

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **August 31, 2022 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

21st Meeting of the Year

CPA/21/22

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/21/22

- 2.1 GREG SWART (Abernethy & Associates) Block 23C Parcel 227 (P22-0482) (\$2,000) (NP) 5
- 2.2 SIX5 INVESTMENTS (Robert Towell) Block 21B Parcel 126 (P21-1106) (\$15.0 million) (NP) 8
- 2.3 ROMEO REID (Craftman's Touch) Block 43E Parcel 128 (P21-0843) (\$150,000) (JP) 21
- 2.4 PEASE BAY PUBLIC BEACH & OBSERVATION DECK (Public Works Department) Block 48B Parcel 8 & 9 (P21-0974) (\$300,000) (MW) 26
- 2.5 SHELIA SIEGEL Block 33E Parcel 122 (P21-0836) (\$100,000) (JP) 35
- 2.6 TAEKIA CHRISTIAN (Shoreline Construction Ltd.) Block 57E Parcel 78 (P22-0391) (\$500,000) (EJ) 42
- 2.7 ALBERT THACKER (TAG Ltd.) Block 1D Parcel 669 (P22-0374) (\$50,000) (EJ) 43
- 2.8 ANNA ROSE WASHBURN (GMJ Home Plans Ltd.) Block 33B Parcel 5 (P22-0136) (\$70,000) (EJ) 45
- 2.9 SMB INVESTMENT LTD (Whittaker and Watler) Block 12C Parcel 513 (P22-0075) (\$13.3 million) (JP) 50
- 2.10 TIFFANY HYDES (Whittaker and Watler) Block 9A Parcel 138 (P22-0108) (\$72,345) (EJ) 54
- 2.11 LENETA WEBSTER (Benitez & Sons Ltd.) Block 24D Parcel 99 (P21-1160) (\$161,690) (BES) 55
- 2.12 NCB SUNRISE LANDING (MJM Design Studio) Block 27C Parcels 736, 737, 738, 739 & 740 (P22-0315) (\$15.0 million) (NP) 61
- 2.13 ANDY MANUEL DIAZ GONZALEZ (Andy Manuel Diaz Gonzlez) Block 9A Parcel 838 (P22-0256) (\$750,000) (BES) 69
- 2.14 HI TECH ELECTRONIC (Dweainy Construction) Block 13D Parcel 360 (P22-0152) (\$500,000) (BES) 75
- 2.15 BARRY & PIPPA FORSTER (LSG Designs) Block 45A Parcel 116 (P22-0162) (\$780,000) (NP) 80
- 2.16 TREVOR WATKIN (Eric Cronier Limited) Block 22E Parcel 539 (P22-0078) (\$5,000) (NP) 85
- 2.17 PICKLEBALL CAYMAN LTD. (John Doak Architecture) Blocks 14D Parcels 297 REM1 (P22-0700) (\$1,000,000) (MW) 88
- 2.18 LEGOLAND REAL ESTATE (ARCO Ltd.) Block 23B Parcels 80 (P22-0694) (\$30,000) (MW) 90
- 2.19 DAEMION & MARLINE FULLERTON (GMJ Home Plans Ltd) Block 25C Parcel 527 (P22-0690) (\$138,000) (JP) 91

**2.20 YARL HOLDINGS LTD. (National Builders Ltd.) Block 27C Parcel 559 (P22-0615)
(\$700,000) (EJ) 93**

**2.21 JOANNA BOXALL (Design Cayman Ltd.) Block 14E Parcel 216 (P22-0473)
(\$10,000) (EJ) 95**

2.0 APPLICATIONS
APPEARANCES (Items 2.1 to Item 2.4)

2.1 GREG SWART (Abernethy & Associates) Block 23C Parcel 227 (P22-0482) (\$2,000) (NP)

Application for a 2 lot subdivision

Appearance at 11:30

FACTS

<i>Location</i>	Prospect Point Road
<i>Zoning</i>	Beach Resort Residential
<i>Notification Results</i>	No objectors
<i>Proposed Parcel size</i>	43,260 sq ft & 32,935 sq ft
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House

BACKGROUND

August 4, 2021 (CPA/16/21; Item 2.14) – The Authority granted planning permission for a House, Guest House, Pool House, Two Garages, and a Pool, subject to conditions. The relevant conditions are listed below.

Condition 1 stated the following:

The applicant shall submit a revised site plan showing a minimum 12 foot wide public access to the sea along the southern boundary in accordance with Regulation 15(6) of the Development and Planning Regulations (2021 Revision). The revised site plan must also show the two gates with minimum 16 foot setbacks.

Condition 7 stated the following:

The public right-of-way required in condition 1) shall be registered.

December 8, 2021 – (CPA/25/21; Item 2.3) – The Authority refused the request to delete the condition requiring a right-of-way to the sea. The applicant has subsequently appealed the decision to refuse to the Planning Appeals Tribunal. This application has been withdrawn by the applicant.

July 6, 2022 (CPA/17/22; Item 2.17) – The Authority adjourned the current subdivision application to invite the applicant to appear before the Authority to discuss a concern that the subdivision plan does not show public access to the sea as required by Regulation 15(6). In this regard and for the avoidance of doubt, Section 13(3) of the Development and Planning Act states that “development” includes the subdivision of land and Regulation 15(6) states that where planning permission is granted for a development in a Beach Resort/Residential zone which has a frontage of two hundred feet or more, the Authority shall ensure that a public right of way from the road to the sea is set aside and dedicated; such a right of way shall be a minimum of six feet wide for every two hundred

feet of frontage or part thereof. In this instance, the development has a frontage in excess of two hundred feet therefore the subdivision plan must show a minimum 12 foot wide public right of way to the sea.

Recommendation: Discuss the application for the following reason:

- 1) Public access to the sea

AGENCY COMMENTS

The following agencies have submitted 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).

The Department previously provided comments for the subject parcel under Planning application Ref: P21-0574 in June 2021 for a house. The application site is predominately man-modified having been previously cleared, however, there is an area of mangroves as shown outlined in orange in Figure 1 below. The site is also adjacent to a Marine Protected Area – a Marine Reserve.



Figure 1: Aerial Imagery showing the subject parcel with the existing mangroves outlined in orange (LIS 2018).

Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 permit. As the current proposal is for a subdivision and the previous planning

application for a house (P21-0574) did not include the removal of the existing mangroves, the mangroves must be retained in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013).

Retaining the mangroves is beneficial to the property owner as mangroves provide a natural buffer which helps to intercept storm impacts on land, reduce surface water runoff impacts to the marine environment and provide ecosystem services such as habitat for birds and other organisms. With guidance, mangroves can be trimmed to create views without causing severe injury to or killing mangroves.

Should the Central Planning Authority or Department of Planning be minded to grant planning permission for the proposal, we recommend the inclusion of the following conditions:

- 1. Mangroves shall not be removed and shall be retained in their natural state in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).*
- 2. Should there be any trimming of the mangroves, it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here: <https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>.*

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Prospect Point Road, near to the memorial site.

The property is currently occupied by an older house and the proposal is to create 2 residential lots. One lot would have 130 feet of frontage on the road and the other would have 106.8 feet of frontage on the road.

Adjacent properties were notified and no objections have been received.

Zoning

The property is zoned Beach Resort Residential.

Specific issues

1) Right-of-way to the Sea

Regulation 15(6) of the Beach Resort Residential zone states the following:

“Where planning permission is granted for a development in a Beach Resort Residential Zone which has a frontage of 200 feet or more, the Authority shall ensure that a public right of way from the road to the sea is set aside and dedicated; such

right of way shall be a minimum of six feet wide for every two hundred feet of frontage or part thereof, and may be within an area set aside for setbacks.”

In this instance, the subject parcel has 207.5 feet of frontage on Prospect Point Road and would require a minimum 12 foot wide right of way to the sea.

The applicant is proposing to not provide a right of way to the sea due to the fact that there are other sea access points in the area.

The Authority may recall that a request to modify the requirement for a right of way to the sea was refused by the Authority and that the owner has subsequently appealed that refusal to the Planning Appeals Tribunal.

Regulation 8(13)(b)(iii) permits the Authority to grant a variance if “the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.”

2.2 SIX5 INVESTMENTS (Robert Towell) Block 21B Parcel 126 (P21-1106) (\$15.0 million) (NP)

Application for 22 apartments, 2 pools and a gym.

Appearance at 1:00

FACTS

<i>Location</i>	South Sound Road in George Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	Objection
<i>Parcel size</i>	65,775.6 sq ft.
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	17,831 sq. ft.
<i>Building Area</i>	49,995 sq. ft.
<i>Site Coverage</i>	27.0%
<i>Number of Units Allowed</i>	22
<i>Number of Units Proposed</i>	22
<i>Number of Bedrooms Allowed</i>	36
<i>Number of Bedrooms Proposed</i>	44
<i>Parking Required</i>	33
<i>Parking Proposed</i>	33

BACKGROUND

2 February 2022 (CPA/03/22; Item 2.3) – The Authority resolved to adjourn the application and request the applicant to submit revised plans addressing the following items :

- 1) The site plan must show a minimum of 33 parking spaces that are functional and accessible. In this regard:
 - a) Stacked parking spaces in a double garage will not be counted as two accessible and functional spaces, they will be counted as one.
 - b) As currently designed, there is inadequate turning radius for vehicles to enter the garages for the units on the easterly side of the property from the one way driveway. This will lead to vehicles having to drive past the garages and reverse into the garages which is not functional and will lead to traffic conflicts.
 - c) As currently designed, vehicles exiting the garages for the units on the corners of the driveway will have difficulty seeing other vehicles travelling on the driveway and this is not functional and will lead to traffic conflicts.
 - d) As currently designed, persons entering the site to access units in the north-easterly portion of the site will likely not travel around the entire development site to reach their units, but rather will drive the wrong way on the one way driveway to reach their units and this is not functional and will lead to traffic conflicts.
- 2) A site plan that clearly depicts how DEH vehicles will access the garbage enclosure.

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

- 1) Number of Bedrooms (44 proposed vs 36 allowed)
- 2) Concerns of the Objector
- 3) Setback of the Gate from the Property Boundary
- 4) Parking design

AGENCY COMMENTS

Agency comments received to date have been provided below:

Department of Environment

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

The application site is located within the South Sound drainage basin and consists of seasonally flooded mangrove forest primary habitat, as shown in Figures 1 and 2. The site has planning permission for an apartment complex (Planning Ref: P18-1054); planning permission was granted in January 2019 (CPA/02/19 item 2.5). Therefore, the application site is committed to development. Notwithstanding this, the DoE wishes to again highlight

the importance of mangrove wetlands in terms of their drainage and ecological functions. Mangroves are protected under the National Conservation Act (2013) and the Mangrove Conservation Plan (2020).

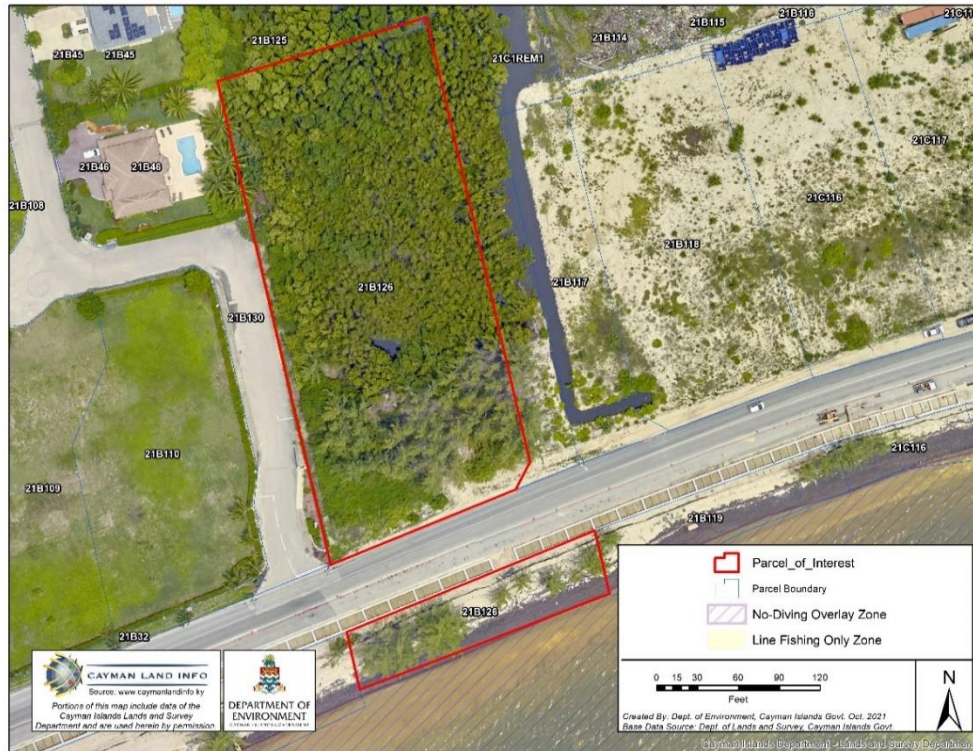


Figure 1: LIS 2018 Aerial imagery showing application site outlined in red

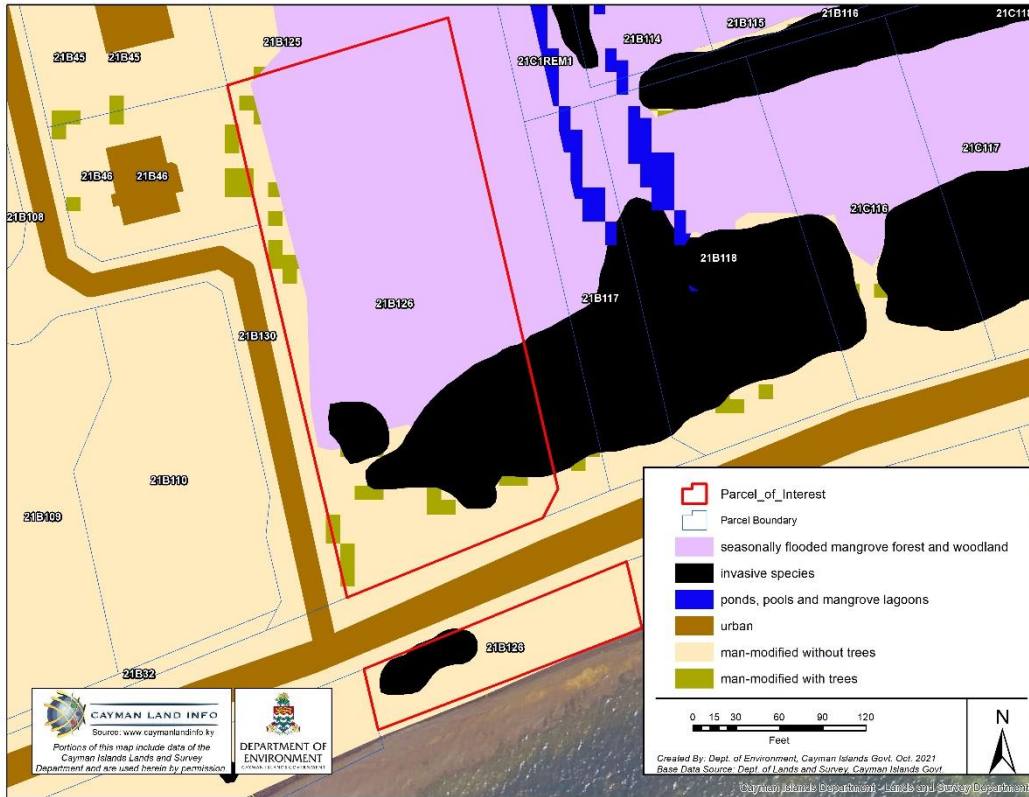


Figure 2: DOE's 2013 Habitat map extract showing application site outlined in red

Since the proposed development will continue to fragment the South Sound drainage wetland, further reducing its ecological capacity as a storage and catchment basin for the surrounding area, it is strongly recommended that a stormwater management plan be developed. The stormwater plan should ensure that any site derived runoff is handled on-site. It is also recommended that the existing mature vegetation be retained to the greatest extent possible and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.

In regards to the section of the parcel seaward of the road, it is recommended that the applicant not clear the beach vegetation, as this vegetation is important for beach stabilisation. If the vegetation is removed it will likely exacerbate the erosion of the beach parcel.

Department of Environmental Health

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

Specifications for Onsite Solid Waste Enclosures

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

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

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

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment and Disposal

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

- *The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 4,950 US gallons per day (gpd)**, based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Residences</i>	<i>22 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>4,950</i>	<i>4,950</i>
<i>Gym</i>	<i>539 sq. ft.</i>	<i>0</i>	<i>0</i>	<i>0</i>
TOTAL				4,950 GPD

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards.** 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 4’6” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Traffic Rated Tank and Covers

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

The Water Authority will not approve buried ATUs with the exception of those proposed under approved designated handicapped parking.

Water Supply:

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

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

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

National Roads Authority

As per your memo dated October 15th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

The proposed driveway is located on an un-built section of road. The applicant will need to construct the road to meet minimal NRA specification for subdivision roads (including drainage conveyance requirement), just past the second exit.

Road Capacity Issues

The traffic demand to be generated by a residential development of twenty-two (22) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto South Sound Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
146	11	2	9	14	9	5

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road

encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

LETTER OF OBJECTION

I object to the planning application (Project P21-1106) submitted by Drown Homes Ltd, the registered proprietor of Parcel 21B126. The reasons are the following:

- 1. The access road called "new private access road" and "new 30 ft private road" on the plans is an easement on my land, being Parcel 21B125; and*
- 2. The applicant has not contacted me with respect to the construction of a road or any arrangements for developments on my land such as liabilities, responsibilities, conformity with NRA requirements and similar requirements, nor has my agreement to do so without prior agreements/arrangement in place."*
- 3. The so called non-existing "private road" is my property and defined as a 35ft wide area, not 30ft wide area*
- 4. The application is showing a building with the height of 47ft, while the maximum height is limited to 40ft. This is reducing the neighbours enjoyment of the natural environment (Planning Law, latest revision).*
- 5. The additional requested amount of rooms leads to a higher density which should not be approved. It will increase the density , more traffic, more cars, more noise, etc...and reduce the living standards within South Sound.*

I would like to appear in person and/or by counsel when this matter is coming before the Central Planning Authority; please let me know when that might be and please keep me updated with all developments in this matter.

APPLICANT'S LETTER

I am hereby applying for a minor variance of bedrooms for the above planned Development.

The plans call for forty-four bedrooms (22x 2Bed townhouses). The allowable amount is 36.

However, and to help ensure the project's capacity to accommodate such a variance I am providing a vastly greater number of parking spaces than that which is required (33 required and approximate 51 being provided).

I trust the CPA will find this proactive measure helpful in it's deliberations.

Thanking you in advance and I look forward to playing a positive role in the development of our Islands' housing needs.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on South Sound Road in George Town, immediately East of Conch Drive.

The property is currently vacant and the proposal is for twenty two, two bedroom three storey townhomes divided among six blocks.

The applicant is proposing to construct a new 30 foot wide roadway on a 35 foot wide vehicular easement. The NRA has noted that the road must be constructed to NRA standards for road and drainage.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Number of Bedrooms

Regulation 8(8)(c) permits a maximum 36 bedrooms per acre on this 1.51 acre property.

The applicant is applying for a total of 44 bedrooms.

The Authority should consider whether the applicant's variance letter is satisfactory for an increase in bedrooms in this instance.

SUPPLEMENTARY ANALYSIS

The applicant has submitted a revised site plan as requested by the Authority.

With regard to the CPA letter, the Department will comment on the 5 items listed:

1. The applicant has depicted a total of 33 functional parking spaces.
 - a) Only one parking space has been allocated to each garage. Therefore a total of 33 parking spaces have been provided, which is the minimum required.
 - b) The applicant has revised the site plan to provide easier access to the easterly units (units 1A to 5A).

It appears that the turning action into these units remains problematic and will result in traffic conflicts.
 - c) It also appears that the corner units will still have difficulty exiting the garage.
 - d) An exit has been provided in the northeast corner of the property. This will allow units in the north east corner of the property to have access from a one way road heading north from the main entrance.

The Department would also note the following item:

1. The proposed gate is required to be setback 12 feet from the property boundary as per Regulation 8(18). The subject gate in the southwest corner of the property is setback 6 feet from the property boundary. The Authority should discuss this matter.

Objection letter #2

The objector was advised that the site plan was modified and has submitted the following letter of concern in response to the revisions:

1, *The proposed site plan of 22 units with a total of 44 bedrooms is sitting on a land surface size of approx. 1.27 Acre in a low-density Residential zone. The extra bedrooms proposed exceeds the required building allowable limits. (see my mentioned below points from 2-10.)*

2, *The easement is given based on the low-density Residential Zone, therefore I oppose the increased higher traffic for accessing through my property.*

3, *The proposed building height of 47 feet is 7 feet above Planning regulations. The appearance does not fit well with the neighbourhood, the way the buildings angles with windows directly overlooking into my property is an invasion of privacy. Any roof top activity will create more noise and will disturb all nearby neighbours. Furthermore, the planning regulations only allow “maximum of 40 feet or three storeys, whichever is less” in a low-density Residential Zone, in this case the 40 foot height should apply instead.*

4, *The 4-foot-high fence proposal is right next to the Boulevard Road, while the setback requires 4 feet minimum distance from the roadside parcel boundary.*

5, *Insufficient parking spaces. Only 11 provided, while 33 are required. (see planning regulations of “ parking area” definition, “ parking area” means an open space reserved for parking vehicles related to any building.)*

6, *The fire department vehicle access requires at least 20-foot-wide road, and this development provides only 16 feet wide. (Road requirement says a minimum road reserve shall be 30 feet.?)*

7, *It also contains many severe hidden danger, safety issues and questions, regarding these 22 units/44 bedrooms (expect 4 occupancy per unit, which adds up to approx. 88 people) extreme densely populated development which the proprietor is planing to build on a land surface of approx. 1.27 Acre, such as:*

-a), It is listed for sale as a Gated community, where is the main entry & exit gate? Is there a proper setback for all gates (include SOS gate)? How wide is the SOS gate opening?

Do all gates (include SOS gate) provide proper truncations at all road intersections and junctions?

-b), Is a proposed 10' x 10' Garbage & Buried Septic Tank capacity & sewerage system well planned for these approx 88. people?

Do they all have proper setbacks to the buildings?

-c), Where is the electrical transformer box located? How many? Do they have proper setbacks?

-d), How many road drainages are there, and where are they located?

-e), Where is the reserved LPP?

-f), The Road grade and Courtyard grade level are only at 5 feet above sea level, is this really safe against flooding? as this area is close to the water.

-g), The building corner to the drive road is only 4 feet. Is it really safe for the vehicles to drive directly from their garage onto the main/shared drive road, based on the units density?

The unit footprint/overhang is right next to the drive road boundary.

What is the minimum vehicular safety distance from the road to the house in this matter?

What is the clearance requirements of the front door & back door & balconies to the boundaries of any structures in the common open area? (below question "L" related)

-h), Traffic Flow is a major hidden safety risk issue. The proposal of a One-way drive ONLY (16 feet wide) for this entire community, which does not allow quick access for all vehicles. Some samples below:

i), On a daily basis, Service workers such as Pool, Plumbing, AC, Electrical, Telecom, Appliances Delivery truck & Moving company truck & Landscaping truck with trailers & Sewage truck etc Oversized large long vehicles being on site on its duty, or forced to park on the drive road due to not finding parking spaces, the worst case of break down, accidents etc. In case of traffic peak hours, an emergency/national disaster incident, how will all vehicles and Fire & Ambulance & NRA truck be affected to each other by such a tight one-way road?

ii), During a post Storm /flooding incident, it is obvious that with these minimal common spaces & narrow one-way road will hinder the clean up efforts, therefore a further inconvenience to the owners living at the development and the Service workers.

iii), Future building maintenance periods with large vehicles can also cause road blockages.

iv), The guest parking spaces dimensions at 8.5 feet wide by 16 feet long, handicapped parking at 16 feet long , which are calculated at its minimum requirements, based on this development's scale, there is difficulties for large long vehicles, and handicapped Van to

fit properly. How could they park properly without negatively affecting the traffic flow and the 4' Walkway?

v), Tricky and risky driving will be needed to drive in and out of the garage for every unit due to the building angles, especially on units 1A to 6A if the traffic flow is at described clockwise, risky chances of causing damages to the house wall corner/ garage, and cause danger to the incoming vehicles behind.

vi), Also it is important to mention that the vehicular flow can be affected by the owners loading and unloading things from their trunk.

vii), Besides above mentioned, driving around the curves is adding risks of accidents for all size vehicles, especially the wide long service vehicles, it reduces its driving comfort quality when there are long vehicles parked at the guests parking spaces.

viii), What is this one-way drive road curve angle degree?

ix), And what is the road curve angle requirement for oversized truck such as DEH truck, Sewage truck, NRA truck, Ambulance, Fire truck etc? Can they pass easily at the curve and the exit area? Is the exit opening & SOS gate wide enough?

x), Is there a Licensed traffic engineer involved in this matter for review and sign off?

-i), Insufficient guest parking spaces are also an issue. In average most families have 2 cars, those reserved 9 guests parking spaces could be used by owners who choose not to park their cars inside the garage due to the building angle design, their over sized vehicles not fitting, or use the garage as storage etc reasons. In addition to approx. 88 residents plus guests, where do the service workers park then? Where do guests/visitors park when there is a large event?

-j), This shortage of parking spaces will most definitely lead to owners/ guests/ workers vehicles parking on my private road which will directly affect my access to my land parcel. The potential of vehicles piling up on my road is not acceptable. Will this also make me liable for these vehicles parked on my private road? Their easement serves only for accessing to their property, does not allow them to store anything on my private road, this includes no parking at any time on my property.

-k), Handicapped parking locations are lack of considerations for the middle and front unit owners & guests.

-l), The distance condition of the house wall to pool for majority of the units being as little as approx. 3 feet to a maximum of 4'6'' (see building A & B distance width of 14'9'' minus the pool width of 8'), which can create danger to people's life. Firstly, the storm flooding and pool water splashes may cause electric wiring leaks. Secondly, people may fall due to the pool deck slippery, therefore their head or body parts can hit the nearby walls or fall into pool. Thirdly, lack of privacy considerations for these units, Fourth, lack of outdoor enjoyment quality. So what is the building setback requirement regards this density matter?

-m), The common open area seems to have insufficient places and facilities. Eg Courtyard/Pool area, is there enough reserved spaces for approx. 88 people to enjoy on

their outdoor furniture? Are these spaces calculated in a safe and proper proportion to fit many people at the same time? apart from not affecting other owners' enjoyments?

Is there a kids play area? Kids bike lane?

-n), What is the Landscaping coverage percentage for a LUXURY development? In this case, with landscaping being planted by the courtyard/house wall area, that will reduce even more of the common open area spaces, therefore reduce the owner's outdoor enjoyment tremendously.

9, Lack of natural light & ventilation allowance for all inner facing units, see Building A to Building B have only 14' feet 9" distance to each other. Each unit has only 16 feet width, 47 feet high, majority of the units have no ocean view, many units have no side windows...(luxury?)

10, Compared to other recently built luxury developments, which their entry facade come with designer gates, beautiful water fountains, impressive statues, nice lakes at the main entry, also with rich landscaping design, Spacious open common area, Tennis courts, Club house, Kids play area, Covered pool pergolas, Sufficient residents & guests parkings, Boat trailer parking spaces, Units are kept at a great distance from opposite building, Good traffic flow with two lane drive around while this development seems to lack many luxury rich elements and living comforts, too many units are being forced into a small parcel, too crammed together. Can approx. 1.27 Acre fit 44 bedrooms with approx. 88 people that they all live well together in harmony?

In summary, this overall development's building design & scale & mass & height & form and proportion seems unrealistic, lack of proper considerations to a correct flow, misuses the planning regulations, safety is ignored, contains poor infrastructure, poor landscaping design, inadequate facilities in the common open area, this small parcel being suggested to be so densely populated is not an environmental friendly concept, neither the overall massing fit nicely into the harmony of the direct neighbourhood single family homes. Therefore, I object not only to the above-mentioned issues, but also to the entire revised application.

I hope all CPA members will carefully examine my objections before granting any approval for this project.

2.3 ROMEO REID (Craftman’s Touch) Block 43E Parcel 128 (P21-0843) (\$150,000) (JP)

Appearance at 1:30

Application for an after-the-fact 3 unit apartment building.

FACTS

<i>Location</i>	Abbotsford Drive, Bodden Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3718 ac. (16,195.61 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Unauthorised residential development
<i>Proposed building size</i>	1870 sq. ft.
<i>Total building site coverage</i>	11.6%
<i>Allowable units</i>	5
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	8
<i>Proposed bedrooms</i>	3
<i>Required parking</i>	5
<i>Proposed parking</i>	5

BACKGROUND

July 6, 2022 (CPA/17/22; item 2.4) due to non-appearance members adjourned determination of the application to enable a re-invitation.

April 27, 2022 (CPA/12/22; item 2.6) members considered the above application and decided to adjourn determination requesting the applicant/agent appears before the board to discuss:

- Suitability;
- Lot size;
- Rear and side setbacks;
- Surface treatment of parking area.

CE20-0149 Enforcement notice issued 14th October 2020. File is with the Legal Department to progress.

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

- 1) Suitability
- 2) Lot size variance (16,195.61 sq ft v 25,000 sq ft)
- 3) Rear setback variance (11’ 5” v 20’)

- 4) Side setback variance (3' 11" v 10')
- 5) Parking surface treatment

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>Apartments</i>	<i>3 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>450</i>
TOTAL			450 GPD

Change-of-use with Existing Septic Tank

If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the 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.

Water Supply

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

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

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

National Roads Authority

No comments received.

Department of Environmental Health

Solid Waste Facility:

1. DEH has no objections to the proposed in principle. This development require three (3) thirty three (33) gallon bins and an enclosure built to the department's requirements.

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

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 note that the application is for an after-the-fact 3-unit apartment complex. The application site is man-modified and of limited ecological value. The DoE recommends that the applicant plants and incorporates native vegetation in their landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.

Fire Department

Stamped approved plans.

APPLICANT'S LETTER

With respect to our submission for land size and side setback variance, on block 43E parcel 128, located in Abbotsford Drive, Bodden Town Cayman, we hereby request variances as follows:

- 1. Land size variance where the present regulation requires a minimum of 25,000 sf and the proposed land size is 16,194.54 sf*
- 2. Side setback variance where the present regulation requires 10ft and the proposed setback is 3'-6".*

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 neighbouring 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 site is located in a developing subdivision of Bodden Town. Occupying a corner lot the application site is bound to the west and south by the subdivision access roads. An existing dwelling is located to the east with vacant land to the north.

The application seeks retrospective Planning Permission for the retention of three unauthorised apartments.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 8(9) permits apartments in suitable locations.

The subdivision, whilst predominantly undeveloped, consists of lots suitable for houses and/or duplexes. Members are invited to note application P19-1043 sought retrospective Planning Permission for 4 apartments on 43E 120 and was subsequently refused on February 5, 2020 for the following reasons:

- (i) The applicant failed to demonstrate to the Authority that the site was a suitable location for apartments per Regulation 9(8) of the Development and Planning Regulations (2018 Revision).
- (ii) The application does not comply with the minimum lot size requirement per Regulation 9(8)(f) of the Development and Planning Regulations (2018 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.

Members are invited to consider the above decision as part of their consideration of the current application.

2) Lot size variance (16,195.61 sq ft v 25,000 sq ft)

Regulation 9(8)(f) requires a minimum lot size of 25,000 sf for apartments in Low Density Residential areas.

The application site measures 16,195.61 sf.

Members are invited to consider the above decision as part of their deliberations for the current application.

3) Rear setback variance (11' 5" v 20')

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

The apartments have been constructed 11' 5" from the rear boundary.

Members are invited to consider the content of the variance letter as part of their deliberations.

4) Side setback variance (3' 11" v 10')

Regulation 9(8)(j) requires a minimum side setback of 10'.

The apartments have been construction 3' 11" from the side boundary.

Members are invited to consider the content of the variance letter as part of their deliberations.

5) Parking surface treatment

The parking area is finished with loose gravel instead of concrete or asphalt. Gravel has the tendency to migrate onto local road networks causing a hazard for road users.

Members are invited to consider the suitability of surface treatment of the parking area.

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.

2.4 PEASE BAY PUBLIC BEACH & OBSERVATION DECK (Public Works Department) Block 48B Parcel 8 & 9 (P21-0974) (\$300,000) (MW)

Public Beach, Observation Deck; 973 sq. ft. with Timber Footpath, Camping Ground, Public Restrooms; 686 sq. ft., (6) Vendor Kiosks; 46 sq. ft. each, (4) Public Cabanas; 98 sq. ft. each, Sand Volleyball Court, ADA Mobility Mat & 5'-9" Concrete Buffer Wall.

Appearance at 2:00

FACTS

<i>Location</i>	Bodden Town Rd., Bodden Town
<i>Zoning</i>	Beach Resort Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.2 ac. (95,832 sq. ft.)
<i>Parcel size required</i>	0.5 ac. (21,780 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,354 sq. ft.
<i>Total building site coverage</i>	1.41%
<i>Allowable units</i>	-
<i>Proposed units</i>	-
<i>Allowable bedrooms</i>	-
<i>Proposed bedrooms</i>	-
<i>Required parking</i>	9.02 spaces
<i>Proposed parking</i>	26 spaces

BACKGROUND

June 22, 2022 (CPA/16/22; Item 2.10) – the application was adjourned to invite the applicant to appear before the Authority to discuss concerns regarding the following:

- 1) Suitability
- 2) HWM Setback (0' ("Mobility Mat") vs. 75')
- 3) Garbage Dumpster Setback (1'-0" vs. 6'-0")
- 4) Volleyball Side Setback (11'-8" vs. 20'-0")
- 5) Fence Height & Road Setback (5'-9" vs. 4'-0")
- 6) Parking / NRA Concerns

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

- 1) Suitability
- 2) HWM Setback (0' ("Mobility Mat") vs. 75')
- 3) Garbage Dumpster Setback (1'-0" vs. 6'-0")
- 4) Volleyball Side Setback (11'-8" vs. 20'-0")

- 5) Fence Height & Road Setback (5'-9" vs. 4'-0")
- 6) Parking / NRA Concerns

AGENCY COMMENTS

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

Water Authority

Please be advised that the Water Authority's requirements for this development have been determined based on the understanding that the parcels in question are to be combined. Requirements for proposed are as follows:

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank** with a capacity of at least 1,000 US gallons for the proposed beach development.*
- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)

6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Reuse of Treated Effluent

*The developer intends to store and reuse treated effluent. **The Water Authority encourages the reuse of treated effluent for irrigation and cooling purposes. However, in the interest of public safety pop-up sprayers may not be used, nor may the system be connected to a potable water supply. Alternatively, the developer may install a drip-fed irrigation system with purple color-coded pipework that irrigate sub-surface or surface via soaker hose or drip emitters at a rate not to exceed the uptake rate of the irrigated area; i.e., no spray or pooling of effluent.** The developer shall provide specifications to the Water Authority for review and approval. Approval is also required by the Department of Environmental Health and the Planning Department's BCU.*

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 December 13th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

On-Street Parking

The proposed on-street parking within a 50MPH posted speed limit zone is a major concern for the NRA; we do not wish to have vehicles manoeuvring within the roadway with these speeds. Additionally, for the on-street parking, the proposed vegetation is too close to the parked vehicles; a sidewalk or verge should be provided.

Boundary Plan 9

Bodden Town Road is gazetted as a fifty (50) ft. public road under Boundary Plan 9

per the Roads Law (1974 Revision). **Please have the applicant adjust as necessary.**



Proposed Wall

Given the proposed height of the proposed wall, it will need to be setback substantially in order to satisfy minimum sightline requirements at junctions/intersections for a 50MPH road.

Please have the applicant adjust as necessary.

Public Right of Way

Please have the applicant respect the public right of way on the western boundary of the site.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 95,396 sq. ft. has been assessed in accordance with ITE Code 415 – Beach Park. The anticipated traffic to be added onto Bodden Town Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
65	1	1	0	3	1	2

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Bodden Town Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. 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 Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

Department of Environmental Health

Solid Waste Facility:

The revised solid waste location meets DEH requirements.

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).

Meagre Bay Pond Observation Tower

Meagre Bay Pond is one of Cayman's oldest protected areas. It was protected in 1976 under the Animals Sanctuary Law. A 300 ft buffer, with the southern boundary as Bodden Town Road, was also included around the pond. Therefore, the area of the site to the north of Bodden Town Road is part of the Meagre Bay Pond Protected Area. The pond itself, Block 48B Parcel 2, is also protected. Animal Sanctuaries have now become Protected Areas under the National Conservation Act. Meagre Bay Pond supports Pygmy Blue Butterfly habitat (Part 1 Schedule 1 protected species), which is one of the smallest butterflies in the world and is only found on Grand Cayman. Mangroves are a Part 2 Schedule 1 Protected Species with a Conservation Plan in effect.

The Department has been working collaboratively with the Public Works Department and the Ministry of Lands to develop these proposals. Since these works are directly in a Protected Area, the Applicant requires the permission of the National Conservation Council under Section 20 of the National Conservation Act before beginning construction.

A Meagre Bay Pond Management Plan was developed by the Department on behalf of the National Conservation Council (NCC) and was put out for public consultation and approved by the NCC. The conservation objectives in the Management Plan involve maintaining the pond as an important site of wetland birds, endemic butterflies and enhancing the surrounding mangroves. Another objective was to provide safer access to an observation deck for birding and education, in line with the historical recreational usage. The public consultation undertaken by the Department highlighted that what was wanted in the area is a small, simple access for up to 20 people at one time (82% of respondents preferred this; 7% wanted no public access at all and 10% wanted medium infrastructure for up to 100 people at one time).

We are very pleased to see the proposed development progress and the observation deck will offer an opportunity for peaceful recreation in nature, nature tourism and education.

Pease Bay Public Beach

The Ministry of Land and Public Works Department have incorporated our preliminary feedback into the designs forming the planning application. They have included solar energy and proposed greywater irrigation systems into the facilities. They have minimised the areas of hardstanding and set back the gazebos from the Mean High

Water Mark. We are encouraged by the incorporation of sustainability into the design of this new public beach.

The beach is a turtle nesting beach but is not designated Critical Habitat under the 'Interim Directive for the designation of Critical Habitat of Green turtles (Chelonia mydas), Loggerhead turtles (Caretta caretta), Hawksbill turtles (Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii) and hybrids'. Turtles are a Part 1 Schedule 1 Protected Species under the National Conservation Act. The offshore environment is not a Marine Protected Area.

If the Central Planning Authority is minded to approve the proposed development, the Department recommends the following conditions are added to any planning permission:

- *The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*
- *No construction work, vehicle access, storage of equipment/materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- *Prior to commencement of construction, the applicant shall contact the DoE to ensure no turtle nests are on the application site. Written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- *Any sand that is to be excavated during construction should be retained on site and beach quality sand should be put back along the active beach profile of the property.*

Fire Department

Approved for Planning Permit Only 15 Dec 21.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Public Beach, Observation Deck; 973 sq. ft. with Timber Footpath, Camping Ground, Public Restrooms; 686 sq. ft., (6) Vendor Kiosks; 46 sq. ft. each, (4) Public Cabanas; 98 sq. ft. each, Sand Volleyball Court, ADA Mobility Mat & 5'-9" Concrete Buffer Wall to be located on Bodden Town Rd., Bodden Town.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Suitability

Section (15)(2) states the following development is permitted in a Beach Resort Residential Zone.

- (a) detached & semi-detached houses.
- (b) duplexes

- (c) beach resorts; and
- (d) in locations considered by the Authority to be suitable, guest houses and apartments, cottage colonies and tourism related development.

The neighbourhood consists mostly of vacant parcels. The closest developed parcels within the vicinity of the subject parcel are less than 500 feet to the east and west (48E95 & 48C211). Although the proposal is permitted in a BRR zone under Subsection (d), the Authority should note that the plans show six (6) vendor kiosks. Webster's Dictionary defines a kiosk as "a small structure with one or more open sides that is used to vend merchandise or services". The kiosks have the same design as the cabanas on Seven Mile Beach. The Authority should assess if they support the sale of items from these kiosks or if the specific condition should be included to prohibit sale of items.

2) HWM Setback

Regulation 8(10)(f) states "*in a Beach Resort / Residential zone, all structures and buildings, including ancillary building, walls and structures, shall be setback a minimum of 75 feet from the HWM.*" The applicant has proposed a ADA mobility mat for beach access which technically isn't a structure, however it has been proposed to be resting on the coastline at a distance of 0' from the HWM a difference of 75' respectively. The Department has no objections against the ADA mobility mat however if the mat is intended to stay there permanently, the Authority could consider having the mat be moved to approximately 50' from the HWM to avoid being covered in sand and potentially destroyed due to wave action or by persons traversing the beach.

3) Garbage Dumpster Setback

Regulation 8(7) states "*solid waste storage areas shall be setback a minimum of 6' from adjacent property boundaries and shall be screened with vegetation and fencing.*" The proposed garbage dumpster would be approximately 1'-0" from the adjoining parcel boundary a difference of 5'-0" respectively

4) Volleyball Court Setback

Regulation 15(4)(b)(i) states "*the minimum side setbacks shall be a minimum of 20 feet.*" The applicant has proposed a Volleyball sand court which encroaches the side setback at 11'-8" a difference of 8'-4" respectively. The proposed posts and net however are within the 20' side setback required, the Authority should consider granted the court is sand if the proposed setback is acceptable.

5) Fence Height & Road Setback

The Fence and Wall Guidelines (2014) Section 4.3.1 states "*In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height, except for where provided within these regulations.*"

The applicant has proposed a concrete buffer wall along the road side boundary of the property which varies from 2'-0" to 5'-9" in height a difference of 1'-9" respectively. In addition the Department has concerns along with NRA regarding the 5'-6" setback from the road edge as the existing fronting road is within a 50 mph zone, given the proposed location of the fence it also does not allow for a full 6'-0" wide concrete sidewalk as required by NRA. In addition the proposed fence does extend over the proposed sidewalk access on both sides of the entrance

which would force pedestrians using the sidewalk to potentially step into the entrance / exit area to enter the site which would cause a hazard.

6) Parking / NRA Concerns

The applicant has proposed a total of (26) parking spaces:-

- 11 – Regular Parking Spaces
- 3 – Tour bus Parking Spaces
- 3 – Food Vendor Truck Parking Spaces
- 9 – Parallel Parking Spaces

As the usage of the site is deemed Institutional the applicant would be required to provide a total of 9 spaces which an excess of 17 spaces have been provided. The Department is of the opinion that the parking area on the beach side of the property could be better designed to provide an additional (3) regular parking spaces, this can be done by reducing the reverse area proposed by the public restrooms and using a traffic rated septic tank which would allow (2) additional regular parking spaces. In addition the roadside parking inside the proposed boundary fence immediately opposite can be increased by (1) additional parking space and additional buffer landscaping can be added along the western boundary as the reverse area would've been reduced.

The applicant in addition has proposed (9) parallel parking spaces on the land side to support the proposed observation deck & footpath, however the Department & the NRA (see NRA comments) have major concerns as this is within a 50 mph speed limit zone, manoeuvring vehicles or pedestrians crossing would be a recipe for disaster.

The parcels within 300' radius were notified along with (2) Newspaper Advertisements and no objections were received.

The Authority should assess under Section 8(11) & (13) if there are exceptional circumstances and sufficient reasons to grant the HWM setback, garbage dumpster & fence setback variances being sought.

SUPPLEMENTAL ANALYSIS

The Authority should be reminded the mentioned application was seen on June 22, 2022 (CPA/16/22; Item 2.10) the application was considered and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the following:

- 1) Suitability
- 2) HWM Setback (0' ("Mobility Mat") vs. 75')
- 3) Garbage Dumpster Setback (1'-0" vs. 6'-0")
- 4) Volleyball Side Setback (11'-8" vs. 20'-0")
- 5) Fence Height & Road Setback (5'-9" vs. 4'-0")

2.0 APPLICATIONS
APPEARANCES (Items 2.5 to 2.21)

2.5 SHELIA SIEGEL Block 33E Parcel 122 (P21-0836) (\$100,000) (JP)

Application for a house and pool.

FACTS

<i>Location</i>	Water Cay Road, Rum Point
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.29 ac. (12,632.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3380 sq. ft.
<i>Total building site coverage</i>	26.76%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

NA

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

- 1) Boundary treatment
- 2) Finished Floor level
- 3) High water mark setback variance (39' 1" v 75')
- 4) Front setback variance (14' 3" v 20')
- 5) Side setback variance (7' 11" and 9' 6" v 10')

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).

The dock is proposed on Crown property, and therefore the applicant must apply for a Coastal Works Permit for the dock. This area is also a Marine Reserve, a Marine Protected Area under the National Conservation Act.

The site is predominantly man-modified although there are some mangroves which have regrown particularly along the coastal boundary. Mangroves are a Schedule 1

Part 2 Protected Species under the National Conservation Act with an adopted Mangrove Conservation Plan (2020). Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal-side vegetation provide a natural buffer which helps to intercept surface water that may run-off the land into the canal impacting water quality. In addition, mangroves along the coast, especially along this man-modified coast also helps to prevent soil erosion by binding the substrate.

For this reason, we strongly recommend the retention of these mangroves along the canal edge in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013). With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, this must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/). It is an offence under the National Conservation Act to trim mangroves in contravention of the Trimming Guidelines, without express consent.

The Department notes that the Mean High Water Mark shown on the architectural drawings does not match the Mean High Water Mark Survey submitted to support the application. Using the Mean High Water Mark Survey, the setback to the pool would be even less than indicated on the plans. In addition, a solid fence and boulders appear to run down to the waters edge on the perspective views submitted with the plans, which would block access along the foreshore. The Planning Department should clarify the proposals along the coastal boundary.

We do not support any variance on the coastal setback and there is ample space to locate all structures, including the pool and hot tub, beyond 75 feet from the Mean High Water Mark. 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 minimum (as prescribed in the Regulations). It is important to highlight that setbacks seek to provide protection to properties against these inevitable effects of climate change such as coastal flooding and erosion by ensuring that hard structures are not located in an area susceptible to these hazards. It appears that the size of the parcel is sufficient to allow for the development to be designed in a way that would allow the coastal setbacks to be met. For this reason, we recommend that the pool and cabana are re-positioned further inland to meet the minimum required setback.



Figure 1. The mangroves present along the coast at the site.

If the Central Planning Authority is minded to grant planning permission for the application, we recommend that best management practices are adhered to during construction; these include but are not limited to:

- *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 minimum dock height of 4 feet and the installation of dock decking with a minimum of ½ inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.*
- *The dock construction area being fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock.*
- *The silt screens being left in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

Please note that the dock should be the subject of coastal works approval from Cabinet due to its location over Crown-owned seabed.

*In addition, 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 50 ft 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.

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). We trust that the CPA/Department of Planning will relay this to the applicant in its decision notice.

APPLICANT'S LETTER

I am requesting variances for the following:

- *Right-side setback = 7' minimum for overhang and step, 13'3" to septic tank*
- *Left-side setback = 7' minimum for overhang and step*
- *High Water Mark setback = 53' minimum to Pool*
- *First Floor Elevation= 5'*

The above setback encroachments are based on the footprints of the proposed Single Family home.

HWM Setback to Pool: *There is a long VROW to my property. Due to the need for a vehicle turnaround in front of my house, the plans are designed for the main part of the house to be set back 40' to allow for this turnaround otherwise I would have to back down the easement onto Water Cay. This pushes the house back on the lot which requires a setback variance for the pool. It should be noted that 33E123 was given a HWM variance for their pool to about 40'. My neighbor at 33E113 said that he was granted a HWM variance for their pool to 50'. My request is for a HWM variance for my pool to 53' so it appears that there is a precedent. Neither of these neighboring lots have my access issue but were granted variances. The characteristics of this proposal are consistent with the character of the surrounding area where numerous pool setback variances are in place.*

First Floor Elevation: *I am requesting a first-floor elevation variance to 5'. Please see photos below of other newly constructed homes that appear to be at street level.*

None of these requests will have a detrimental effect on the neighboring properties but are needed to build this home.

Other Considerations

Trash Enclosure: DEH has advised that this enclosure needs to be on my VROW, not on the property itself due to access issues for the trash truck. My VROW is 15' wide. The enclosure itself is 4' long by 2' wide. It is not possible to have 6' setbacks from the neighbors as this would require a total of 16', wider than the VROW itself. Due to the unusual site characteristics, the only way to design this enclosure is to have it run lengthwise 4' at the front boundary line of my VROW at Water Cay, along 33E123 with no setback. This will still leave 13' at the entry of the VROW considering the 2' width. The property owner (Andrew Maggion) with whom I share this boundary line has agreed to this variance. Please see attached email from Maggion.



I am providing permission to allow the use of a 2' x 4' trash enclosure on the VROW. I would ask that it is kept clean and tidy, with a neat appearance. At some point I would like to request a picture or a drawing of what the 2' x 4' trash enclosure might look like.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Rum Point area with the Caribbean Sea forming the eastern boundary and Water Cay Road providing access to the property from the west. Vacant lots form the northern and southern boundaries.

The application seeks Planning Permission for the construction of a house, pool and fence.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Boundary treatment

Section 4.3.1 of the Wall and Fence guidelines identifies a maximum height of 48 inches/4' for solid fences in residential areas.

Composite/vinyl 6' high fence panelling is proposed along the boundaries. The extent of fencing is not clear owing to annotation instead of definitive identification of fence location. However, members are invited to note the

annotation indicating fencing shoreside of the site and consider the acceptability of such in regards to height, materials and location.

2) Finished Floor level

Regulation 29(2) requires the finished floor level of all buildings adjacent to water to 'be at least seven feet above mean sea level'.

There appears to be confusion between the plans and variance letter regarding what level is being sought. The plans identify a proposed finished floor level of 6' and the variance letter states 5'. In either case it is clear the applicant does not wish to construct at the minimum level to protect life and property.

Despite explaining to the applicant that 8(13) of the Regulations does not permit members to vary regulation 29(2) a variance is still sought.

The applicant identifies two developments located south of the application site on parcels 33E 145 and 146 where lower finished floor levels have been constructed through Planning Permission P16-0451 granted 12th September 2016. Regulation 29(2) was included in the Development and Planning Regulations on 19th December 2016 after granting of P16-0451 and therefore that Permission is irrelevant in the matter of finished floor levels.

The purpose of establishing a minimum finished floor level above sea level is to protect life and property in the event of storm surge. The only justification forwarded by the applicant to vary the finished floor level is that such a request is *'needed to build this home'*.

3) High water mark setback variance (39' 1" v 75')

Regulation 8(10)(b) requires a minimum setback from the highwater mark of 75' for all structures and buildings.

The application seeks a variance to enable a pool deck to be sited 39' 1" and the pool 44' 2" from the high water mark.

The applicant highlights approvals granted on neighbouring lots 113 and 123.



Current application		P20-0082 33E 123		P19-0041 33E 113	
To pool	To deck	To pool	To deck	To pool	To deck
44' 2"	39' 2"	55' 10"	40' 2"	58' 9"	52' 8"

The above table compares the current application with the approvals. The proposed development would appear comparable with distances to decking but there is a difference of over 10' from previously approved neighbouring designs to the proposal.

Members are invited to consider the justification provided in the variance letter.

4) Front setback variance (14' 3" v 20')

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

The application proposes a septic tank at 14' 3" from the front boundary.

The variance letter does not provide any justification for seeking a variance.

Members may wish to consider re-siting the septic tank into the driveway with a traffic rated tank to achieve compliance with the setback.

5) Side setback variance (7' 11" and 9' 6" v 10')

Regulation 9(8)(j) requires 10' side setbacks for structures of one storey or less.

The application includes an encroachment to 7' 11" of the front elevation and 9' 5" of a side entrance step.

The variance letter does not provide any justification for seeking a variance.

Members may wish to consider whether the proposal could be designed to prevent encroaching into the side setback.

2.6 TAEKIA CHRISTIAN (Shoreline Construction Ltd.) Block 57E Parcel 78 (P22-0391) (\$500,000) (EJ)

Application for a house.

FACTS

<i>Location</i>	Sailors Way, off Old Robin Road.
<i>Zoning</i>	MDR
<i>Parcel size proposed</i>	0.2405 ac. (10,476 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	815.64 sq. ft.
<i>Total building site coverage</i>	12.85%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

N/A

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

- 1) Lack of road access.

AGENCY COMMENTS

Comments from the Department of Environment are provided below.

Department of Environment

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

The subject parcel is low-lying and predominantly man-modified with some wetland habitat. With the conversion of the wetland habitat to hardstanding, drainage should be properly considered. We recommend the applicant only fills the proposed building footprint and retains the wetland vegetation that falls within the side and rear setbacks to assist with on-site drainage. We also recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and the road.

We also recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.

PLANNING DEPARTMENT ANALYSIS

General

The proposed one-bedroom house is located on Sailors Way, off Old Robin Road in North Side.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) **Lack of physical road to the property**

The proposed one-bedroom house meets all planning regulation for setbacks, site coverage etc.; however, the subject property is at a location on Sailors Way where there is no paved road, water or power to the subject parcel. It would appear that the underlying subdivision was finalized many years ago without the associated infrastructure being put in place. There are several other parcels on this same road reserve that would face the same issue in order to be developed.

2.7 ALBERT THACKER (TAG Ltd.) Block 1D Parcel 669 (P22-0374) (\$50,000) (EJ)

Application for a house addition and modification to site layout.

FACTS

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.63 ac. (27,442 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Apartments & House under construction
<i>Proposed building size</i>	570 sq. ft.
<i>Total building site coverage</i>	17.25%

BACKGROUND

January 1996 (**P95-100472**) CPA/26/95; Item 2.3 - The Authority granted planning permission for a house. Formerly Parcel **1D32**.

(CPA/01/96; **Item 3.2**) - The Authority granted planning permission for a walkway over the ironshore.

July 2, 2008 (**P08-0059**) (CPA/22/08; **Item 2.19**) - The Authority granted planning permission for a house addition and deck with railings. Formerly Parcel **1D32**.

July 8, 2009 (**P08-0508& P09-0510**) (CPA/18/09; **Item 2.4**) - The Authority granted planning permission for two cabanas, rest room facility building, swimming pool and pool bar, and 2' retaining wall at the edge of proposed water feature area (pool). Formerly Parcel **1D32**.

August 4, 2009 (**P09-0789**) - Administrative approval for proposed house addition, 4 liquid propane tanks, and proposed modification to relocate ancillary building (half bath area for swimming pool). Parcel **1D669**.

August 4, 2010 (**P10-0615**) (**CPA/18/10; Item 2.15**) - The Authority granted permission to modify planning permission to enclose walls of an existing viewing deck on the 2nd and 3rd floor and relocate entry staircase of the approved house. Formerly Parcel **1D32**.

May 19, 2011 (**P11-0384**) - Administrative approval to modify roof design from gable to flat roof. Parcel **1D669**.

November 28, 2013 (**P13-0926, P13-0927, P13-0928**) - Administrative approval for car garages and storage area, house addition and floor layout changes on the 3rd floor and after-the-fact containers for material storage. Parcel **1D669**.

April 30, 2014 (**P14-0202, P14-0203, P14-0204, P14-0205, P14-0206**) (**CPA/11/14; Item 2.7**) - The Authority granted permission to change a garage to three (3) apartments, add a gazebo and two staircases, dock, 5' wall, sign, site design changes. Parcel **1D669**.

March 4, 2015 (**P15-0033**) (**CPA/05/15; item 2.1**) – the Authority modified planning permission to delete condition 1 of CPA11/14; item 2.7 and to allow various other changes to the site and building. Parcel **1D669**.

September 09, 2019 (**P19-0917**) – the Department granted permission for addition and external alterations to façade. Parcel **1D669**.

December 12, 2019 (**P19-1308**) – the Department granted permission for addition and modification to house. *Parcel 1D669*.

July 22, 2020 (**P19-1378**) (**CPA/11/20; item 2.5**) – an application to relocate LPG tank and propose new generator partially approved. Members determined the LPG tank relocation acceptable, however, the proposed generator was refused citing the following reason: The proposed location for the generator is not satisfactory. Insufficient reasons have been provided to warrant granting the required setback variances. The proposed location would pose a nuisance to nearby land owners due to increased levels of noise versus the existing location of the generator. Parcel **1D669**.

January 20, 2021 (**P20-0687**) (**CPA/02/21; item 2.20**) – the Authority granted permission for a generator. Parcel **1D669**.

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

- 1) Location of driveway next to property boundary
- 2) Driveway design requires reversing onto the road.
- 3) Gate setback/design

AGENCY COMMENTS

Comments from the Department of Environment are provided below.

Department of Environment

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

The application site is man-modified and the proposed modifications are located behind the existing seawall. However, the DoE is aware that practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene beads getting blown into the surrounding area and the canals in significant quantities. These beads are very difficult to remove especially if they enter the marine environment and they do not naturally break down.

Therefore, should the Central Planning Authority or the Planning Department be minded to grant planning permission for the proposed modification, we recommend the inclusion of the below condition in the grant of any approval to prevent debris from entering the marine environment and impacting sensitive marine resources.

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

PLANNING DEPARTMENT ANALYSIS

General

The proposed addition to house and modification to site for an additional driveway located on North West Point Road in West Bay.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Driveway setback

The proposed “service” driveway is along the southern boundary and results in virtually no buffer between the neighbouring property.

2) Driveway design

The driveway is design with no turning area, therefore, the vehicles will have to reverse onto North West Point Road, which can be a busy road which would likely cause traffic safety problems.

3) Gate setback

The new driveway includes a bifold gate which is setback the required 12’, but the bifold doors open toward the road thereby reducing the setback by 3’ which impacts vehicle stacking and could lead to traffic safety problem along North West Point Road.

2.8 ANNA ROSE WASHBURN (GMJ Home Plans Ltd.) Block 33B Parcel 5 (P22-0136) (\$70,000) (EJ)

Application for a pool.

FACTS

<i>Location</i>	Sand Point Road, Rum Point
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors

Parcel size proposed 0.45 ac. (19,602 sq. ft.)

Current use House

BACKGROUND

1995 permission granted for a house.

October 25, 2021 - The department granted permission for roof replacement due to hurricane grace.

August 3, 2022 (**CPA/19/22; Item 2.13**) - The Authority adjourned the application in order for the applicant to revise the site plan for a 75' HWM setback.

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

- 1) High Water Mark setback variance (64'.1" and 60'.2" vs 75')

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

*The application site is man-modified and the terrestrial habitat is therefore of limited ecological value. However, we note that the proposed pool and pool deck are located approximately 62 feet from the Mean High Water Mark (MHWM) and do **not** meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The DOE strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the "active" part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHWM) reduces a beach's potential to recover after major events.*

For this reason, the DOE recommends that the plans be revised to remove the proposed structure from within the 75ft coastal setback and reposition the pool and pool deck to meet the minimum setback.

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

1. *Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile.*

All construction material shall be stockpiled away from the water's edge to prevent run-off and debris from entering the marine environment

APPLICANT'S LETTER

We write on behalf of the applicant, Mrs. Anna Rose Washburn, with regards to the following;

- *A rear setback variance – to allow the proposed development to be constructed with a 60'2" setback less than the required 75ft from the property line/High Water Mark.*

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

- 1. Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*
- 3. Per aerial maps, there are neighboring parcels with pools that exist with setbacks less than the proposed pool.*
- 4. A cabana (18'x18' or 330sqft) also exists on the subject site for over 3 decades with a setback that is significantly less than the proposed pool.*
- 5. The application complies with all other relevant planning requirements.*

PLANNING DEPARTMENT ANALYSIS

General

The proposed swimming pool is located on Sand Point Road in Rum Point.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) High water mark setback

The applicant is seeking a setback variance as the pool and deck proposed at 64'.1" and 60'.2" vs 75' from the high-water mark as required under regulations 8 (10)(b). The applicant has provided their reasons for the variance in the letter above.

SUPPLEMENTARY ANALYSIS

August 3, 2022 (CPA/19/22; Item 2.13) - The Authority adjourned the application for the applicant to revise the site plan for a 75' HWM setback. The applicant has updated the site plan showing the actual boundary vs the HWM setback line; additionally, the applicant has provided the aerial map show the proposed swimming pool location vs the building and pools setback of the adjacent parcels.

Finally, the applicant has written the following letter and updated the variance request letter:

My nephew George Manderson applied for permission for a small pool for me and I understand that DOE are demanding a 75' setback from the water. I would like to comment on this request as follows:-

- 1. The pool is approximately in line with the steps to my house which has been there since 1987.*

2. *The Cabana sits between the house and the Cove and was approved and erected in 1987.*
3. *The Cove is a manmade waterway without any natural wave action.*
4. *My proposed pool would be further from the water than any other pool on that side of the street.*

Bearing the above in mind I am begging you to take my application into the planned meeting tomorrow and discuss this for me. Every day that my pool is another day that I am losing income on my house. My roof was destroyed by TS Grace last August and I have had to rebuild my house and have not been able to rent it as yet.

Updated Variance Letter

We write on behalf of our client, Mrs. Anna Rose Washburn, with regards to the adjournment of the application for a swimming pool, CPA/13/22; item 2.13, where decided to "revise site plan for 75' HWM setback".

We are asking the Authority to reconsider the above condition and allow the proposed to be constructed with a rear setback variance of 60'2" instead of the required 75ft the High-Water Mark.

We humbly offer the following reasons:

1. *Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified and there have been no objections to date:*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare:*
3. *Based on the map, SP 100A pool line, there are neighboring parcels with pools with setbacks that are less than the proposed pool.*
4. *Additionally, this map clearly shows that Mrs. Washburn's pool would also farther away from the rear boundary/high water mark than the adjacent homes.*
5. *An approved cabana (18x18' or 330 sq ft) also exists on the subject parcel setback that is significantly less than the proposed pool.*
6. *The pool is proposed at the most suitable area on this parcel. Its location will offer convenience and safety between the main recreational areas of the cabana and the dock. Note that the south end of the property is utilized vehicular access to the dock.*
7. *The proposed design ensures that the existing tropical aesthetic and scenic views in the immediate surroundings will not be diminished.*
8. *The application complies with all other relevant planning requirements.*

Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:

a) the elevation of the property and its environs. This application respects existing the shoreline, contours and levels of the existing conditions particularly in consideration of occasional storms and the property's topography.

b) the geology of the property. The geology of the land is suitable to the proposed use and method of construction. All existing shoreline vegetation is to be preserved and the entire shoreline untouched.

c) the storm/beach ridge. The proposed pool is landward of the storm/beach ridge on the property and respects the topographical profiling of this coastline.

d) the existence of a protective reef adjacent to the proposed development; The subject parcel is located within the North Sound which has a protective reef. In addition, this parcel is located within a sheltered lagoon which further reduces the risk of erosion and damage by destructive waves and surge during a storm event.

e) the location of adjacent development. Both adjacent properties have pools closer to the HWM than this application. In addition, there are at least three other properties along this coastline with pools or buildings closer to the HWM than this application for a pool. The proposed setback from the high-water mark is greater than the established development character of the area.

f) any other material consideration which the Authority considers will affect the proposal. The existing Cabana is closer to the high-water mark than the proposed pool and even after 3 decades in this location it has not contributed to any erosion or negative effect on the coastline. Reviewing the aerial maps this coastline is extremely stable and has seen no significant change in 40 years even after several significant storm events. There is no evidence to suggest the proposed pool would negatively affect the coast lines profile which is the primary reason for these increased setbacks based on the DOE's submission on this application. The DOE comments are a cut and paste response to all set back variance requests and is not based on this specific parcel. In this sheltered lagoon this is not an "active beach" as stated by the DOE.

In the past 6 months the CPA have approved or adjourned the following Applications that included a lesser set back than prescribed within the regulations.

July 20, 2022 (Adjourned) Block 45A Parcel 116 - Rum Point - 75' vs 40' pool

July 6, 2022 - Block 33B Parcel 177 – Rum Point - 112' & 115' vs 130'

May 25, 2022 - Block 44B Parcel 3 – Bodden Town - 68' vs 75'

April 13, 2022 - Block 23C Parcel 230 – Prospect - 17' 6" for pool vs 75'

March 16, 2022 - Block 57A Parcel 8 - North Side - 65' v 75'

March 01, 2022 – (Adjourned) Block 49C Parcel 46 – North Side - 38' to 55' 11" v 75'

March 01, 2022 - Block 33E Parcel 111 – Rum Point - 42' 1" v 75'

February 02, 2022 - Block 33B Parcel 181 – Rum Point - 54' and 68.4 vs 75'

Reasons for granting Planning Approval include the Authority was of the view that:

1) There is a protective reef adjacent to the property and this will assist in minimizing storm surge thus allowing the proposed development to be closer to the high-water mark.

- 2) *There are existing developments on adjacent properties with similar setbacks from the high-water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.*
- 3) *There were existing structures within the setback closer to the high water mark than the application under consideration.*

This application meets all the above reasons and more, ideally our Client would have preferred to locate the pool closer to the HWM. We settled on this location as it offered the safest and most efficient layout maximizing the synergy between the main house, cabana and dock. Mrs Washburn is a multi-generational Caymanian who has owned the property for ?? years. She has seen many changes to this area of Rum Point and has turned the misfortune of the damage caused by Hurricane Grace into an opportunity to modernise the Residence. Mrs Washburn plans to spend more time on the property to enjoy her lifetime of toil with her grandchildren.”

2.9 SMB INVESTMENT LTD (Whittaker and Watler) Block 12C Parcel 513 (P22-0075) (\$13.3 million) (JP)

Application for 36 apartments, pool, pool house, cabana and wall.

FACTS

<i>Location</i>	Starboard Close, George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.668 ac. (116,218.08 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	89,195 sq. ft.
<i>Total building site coverage</i>	24.91%
<i>Allowable units</i>	40
<i>Proposed units</i>	36
<i>Allowable bedrooms</i>	64
<i>Proposed bedrooms</i>	66 (possibly 108, see below)
<i>Required parking</i>	54
<i>Proposed parking</i>	72

BACKGROUND

August 17, 2022 (CPA/20/22; item 2.12) - Applicant requested rescheduling of application

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

- 1) Suitability

- 2) Height (46' 6" v 40')
- 3) Bedroom density

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment:

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.

Elevator Installation

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

Water Supply

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

Insert just the body of the comments

Department of Environmental Health

Solid Waste Facility:

This development requires (1) eight cubic yard container with four times per week servicing.

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

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

Swimming Pool:

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

Fire Department

Stamped approved plans.

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).

A review of historic aerial imagery confirms that the site has already been cleared and filled and is therefore of low ecological value. We recommend the planting of native species as part of the landscaping of the scheme for the development. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.

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

APPLICANT'S LETTER

On behalf of my client, I would like to request a variance for the number of bedrooms for the proposed project. There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are requesting two additional bedrooms. We are allowed with 64 bedrooms based on the zoning of the property which is Low Density Residential but we are only asking for two additional bedrooms for the proposed project.

Please note that we have provided 18 additional parking spaces for the development.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located north of Snug Harbour. Southampton Gardens forms the northern boundary and Esterley Tibbetts is to the west. Access is obtained by an easement across Starboard Close which is sited to the east.

The application seeks planning permission for the creation of 36 apartments and associated facilities.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) permits apartment buildings in suitable locations.

Members are invited to note apartments are sited to the north, detached houses and duplexes to the south and commercial premises to the north-west and south-west.

2) Height (46' 6" v 40')

Regulation 8(2)(c) permits development up to 40' or 3 storeys, whichever is less.

Regulation 8(4) was revised in 2022 to exclude non-habitable ancillary spaces from complying with the maximum height measurement set out in Regulation 8(2).

The proposed development measures 46' 6" in height and includes storage units and a gym on the roof.

For the avoidance of doubt, storage units are non-habitable and a gym is habitable space. Therefore, the proposed development does not comply with Regulation 8(2)(c).

Members are invited to consider the variance letter.

3) Bedroom density

Regulation 9(8)(c) permits 64 bedrooms based on the site acreage. The floor plans indicated 66 rooms labelled as bedrooms. However, the submitted floor plans also include dens and media rooms that are similarly sized to the bedrooms. There are 24 dens with closets and access to a powder room and 18 media rooms benefitting from less direct access to full bathrooms. Should the dens and media rooms be considered bedrooms then the total number of bedrooms would be 108.

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

2.10 TIFFANY HYDES (Whittaker and Watler) Block 9A Parcel 138 (P22-0108) (\$72,345) (EJ)

Application for an after-the-fact addition to a house to create a duplex.

FACTS

<i>Location</i>	Batabano Road and Sunburst Lane, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.27 ac. (11,761 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	482.30 sq. ft.
<i>Total building site coverage</i>	23.80%
<i>Required parking</i>	2
<i>Proposed parking</i>	1

BACKGROUND

1997 - The Authority granted permission for three (3) bedroom house.

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

- 1) lot size (11,761 sq. ft. vs 12,500 sq. ft.)
- 2) side setback (8'.9" vs 10')
- 3) Parking spaces (1 vs 2)

APPLICANT'S LETTER

On behalf of my client, I would like to request a setback variance for the ATF addition to house and lot size variance. The house will be over the setback line by 1'-3" and the lot size is 738.80 Sq.ft. short for Duplex min. lot size requirement (12,500.00 Sq. ft.).

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request. Thank you in advance in this matter.

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact addition to house to create a duplex is located on the corner of Sunburst Lane & Batabano Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size variance

The applicant is seeking a lot size variance for the after-the-fact addition to create a duplex, exiting at 11,761 sq. ft. vs 12,500 sq. ft. or 739 sq. ft. under regulations requirements. The Authority needs to determine if the applicant has demonstrated that there is sufficient reason and exceptional circumstance to allow the lesser lot size.

2) Setback Variance

A small portion of the addition has a side setback of 8' 9" vs the required 10'. The Authority needs to determine if the applicant has demonstrated that there is sufficient reason and exceptional circumstance to allow the lesser setback.

3) Parking Spaces

The site plan does not show the required two parking spaces, with only one at the front of the property.

2.11 LNETA WEBSTER (Benitez & Sons Ltd.) Block 24D Parcel 99 (P21-1160) (\$161,690) (BES)

Application for addition to a dwelling house to create a total of 3 apartment units.

FACTS

<i>Location</i>	Norfolk Drive, Spotts
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.3296 ac (14,357.37 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	house
<i>Proposed Use</i>	apartments
<i>Building Size</i>	874.27 sq. ft.
<i>Building Footprint</i>	1,774.27 sq ft
<i>Building Site Coverage</i>	12.4%
<i>Allowable units</i>	4
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	7
<i>Proposed bedrooms</i>	5
<i>Required parking</i>	5
<i>Proposed parking</i>	5

BACKGROUND

July 22, 2009, a dwelling house was granted planning permission and has been constructed

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability of the site for apartments
- 2) Lot size (14,357.37 sq. ft. vs. 25,000 sq ft)
- 3) Side setback (6' vs 10')

AGENCY COMMENTS

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

Department of Environmental Health

This application is recommended for approval with the following conditions:

Solid Waste Facility:

1. DEH has no objections to the proposed in principle. This development require four (4) thirty three (33) gallon bins and an enclosure built to the department's requirements.

- a) The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
- b) The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Table 1: Minimum Enclosure Dimensions

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

Department of Environment

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

The site is man-modified with regrowth of vegetation including mangroves in the eastern section of the parcel as shown in Figure 1. The existing mangroves provide ecosystem services such as carbon storage, food and habitat for wildlife and assist with on-site drainage.

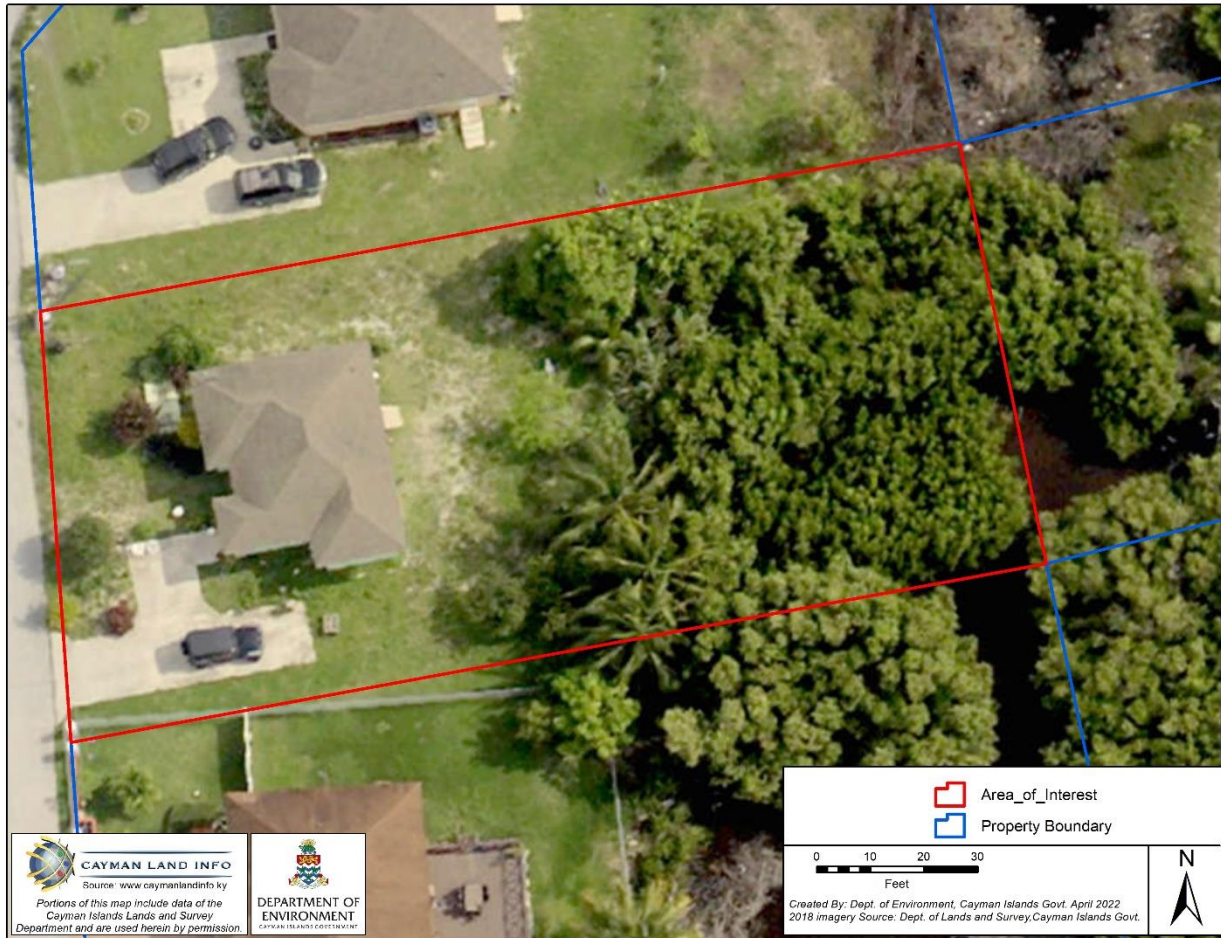


Figure 1: LIS 2018 aerial imagery showing the application site outlined in red (Source: Lands and Survey, 2018)

The DoE notes that the proposed addition encroaches into some of the existing vegetation on site as shown in Figure 2. However, the proposed addition is outside of the area of the existing mangrove on site. We also note that the applicant's submissions do not include the removal of the existing mangroves.

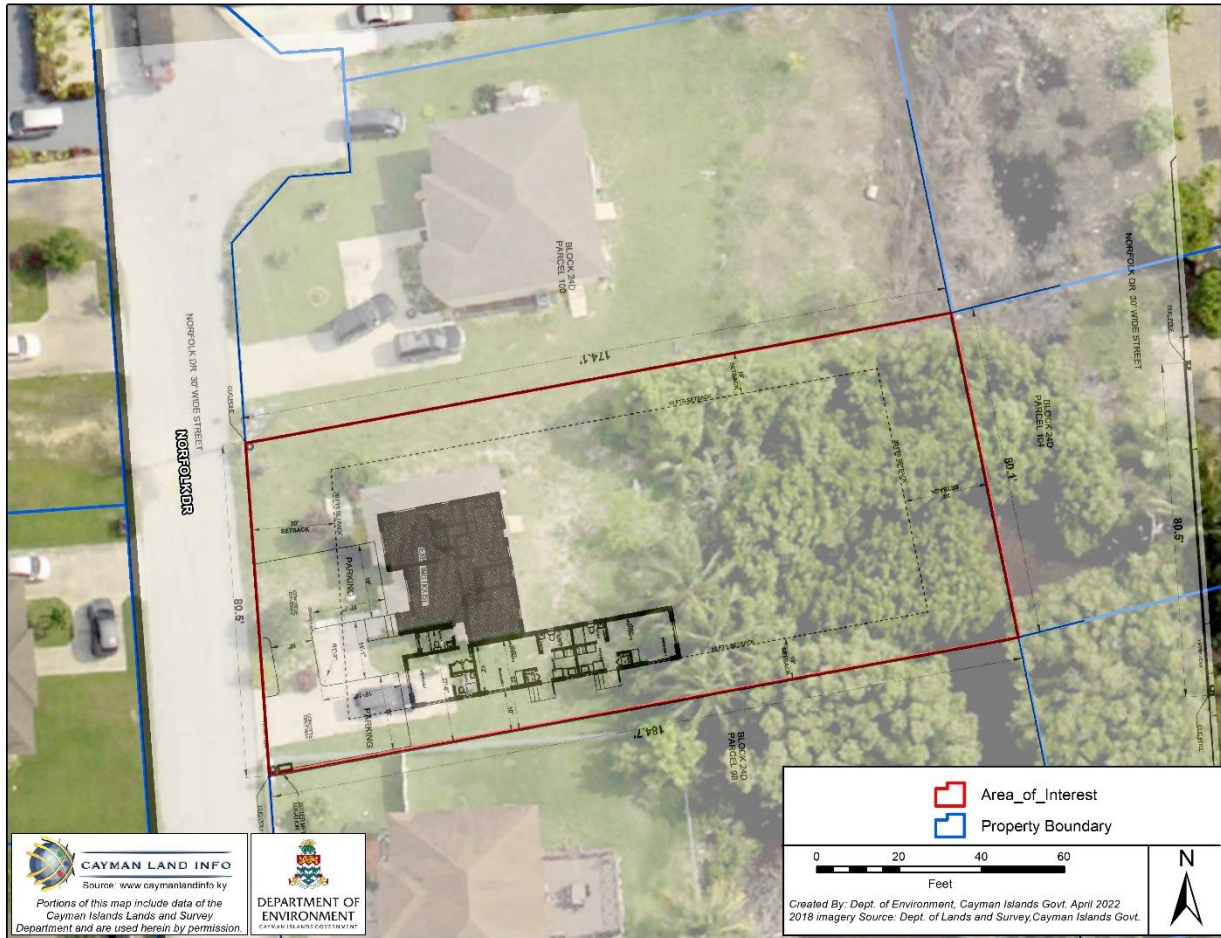


Figure 2: Site Plan Overlaid onto LIS 2018 Aerial Imagery (Plan source: Velasques & Asco. Architecture Design Concepts, October 2021)

The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (2013) with an adopted Conservation Plan. **It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting of planning permission or a National Conservation Council Section 20 permit.**

Therefore, the existing mangroves in the eastern section of the property **shall be retained** in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013). The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.

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

1. As mangroves are protected under the National Conservation Act (2013), all mangrove vegetation which falls outside of the proposed building footprint of the addition shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).

2. *Should there be any trimming of the mangroves which fall within the applicant's parcel boundary, it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here: <https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>*

Water Authority

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>House (Existing)</i>	<i>1 x 2-Bed</i>	<i>225gpd/2-Bed</i>	<i>225</i>
<i>Bed Addition (Proposed)</i>	<i>1-Bed</i>	<i>75gpd/1-Bed</i>	<i>75</i>
<i>Studios (Proposed)</i>	<i>2 x 1-Bed</i>	<i>150gpd/1-Bed</i>	<i>300</i>
TOTAL			600 GPD

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

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

Existing Septic Tank

If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the 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.

Water Supply

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

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

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

Fire Service

The CFO approved the site layout.

LETTERS FROM APPLICANT

We Would be Grateful for your consideration in respect to the following planning variances which relates to our client's Ms. Leneta Webster proposed 2 STUDIOS AND ROOM Addition (P21-1160) on 24D99. Please note the below variance request.

LOT SIZE, LOT WIDTH AND SIDE SETBACK, We ask permission giving you the following reasons:

- a) Per section 8(13)(b)(ii) unusual terrain characteristics limit the site's development Potential.(almost half of the lot is not in use due to a small lake).

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

We look forward to your favorable response to this request, your Understanding and approval will be greatly appreciated.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition to a dwelling house to create a total of three apartments. The site is located on Norfolk Drive, Spotts.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

According to Regulation 9(8) of the Development and Planning Regulations (2022 Revision), apartments are permissible in suitable locations.

The surrounding land uses in the area are a duplex, single family dwelling houses and vacant properties. From a planning perspective, a duplex would be more appropriate for the area based on the lot size.

2) Lot Size

The proposed lot size is 14,357.37 sq. ft. or a variance request of 10,642.63sq ft requested, whereas the minimum required lot size lot is 25,000 sq ft for four dwelling houses according to Regulation 9(8)(f) of the Development and Planning Regulations (2022 Revision).

3) Side Setback

The proposed side setback is 6' (steps/landing), whereas the minimum required setback is 10' accord to Regulation 9(8)(j)

2.12 NCB SUNRISE LANDING (MJM Design Studio) Block 27C Parcels 736, 737, 738, 739 & 740 (P22-0315) (\$15.0 million) (NP)

Application for 42 apartments, cabana, pool and 5' fence.

FACTS

<i>Location</i>	Hirst Road & Royal Palm Drive in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	4.8 acres
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Clubhouse
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	34,026 sq. ft.

<i>Building Area</i>	59,302 sq. ft.
<i>Site Coverage</i>	15.9 %
<i>Number of Units Allowed</i>	73
<i>Number of Units Proposed</i>	42
<i>Number of Bedrooms Allowed</i>	117
<i>Number of Bedrooms Proposed</i>	98
<i>Parking Required</i>	63
<i>Parking Proposed</i>	92

BACKGROUND

June 23, 1999 (CPA/17/99; item 6.06) – planning permission granted for golf course and clubhouse

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

- 1) Suitability
- 2) NRA comment regarding sightlines

AGENCY COMMENTS

Agency comments received to date have been provided below:

Department of Environment

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

The application site is man-modified with limited ecological value as shown in Figure 1.

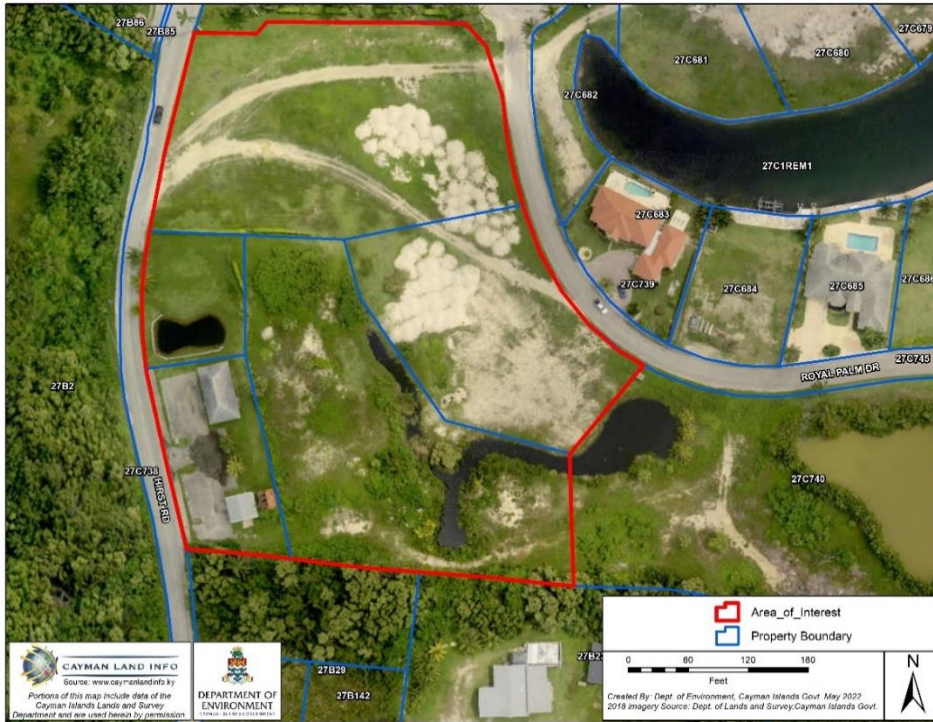


Figure 1: LIS 2018 aerial imagery showing the application site outlined in red.

An annotation on the applicant’s site plan states that the existing pond adjacent to Building 7 is to be filled. It is also noted from the plans that the footprints of the proposed pool and Building 5 are located over a larger existing pond on-site (see Figure 2). It is unclear from the submissions whether the entirety of the pond where the pool and Building 5 are being proposed is to be filled or whether the filling will be limited to the development footprint.

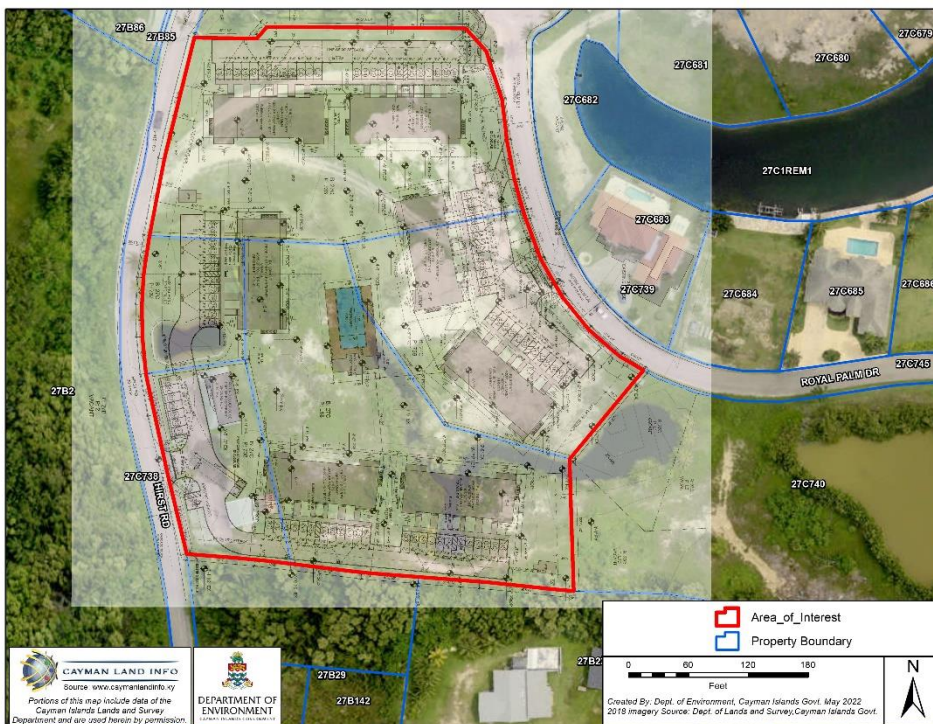


Figure 2: LIS 2018 aerial imagery overlaid with the applicant’s site plan. (Plan source: MJM Architecture & Design, March 2022)

The filling of the ponds will reduce the stormwater capacity of the site and surrounding area. It is therefore important that the stormwater plan for the development is designed in a manner that manages stormwater on-site so that it does not impact the surrounding areas including the road. The applicant may wish to consider the use of porous surfaces in the areas of hardstanding e.g. car parks, to allow rainwater infiltration and to help manage the impacts of stormwater run-off.

The DoE recommends a phased approach to the filling of the ponds. We are unclear at this time whether there is any wildlife living in the existing ponds. If there is wildlife, there would likely be animal welfare concerns, which is outside of the remit of the Department. However, a phased approach to the filling of the lakes will help manage and mitigate the risks to any species in the ponds. We recommend that the ponds are filled slowly, starting from one side and proceeding linearly to allow the species to move to the other side of the pond. We then recommend that the animals are trapped and relocated to another pond on-site or close by.

Should a portion of the pond remain unfilled, it is important to safeguard against nutrient-laden runoff entering directly into the pond as this could lead to eutrophication of the water body and associated poor water quality impacts. Further guidance regarding artificial waterbodies is available in the DoE guidelines available online at: <http://doe.ky/sustainable-development/best-practices-guides/artificial-ponds/>.

The DoE also notes that practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene beads getting blown into the surrounding area and the canals in significant quantities. These beads are very difficult to remove especially if they enter the marine environment. Therefore best management practices should be adhered to during construction, these include but are not limited to:

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

We recommend that the above-mentioned best management practice be listed as a condition of approval should the proposal be granted planning permission.

The DoE also recommends that:

- The applicant plants and incorporates native species in the landscaping scheme for the property. Native species are best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and making them a cost-effective choice. Native vegetation provides diverse habitats, shelter and food for wildlife such as birds and butterflies. Incorporating native plants promotes biodiversity and stewardship of our natural heritage. And;*
- Wherever possible, sustainable design features are included in projects such as this one. Especially given the target of 70% of the islands' energy generation to be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037), we strongly recommend the incorporation of renewable energy installations. Photovoltaic solar panels in particular could be installed on suitable roof spaces or over the proposed parking spaces and rainwater collection could be used for irrigation.*

Department of Environmental Health

Solid Waste Facility: This development requires (2) 8 cubic yard containers with twice per week servicing.

Specifications for Onsite Solid Waste Enclosures

Container size 8 yd³

Width 10 ft

Depth 10 ft

Height 5.5 ft

Slab Thickness 0.5 ft

Water (hose bib), drain,

Effluent Disposal well; guard rails

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

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

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

Please be advised that the Water Authority's requirements for this development have been determined based on the understanding that the parcels in question are to be combined. Requirements for proposed are as follows:

Wastewater Treatment and Disposal

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

- *The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 10,500 US gallons per day (gpd)**, based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD	GPD/BLDG
<i>Building 1</i>	<i>4 x 2-Bed Units 2 x 3-Bed Units</i>	<i>225gpd/2-Bed 300gpd/3-Bed</i>	<i>900 600</i>	<i>1,500</i>
<i>Building 2</i>	<i>4 x 2-Bed Units 2 x 3-Bed Units</i>		<i>900 600</i>	<i>1,500</i>
<i>Building 3</i>	<i>4 x 2-Bed Units 2 x 3-Bed Units</i>		<i>900 600</i>	<i>1,500</i>
<i>Building 4</i>	<i>4 x 2-Bed Units 2 x 3-Bed Units</i>		<i>900 600</i>	<i>1,500</i>
<i>Building 5</i>	<i>4 x 2-Bed Units 2 x 3-Bed Units</i>		<i>900 600</i>	<i>1,500</i>
<i>Building 6</i>	<i>4 x 2-Bed Units 2 x 3-Bed Units</i>		<i>900 600</i>	<i>1,500</i>
<i>Building 7</i>	<i>4 x 2-Bed Units 2 x 3-Bed Units</i>		<i>900 600</i>	<i>1,500</i>
<i>Cabana</i>	<i>734 sq. ft.</i>	<i>0</i>	<i>0</i>	<i>0</i>
<i>Clubhouse (Existing)/Gym (Proposed)</i>	<i>1,197 sq. ft.</i>	<i>0</i>	<i>0</i>	<i>0</i>
			TOTAL	10,500 GPD

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

Requirement for Quarry Permit per Water Authority Law

The Water Authority is charged under the Water Authority Act to protect groundwater. Section 34 (1) of Water Authority Act (2018 Revision) requires that anyone who undertakes quarrying obtains a permit from the Authority, subject to such terms and conditions as it deems fit. Regulation 22 (1) of the Water Authority Regulations (2018 Revision) states that a permit to quarry shall be required whenever it is intended to remove any geological stratum from its natural environment and export it to another location, whether for sale or not.

The Water Authority acknowledges an existing quarry permit for 27C 740, Sunrise Landing, Permit number QP119-27C740.

There are no further requirements at this time regarding the quarry permit.

Water Supply:

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

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

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

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

National Roads Authority

As per your memo dated April 29th 2022 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 forty-two (42) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Hirst Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
279	21	4	17	26	17	9

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

Access and Traffic Management Issues

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

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

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

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

Per sub-section 4.6.3 of NRA's "Design Constructin Specifications for Subdivision Roads and Property Development", the sightline requirement for a 30 mph posted speed limit is 230 feet; that sightline is measured 15 feet from the road's edge. Based on that requirement, seven (7) existing parking stalls (parking no 85 to 91) abutting Hirst Road next to the existing clubhouse interfere with the required sightline and are therefore creating **a sightline deficiency of 100 feet.** Please have applicant eliminate or relocate these 7 parking stalls at a more suitable location on the subject site.

Stormwater Management Issues

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

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

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located on Hirst Road, in Savannah.

The proposal is for 42 apartments with 98 bedrooms.

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

There are apartments in the area.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Per Regulation 9(8), apartments may be allowed in the LDR zone in suitable locations. The surrounding area is primarily detached houses and vacant parcels with a few duplexes as well. There are 4 apartments on 27B 110, but those originated from a change of use of a house without approval.

2) NRA Comments

The NRA has identified a concern regarding sightlines in the vicinity of the existing parking spaces by the existing clubhouse. It should be noted that the parking spaces exist as part of a previously approved development at which point in time the NRA (the PWD) expressed no concern with the parking spaces. Indeed, it is difficult to determine how the parking spaces could be considered to obstruct sight lines.

2.13 ANDY MANUEL DIAZ GONZALEZ (Andy Manuel Diaz Gonzlez) Block 9A Parcel 838 (P22-0256) (\$750,000) (BES)

Application for two dwelling houses

FACTS

<i>Location</i>	Up The Hill Rd., West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.4757 ac or (20,721.5 sq. ft.)
<i>Parcel Size Required</i>	40,000 sq. ft.
<i>Current Use</i>	two houses under construction
<i>Proposed Use</i>	residential

<i>Building Size</i>	1999 sq. ft. (499 sq ft for each house x 4)
<i>Building Footprint</i>	1,996 sq ft
<i>Building Site Coverage</i>	9.6%
<i>Required Parking</i>	4
<i>Proposed Parking</i>	8

BACKGROUND

September 25, 2019 – two dwelling houses granted approval

February 20, 2020 - building permits issued for the two houses

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

- 1) Lot size (20,721.5 sq. ft. vs 40,000 sq ft)

AGENCY COMMENTS

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

Department of Environmental Health

Solid Waste Facility:

1. DEH has no objections to the proposed in principle. This development require four (4) thirty three (33) gallon bins and an enclosure built to the department’s requirements.

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Fire Service

The CFO approved the site layout.

National Roads Authority

As per your memo dated May 4th, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

*The proposed driveway is located on an un-built section of road. The applicant will need to construct the road to meet minimal **NRA specification for subdivision roads (including drainage conveyance requirement)**, up to the subject parcel.*

Road Capacity Issues

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

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
<i>13</i>	<i>1</i>	<i>0</i>	<i>2</i>	<i>2</i>	<i>1</i>	<i>1</i>

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Up the Hill Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.

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

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

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

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

Department of Environment

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

The proposed development site is man-modified and therefore of low ecological value having been cleared in the past. We recommend the planting of native species in the landscaping scheme. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.

Water Authority

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
House #1	1 x 1-Bed	150gpd/1-Bed	150
House #2	1 x 1-Bed		150
House #3	1 x 1-Bed		150
House #4	1 x 1-Bed		150
TOTAL			600 GPD

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

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

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

Water Supply

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.*

LETTERS FROM APPLICANT

With respect to our submission for two single-family houses on 9A 838 located on Up The Hill Road in West Bay. We hereby request variances as follows:

1. *Density Variance for two additional single family dwellings on parcel 9A 838 resulting in a total of FOUR (4) single family homes on a parcel that is 0.47 Acres*

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

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

Additionally, please also take into consideration that: -

1. *The surrounding area consists of predominantly apartment and multi-family developments.*
2. *The proposed site coverage would arrive at only 9.6% which is significantly less than the 30% allowed in low density residential.*
3. *An alternative option would be to apply for apartments which potentially could yield 7 units with a lot size variance instead of 4.*
4. *It is our intention to provide a minimalist lifestyle development targeted toward young professional individuals and couples who wish to promote sustainable living.*

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 two dwelling houses (998 sq ft) at the above-captioned property. The site is located on Up The Hill Rd., West Bay

As noted above, two dwelling houses were granted admin approval on September 25, 2019.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Lot Size

The proposed lot size is 20,721.5 sq. ft. or a variance request of 19,278.5 sq ft requested, whereas the minimum required lot size lot is 40,000 sq ft for four dwelling houses according to Regulation 9(8)(d) of the Development and Planning Regulations (2022 Revision).

The CPA is to determine whether satisfactory justification has been provided to override Regulation 9(8) (d) requirements and support for the applicant’s request.

2.14 HI TECH ELECTRONIC (Dweainy Construction) Block 13D Parcel 360 (P22-0152) (\$500,000) (BES)

Application for a change of use from commercial to 8 apartments

FACTS

<i>Location</i>	Howard Street off Godfrey Nixon Way
<i>Zoning</i>	G.COM
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3443 ac. (14,997.7 sq. ft.)
<i>Current use</i>	Commercial building
<i>Proposed building size</i>	4,000 sq. ft.
<i>Proposed building footprint</i>	2,694 sq ft
<i>Total building site coverage</i>	17.9%
<i>Allowable units</i>	CPA discretion
<i>Proposed units</i>	8
<i>Allowable bedrooms</i>	CPA discretion
<i>Proposed bedrooms</i>	8
<i>Required parking</i>	26 (12 for apts and 14 for commercial area)
<i>Proposed parking</i>	16

BACKGROUND

Nov. 6, 2002, planning permission was granted for retail and warehouse building.

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

- 1) Density
- 2) Parking requirements

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

- The developer shall provide a septic tank(s) with a capacity of at least 2,500 US gallons for the proposed, based on the following calculations:

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Ground Floor</i>	<i>4,000 sq. ft.</i>	<i>4,000 x 0.15</i>	
<i>(retail factor)</i>	<i>600</i>		
<i>Second Floor</i>	<i>8 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>1,200</i>
TOTAL			1,800 GPD

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

- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

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

Change-of-use with Existing Septic Tank

If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the 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.

At Max for Septic Tank

The developer is advised that the proposed development on this parcel brings it to the maximum size/use allowed for treatment by septic tank(s). Further development on this parcel, including any change-of-use that increases the estimated wastewater flows (e.g. residential to commercial; low-water-use commercial to high-water-use commercial) will require that all wastewater generated on the parcel; i.e., from proposed and existing structures, shall be treated in an onsite aerobic wastewater treatment system(s).

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 March 10th, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 4,000 sq. ft. has been assessed in accordance with ITE Code 863 – Electronics Store. And also the traffic demand to be generated by the above proposed development of 4,000 sq. ft. (Eight Apartments) has been assessed in accordance with ITE Code 220 - Apartments. The anticipated traffic to be added onto Ashgo Street 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>Store</i>	<i>180</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>	<i>18</i>	<i>9</i>	<i>9</i>
<i>Apartment</i>	<i>53</i>	<i>4</i>	<i>1</i>	<i>3</i>	<i>5</i>	<i>3</i>	<i>2</i>
<i>Total</i>	<i>207</i>	<i>2</i>	<i>0</i>	<i>2</i>	<i>21</i>	<i>11</i>	<i>10</i>

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

Stormwater Management Issues

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

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

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

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

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

Department of Environment

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

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

Fire Department

The CFO approved the site layout.

APPLICANT'S LETTER

We are applying for variances for a change of use on Block 13D & Parcel 360 from commercial to residential.

Based on the requirements, we have everything in place to meet this regulation. The design is compliant with all other requirements.

The applicant is a Caymanian Business owner who is having difficulty to rent the retail space due to pandemic. He is also scaling down his business.

This will help with income to pay expenses that was incurred as a result of the pandemic. This request will help to meet the rental shortage in the area.

Based on our research of developments in the area with similar issues, indicate that this development would not change the aesthetics of the area.

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

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area.*
- (iii) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 4,000 sq.ft. upstairs change of use from commercial to apartments at the above-captioned property. The site is located on Howard Street off Godfrey Nixon Way.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Density

In Commercial zones and Industrial zones - the maximum density shall be at the discretion of the Authority per Regulation 8(8)(a). The Authority is to determine whether the 8-apartments are appropriate for the site. For comparison purposes the allowable number of units in the residential zones based on the lot size would be:

- LDR (5.2)
- MDR (6.8)
- HDR (8.6)

2) Parking requirements

The applicant is proposing 16 parking spaces, whereas a minimum of 26 parking spaces (12 for apartments and 14 for the commercial area) are required – a shortfall of 10 parking spaces. Additionally, the functionality of the proposed new spaces in front of the building is in question as the driveway aisle is only 15' wide and this can make entering and existing the spaces difficult which is already evidence with the existing spaces along the side of the building.

2.15 BARRY & PIPPA FORSTER (LSG Designs) Block 45A Parcel 116 (P22-0162) (\$780,000) (NP)

Application for a house and pool

FACTS

<i>Location</i>	Rum Point Drive in North Side
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	14,810.4 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,463 sq. ft.
<i>Total building site coverage</i>	10.7 %

BACKGROUND

July 20, 2022 (CPA/18/22; Item 2.4) – The Authority resolved to adjourn the matter for the following reason:

- 1) The applicant is required to submit a revised site plan that is based on the submitted high water mark and shows the location of the building and pool on the adjacent property (45A 115).

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

- 1) Proposed seaside setback (30' 5" pool vs 75')
- 2) Proposed seaside setback (53' 2" outdoor shower vs 75')
- 3) Location of adjacent house and pool

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

*The site is man-modified and is adjacent to a No Diving Zone (a Marine Protected Area). The site is not a turtle nesting beach. The proposed development has a setback of 41 feet and 2 inches and does **not** meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations (2022). The development is also located further seaward than the neighbouring property to the west (Figure 1).*



Figure 1. The edge of the pool and deck (yellow) for the application site (outlined in blue) is located within the minimum coastal setbacks and closer to the sea than the neighbouring property.

The DoE does **not** support the granting of a variance in the coastal setback, based on the current design of the proposed development. We note that there are no design features, such as a wash-through ground floor or positioning of the building on elevated pilings to help mitigate against the effects of sea inundation on the proposed dwelling. The DoE strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). It is imperative that minimum coastal setbacks are met, particularly given climate change predictions for the region and the increasing prevalence of coastal erosion associated with inappropriately sited development, either on the active beach or too close to the Mean High Water Mark.

If the Central Planning Authority or Planning Department is minded to approve this development, we have recommended a condition which states that the coastal vegetation seaward of the proposed pool and deck shall remain. This measure will provide a small degree of mitigation for the coastal variance and will assist with shoreline stabilisation and sand retention, minimising wind-borne and/or run-off induced erosion.

In addition, it is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area. We strongly recommend that Best Management Practices are adopted during the construction to ensure that construction-related debris does not enter the marine environment. We have experienced other developments along the coastline inadvertently polluting the marine environment from wind-borne debris and run-off from stockpiles on the beach. Practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene getting blown into the sea in significant quantities. This waste material is extremely difficult to remove once it enters the water and it does not biodegrade.

DIRECTED CONDITIONS

*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 directs 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 50 feet from the Mean High Water Mark.*
- *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.*

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

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).

OTHER DOE RECOMMENDED CONDITIONS

*Additionally, it is **recommended** that the following conditions are 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.*

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.

- *Coastal vegetation located seaward of the proposed pool deck shall remain in situ and shall not be cleared.*

We also encourage the applicant to retain mature native vegetation and to plant and incorporate native species when landscaping. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.

APPLICANT'S LETTER

Our clients, Pippa & Barry Forster, recently applied to the Department of Planning for permission to construct a three-bedroom house and a pool.

The application requires a variance as the pool would encroach on the fifty-foot setback from the high-water mark as required by planning regulations as it will only have a forty-foot setback.

According to Regulation 8(13), the Authority may grant permission to carry out development that does not comply if they are satisfied that;

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

(ii) unusual terrain characteristics limit the site's development potential; or

(iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and, in the case of an application 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.

The space available for the pool placement on the property in question has been limited due to the existence of ironshore. In fact, the neighbouring properties seems quite consistent with our development site plan. We are sure that the proposed pool placement will not be detrimental to persons residing and working in the vicinity and have no environmental impact.

Lastly all adjoining property owners have been notified and have offered no objections.

With these facts in mind, your approval for the variation would be greatly appreciated. Should you have any questions or require any additional information please call our office.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in North Side on Rum Point Drive.

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

Planning staff conducted a site visit and confirmed that the shoreline is beach.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proposed Sea setbacks

Regulation 8(10)(b) requires that in areas where the shoreline is beach, all structures and buildings, including ancillary buildings, walls, and structures, shall be setback a minimum of seventy-five feet from the high water mark.

The applicant is requesting a 40 foot setback to the proposed pool edge and 60 feet to the outdoor shower that is attached to the house.

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

The applicants agent has submitted a variance letter and the Authority should discuss whether reduced seaside setbacks are acceptable in this instance.

SUPPLEMENTARY ANALYSIS

The applicant has provided a site plan based upon the high water mark and added the location of the building and pool on the abutting property to the west. It should be noted that as a result of the site plan now based correctly on the HWM survey, the new setbacks are 30' 5" to the pool and 53' 2" to the outdoor shower.

2.16 TREVOR WATKIN (Eric Cronier Limited) Block 22E Parcel 539 (P22-0078) (\$5,000) (NP)

Application to modify planning permission to delete condition 2)

FACTS

<i>Location</i>	Grand Harbour, George Town
<i>Zoning</i>	LDR, Mangrove Buffer, Marine Commercial
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	61 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	1.55 acres to 57 acres
<i>Current use</i>	Road & Undeveloped

BACKGROUND

April 13, 2022 (CPA/11/22; Item 2.27) – The Authority resolved to grant planning permission for a three lot subdivision subject to three conditions:

- 1) The applicant shall submit a revised plan showing the 20' swale portion of Lot A extended to the southern limit of Lot B.

- 2) Prior to the subdivision plan being finalized, the 20' wide swale shown on Lot A shall be cleared of vegetation in order to allow the swale to effectively function.
- 3) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

October 23, 2019 (CPA/22/19; Item 2.16) – The Authority resolved to modify planning permission to combine two lots into one and revise the canal design subject to the applicant submitting a revised plan showing all aspects of the canal and lot 62 outside of the mangrove buffer area.

January 23, 2019 (CPA/02/19; Item 2.1) – The Authority resolved to modify planning permission to allow the revised subdivision layout subject to the applicant submitting a revised plan showing the northerly edge of the proposed canal in line with the northerly edge of the dyke conveyance system.

October 31, 2018 (CPA/24/18; Item 2.3) – The Authority resolved to modify planning permission to allow minor revisions to the previously approved lot sizes and to add an additional 22 residential lots and 1 road parcel.

Recommendation: Discuss the applicant's request to delete condition 2).

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).

The Department supports the proposed request to retain the mangroves within the swale. The surrounding area has now mostly been filled for development and the swale appears to still be lower than the surrounding area, thus should allow the area to drain to the north. The presence of the mangroves would not significantly inhibit the flow of water. If any areas within the swale have been filled, for example with fill, vegetation or debris, then those sections can be excavated in order to restore the natural grade of the swale. However we do not support widespread clearing of the mangroves in the swale. Mangroves provide a natural buffer to remove sediment and nutrient load from surface water run-off which reduces impact to the marine environment and other water bodies.

The Department also reiterates its previous recommendations that plans should be revised to remove the area of road and fill shown within the existing Mangrove Buffer Zone on the North Sound coastline (as shown in Figure 1 below) as was required in the previous planning application (in accordance with CPA 22/19) for this area (P19-0914). Additionally the area of fill material placed within the Mangrove Buffer Zone without permission should be removed and the area graded to the elevation of the original natural landscape to allow mangroves to regrow and to reinstate the buffer area as required in Planning Regulations. The Department notes that the excavated canal area also encroaches into the Mangrove Buffer Zone as shown in Figure 1 below. Mangroves are protected under the National Conservation Act (2013) through the provisions of the Species Conservation Plan for Mangroves (2020).



Figure 1: DOE Aerial Imagery showing the Mangrove Buffer Zone (outlined in green) and the filled road section and cleared area encroaching into it (DOE 2021).

APPLICANT'S LETTER

Please accept this letter as formal request to remove condition 2. on CPA letter CPA/11/22, item 2.27 which states:

"Prior to the sub-division plan being finalized, the 20' wide swale shown on Lot A shall be cleared of vegetation in order to allow the swale to effectively function."

We would kindly like to ask the CPA to reconsider this condition for the following reasons.

- 1.) The 20' buffer strip in its natural state has an elevation of +1.0' which is typically higher than the +2.0' elevation of a swale and will therefore allow for water drainage.*
- 2.) The mangrove in the buffer strip will act as a natural filter for run off and will lead to better water quality draining into the North Sound.*
- 3.) The mangrove will provide natural landscaping between the abutting developments.*
- 4.) The National Conservation Law prohibits the destruction of mangrove and we would therefore like to preserve them as this would be a recommendation of DOE.*

Should you have any questions or require additional information please call our office.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Grand Harbour, George Town.

The property contains a road and undeveloped lands.

Proposed parcel A ranges from a minimum of 20 feet in width to approximately 100 feet in width.

Proposed parcel B is a road parcel that would have a maximum width of 30 feet.

Proposed parcel C is the canal system to the east.

It is the understanding of staff that none of the proposed lots are intended to be developed for building purposes.

On 13 April 2022, the Authority granted planning permission for a three lot subdivision subject to three conditions. One of the conditions required the clearing of mangroves from the twenty foot wide swale on lot A. The applicant seeks permission to delete this condition of approval.

Zoning

Proposed parcel A is zoned both Low Density Residential and Mangrove Buffer.

Proposed parcel B is a road parcel that is zoned Low Density Residential.

Proposed parcel C is the canal system to the east and is not zoned.

2.17 PICKLEBALL CAYMAN LTD. (John Doak Architecture) Blocks 14D Parcels 297 REM1 (P22-0700) (\$1,000,000) (MW)

Application to modify planning permission as follows:

- revise site plan
- change sidewalk material to grass
- change driveway layout
- add shade structure to all courts

FACTS

<i>Location</i>	Corner of Smith Rd. & Bobby Thompson Way., George Town
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	5.0 ac. (217,800 sq. ft.)
<i>Required parking</i>	24.24 spaces
<i>Proposed parking</i>	78 spaces

BACKGROUND

June 27, 2018 – 9 Lot Subdivision - the application was considered and it was resolved to grant planning permission. (CPA/15/18; Item 2.3)

May 27, 2019 – Subdivision Modification (Create a 30' wide R.O.W. with turning areas for Lot 4-8) – the application was considered and it was resolved to grant planning permission.

March 16, 2022 – Land Clearing & Filling (5 Acres) – the application was considered and it was resolved to refuse planning permission.

April 27, 2022 – Sports/ Recreational Facility with bar/restaurant – the application was considered and it was resolved to grant planning permission.

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

- 1) Sidewalk material (grass vs. concrete)

AGENCY COMMENTS

Comments from the Department of Environmental Health and Department of Environment are noted below.

Department of Environmental Health

Solid Waste Facility:

This development will require (2) 8 cubic yard containers with three times 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.

Kitchen:

The following must be submitted for review at the BCU stage:

1. *The approved BCU hood details.*
2. *Specifications for the hot water heater.*
3. *Specifications for all kitchen equipment.*

Department of Environment

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

Fire Department

Approved for Planning Permit Only 27 Jul 22

CIAA

No objection on current design. (3 Aug 22)

APPLICANT'S LETTER

With reference to the above captioned Planning Permission P22-0182 granted by the CPA/12/22 item 2.4, the Applicant wishes to make this application for a modification to the permission noting as follows:

- *The 6ft wide concrete sidewalk on the roadside to be a 6ft wide landscaped sidewalk*

• *The Applicant now leases the entire property to the east of the driveway and therefore all the Pickleball Parkland will be accessed from the single entranceway as shown in the attached modified site plan. Any future road access to those east side lands will be arranged as an inland roadway and would become a part of any future planning application.*

• *The drawings now also show the woven fabric covering over the pickleball courts which creates sun shading for players.*

Thank you for your kind attention.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Modification to Site Plan; Change Sidewalk Material to Grass, Change Driveway Layout, Add Shade Structure to all Courts to be located on corner of Smith Rd. & Bobby Thompson Way., George Town.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Sidewalk Material

The proposed development was approved with a 6' concrete sidewalk encompassing the roadside boundary of the property, however the applicant has requested a modification to change the material of the sidewalk from the typical concrete to grass.

2) Parking Layout

The proposed development was previously approved with a 30' roadway reserve off Smith Road which would service the proposed lot along with access to any future development on the adjoining section of the parcel. The applicant has submitted revised plans showing a new entry / exit point off Smith Road with no access to the adjoining portion of the lot. The applicant has stated in his letter that he now leases the entire property to the east of the driveway therefore any future road access to the eastern side would be sorted as an inland roadway.

3) Shade Structure over Courts

The approved court covering was shown to have shade sails affixed to 20' high light poles and a 10'-0" high fence, there would be approximately 3 shade sails per court. The newly redesigned covering will use steel / aluminum support beams which per the applicant would meet Cat 5 hurricane standards, the overall structure height would be increased to 26'-0" which CIAA have stated they have no objections to.

2.18 LEGOLAND REAL ESTATE (ARCO Ltd.) Block 23B Parcels 80 (P22-0694) (\$30,000) (MW)

Application for a 6' concrete wall with 7'-2" columns.

FACTS

Location

Shamrock Rd., George Town

Zoning

Beach Resort Residential

<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.97 ac. (85,813.2 sq. ft.)
<i>Current use</i>	Existing apartments

BACKGROUND

July 3, 2002 (CPA/16/02; Item 8.02) – 24 apartments were approved

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

- 1) Fence and column heights (6’ and 7’ 2” vs 4’)

AGENCY COMMENTS

Comments from the Department of Environment are noted below. The NRA was circulated the plans on July 25, 2022, but no comments have been received to date.

Department of Environment

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 6’ Concrete Fronting Wall with 7’-2” Columns to be located on Shamrock Rd., George Town.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Fence Height

The CPA fence guideline 4.3.1 stipulates that “*In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height*”- The proposed concrete privacy fence would be 6’ in height with concrete columns with a height of 7’-2” a difference of 2’-0” & 3’-2’ respectively.

2.19 DAEMION & MARLINE FULLERTON (GMJ Home Plans Ltd) Block 25C Parcel 527 (P22-0690) (\$138,000) (JP)

Addition to duplex.

FACTS

<i>Location</i>	Tidewater Avenue, Spotts
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2947 ac. (12,837.132 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.

<i>Current use</i>	Residential
<i>Proposed building size</i>	2591 sq. ft.
<i>Total building site coverage</i>	20.20%
<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>	2

BACKGROUND

May 30, 2019 (**Administrative Approval**) – addition to create duplex (P19-0463)

July 16, 2009 (**Administrative Approval**) – house (P08-0411)

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

- 1) Duplex addition or third dwelling unit

APPLICANT’S LETTER

Further to your review, please note that the applicant’s intent with the proposed addition is to regain the ability to enjoy the lake view from within their dwelling, unit 1.

They feel that the new upper-level bedroom and the new living room is the most suitable setting to provide this, after sacrificing their only room with a view of the lake to accommodate a one-bedroom addition in 2019.

Also, the proposed would be non-intrusive to the existing structure, especially the roof. This practical approach was favored bearing in mind the current high construction cost.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within a recently developed subdivision which surrounds a lake. Access to the property is gained from the south and the lake bounds the property to the north. Neighbouring properties are located to the east and west.

The application seeks Planning Permission for a two-storey addition to the duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Building design

The proposed addition can be independently accessed from the main house and benefits from a living area, bedroom and bathroom. The self-contained nature leads the Department to believe the addition could be viewed as a third dwelling unit and not an extension of accommodation for the existing duplex. If the new floor area is considered third dwelling unity then the overall development would be considered apartments and this would result in a deficient lot size issue.

Members are invited to consider the agents explanation for the proposal and design concept and determine whether that is suffice to outweigh the Department's concerns regarding the creation of an apartment.

2.20 YARL HOLDINGS LTD. (National Builders Ltd.) Block 27C Parcel 559 (P22-0615) (\$700,000) (EJ)

Application for a duplex and pool.

FACTS

<i>Location</i>	Leeward Drive in North Sound Estates
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2825 ac. (12,305 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	7,525.86 sq. ft.
<i>Total building site coverage</i>	22.48%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

July 21, 2000 - The Department granted permission for a three (3) bedroom house.

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

- 1) Lot Size (12,305 sq. ft. vs 12,500 sq. ft.)
- 2) Canal setback (5' 2" vs 20').

AGENCY COMMENTS

Comments from the Department of Environment are provided below.

Department of Environment

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

The application site is man-modified and of limited ecological value. Best management practices should be adhered to during construction to prevent any impacts to the canal.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission to minimize impacts to the environment and water quality in the canal:

- 1. All construction materials and debris shall be stockpiled at least 20 feet from the canal edge to prevent material from entering the canal and to reduce the possibility of rainwater runoff washing material into the canal.*

Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent canal

APPLICANT'S LETTER

JMP Construction is requesting a setback variance for a duplex and pool on Block 27C Parcel 559. We are proposing a rear setback variance from 20'-0" to 5'-2" on the canal and lot size variance from 12,500 SF to 12,310 SF.

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

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

Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the lesser setback associated with the application and they have not objected.

PLANNING DEPARTMENT ANALYSIS

General

The proposed duplex and swimming pool are located on Leeward Drive in North South Estates.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum lot size

The applicant is seeking a lot size variance proposed at 12,305 sq. ft. vs 12,500 sq. ft. (195 sq. ft. under) as required under Regulations 9 (8)(e). A review of records for the immediate area reveals a duplex being approved on 27C 556 (13,608 sq ft) and another duplex on 27C 410 (10,950 sq ft), both approved in 2015.

2) Canal setback

The applicant is requesting a setback variance as the proposed swimming pool is 5.2' vs 20' from the canal boundary as required under Regulation 8(10)(ea). A review of records for the immediate area reveals one pool on the canal on 27C Parcel 555 and it has a setback of approximately 18' (approved in 2006).

2.21 JOANNA BOXALL (Design Cayman Ltd.) Block 14E Parcel 216 (P22-0473) (\$10,000) (EJ)

Application to modify planning permission to revise the roof design.

FACTS

<i>Location</i>	Columbus Close, George Town
<i>Zoning</i>	HDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.45 ac. (19,602 sq. ft.)
<i>Parcel size required</i>	4,800 sq. ft.
<i>Current use</i>	Preschool
<i>Proposed building size</i>	515.36 sq. ft.

BACKGROUND

NA

Recommendation: Modify planning permission

PLANNING DEPARTMENT ANALYSIS

General

The proposed modification to roof is located on Columbus Close. There is an existing metal frame structure with a canvas roof that the applicant wishes to replace with new columns with a standing seam roof that is properly connected to the main building.

Zoning

The property is High Density Residential.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION