessor agrees to lease the 5 parking spaces located at Block 20B Parcel 265 and 266 ("Parking Spaces") as highlighted in red on the attached Schedule 1, to the Lessee according to the terms and conditions set forth in this Agreement.

This Agreement shall commence on August 1st, 2021 and will continue for 10 (ten) years with an optional renewal of another 10 (ten) years term, subject to at least 6 (six) months written notice to renew, prior to the end of the lease term by the Lessee. The lease can be terminated by either party with at least 3 (three) months written notice to the other party.

TERMS AND CONDITIONS

Rent

Lessee will pay US\$5,000 per annum to the Lessor in advance for the Parking Spaces.

Subletting

Lessee will not be allowed to sublet the Parking Spaces.

Maintenance

Lessee is responsible for keeping the Parking Spaces in good condition.

Damage and Use of Space

The Parking Spaces are reserved only as spaces for parking of vehicles and the Lessor will not be liable for any damages to personal property or vehicles arising from the Lessee's negligence.

Governing Law

This Agreement shall be governed by and construed in accordance with Cayman Islands' law and the Courts of the Cayman Islands shall have the exclusive jurisdiction over disputes arising out of or in connection with this Agreement.

Entire Agreement

Lessee enters into this Agreement solely as a result of its inspection of the Parking Spaces and on the basis of the terms of this Agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement on the day and year hereinbefore written.

SIGNED on behalf of the Lessor
on this 19th day of July 2021
in the presence of:

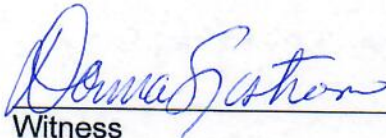


Witness



Lessor Woodrow Foster
Director

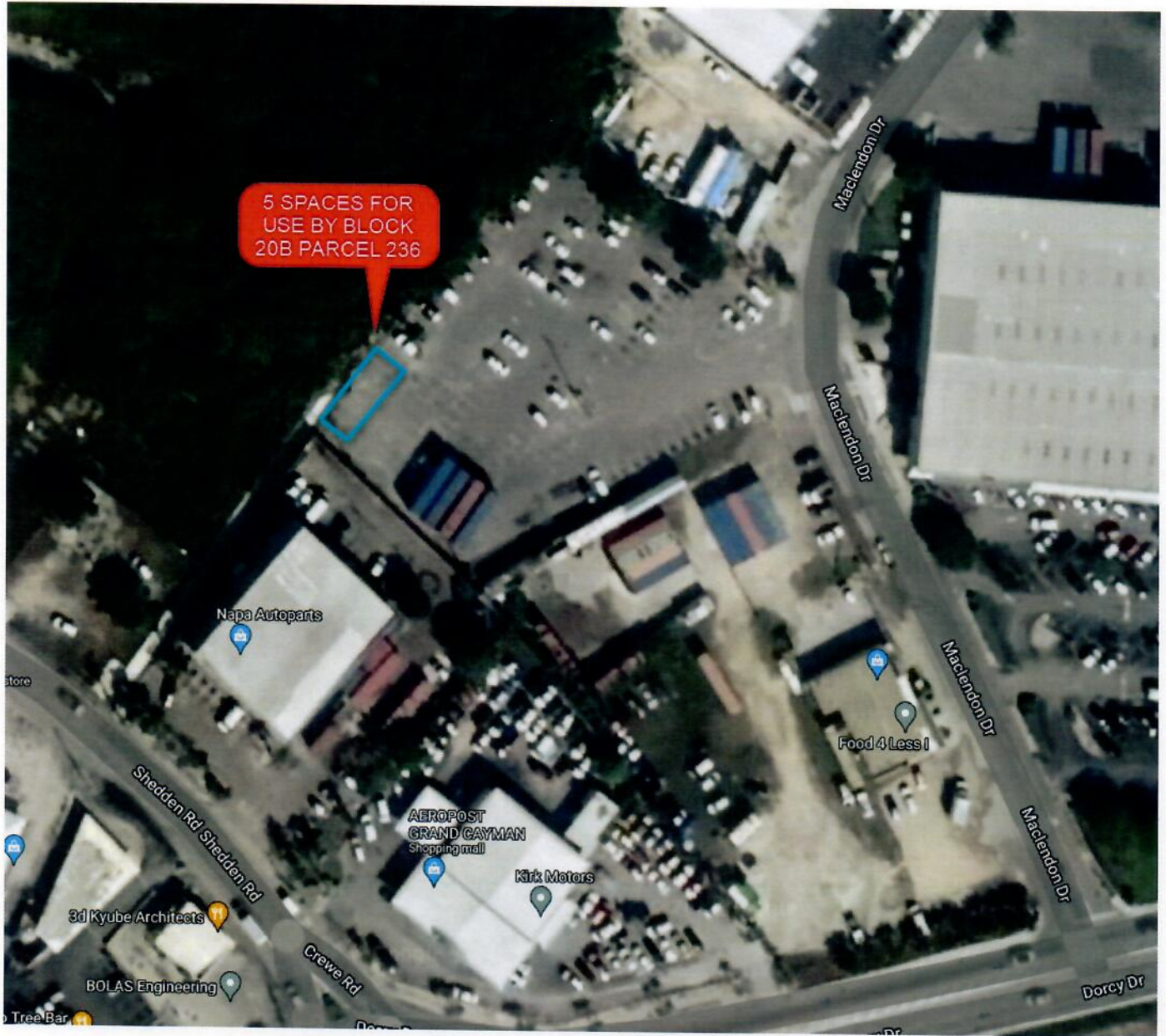
SIGNED on behalf of the Lessee
on this 19th day of JULY 2021
in the presence of:



Witness



Lessee



Appendix B

3rd August 2021
Central Planning Authority
Grand Cayman
Cayman Islands

Attn: The Chairman of the Central Planning Authority

By Ops system:

Dear sirs/madams,

P20-0969 Proposed unit addition to create an Apartment development on Block 20E Parcel 378 lot size variance request

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

The proposed single storey development includes an existing duplex onsite we are seeking approval to add a one bedroom unit to create a total of three (3) unit complex with required parking, and green spaces.

We are seeking approval from the Central planning Authority for **“an additional unit”** to creating a triplex development, and a lot size variance.

The application meets the required setbacks, site coverage of 18.95% (allowable 30%). Based on the planning law for the size of the lot and zoning the allowable development is five (5) units, & seven (7) bedrooms, the proposed development falls below with three (3) units and four (4) bedrooms

Lot size variance

The proposed development is located in a Medium Density Residential zone; the subject parcel is surrounding by a mix of developments within the area, residential homes duplexes and apartments ***the proposed development complies with all required setbacks for a MDR zoned development.***

We are seeking a lot size variance under **regulation 8(13) (b) & (d)** of 10,010.09 sqft vs 20,000 sqft, under the following conditions

1. The characteristics of the proposed development are consistent with the character of the surrounding area. ***“Look and type of development”***
2. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

3. Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application. **"We confirm that all required land owners have been notified."**

4. **No objection** has been received from the surrounding property owners affected by the lesser lot size condition during the notification period.

5. The proposed development is located near to other apartment developments within the area with similar lot size condition and type of development three units, **(see appendix 1)**

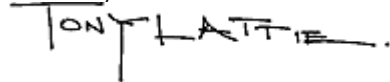
In general the overall development meets or exceeds the required planning conditions, given that we are only seeking one variance being requested of the CPA.

We are proposing that the proposed development in question is viewed by the CPA members that it meets all required planning requirements except for "the lot size", it should be noted that there are other approved apartment developments with similar lot size and a three unit development in the same area, we are seeking that a similar consideration be extended to this application.

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

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

Sincerely,



iDraft

Location: **20E 118**

Lot size: **11,787.34 sqft**

Development type: **APARTMENT**



Appendix 1 - Similar apartment development with similar lot size condition



Appendix 2 – Aerial view of both sites to draw a comparison of the subject property and the similar development site and there close proximity to each other