

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on **January 4, 2023 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

1st Meeting of the Year

CPA/01/23

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair) (left at 3:30)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Peterkin Berry (left at 3:00)

Mr. Peter Campbell

Mr. Kenneth Ebanks (joined via Zoom)

Ms. Danette McLaughlin (arrived at 10:40) (left at 3:35)

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/01/23

- 2.1 JAVIER CONTRERAS (GMJ HOME PLANS LTD.) Block 1D Parcel 694 (P22-0940) (\$131,000) (EJ) 4**
- 2.2 KERRYANN PHILLIPS (TSC ARCHITECTURE) Block 27E Parcel 209 (P22-0828) (\$88,000) (EJ) 5**
- 2.3 CASY CORP (John Doak) Block 5B Parcel 361 (P22-0848) (\$3,800,000) (EJ) 8**
- 2.4 HARBOUR FIDUCIARY (Abernethy & Associates) Block 13D Parcel 418 (P22-0972) (\$5,238) (EJ) 15**
- 2.5 BLACK URCHIN RESORT (Paradise Drafting Ltd) Block 48C Parcel 16 (P22-0196) (\$18,000) (JP) 20**
- 2.6 BARKERS BEACH RESORT (Coe Group Ltd) Block 8A Parcel 180 (P22-0675) (\$12.0 million) (NP) 26**
- 2.7 ELIZABETH ROSS (Design (Cayman) Block 15C Parcel 11 (P22-0813) (\$2,000,000) (JP) 46**
- 2.8 HH LIMITED (Eric Cronier & Associates) Block 12C Parcel 517 (P22-0998) (\$5,000) (NP) 53**
- 2.9 EMILY CACHO (ABERNETHY & ASSOCIATES LTD.) Block 4B Parcel 36 (P22-1024) (\$4,753) (EJ) 56**

APPLICANTS ATTENDING THE AUTHORITY’S MEETING

Applicant Name	Time	Item	Page
Javier Contreras	10:30	2.1	4
Kerryann Phillips	11:00	2.2	5
Casy Corporation	11:30	2.3	7
Harbour Fiduciary	1:00	2.4	12
Black Urchin	1:30	2.5	17
Barkers Beach Resort	2:00	2.6	21

1.1 Confirmation of Minutes CPA/30/22 held on December 21th, December 2022.

Moved: Celecia Bancroft

Seconded: Christine Maltman

Confirmed

1.2 Declarations of Conflicts/Interests

Item	Member
2.8	Peter Campbell
5.4	Christine Maltman

2.0 APPLICATIONS
APPEARANCES (Items 2.1 to Item 2.6)

2.1 JAVIER CONTRERAS (GMJ HOME PLANS LTD.) Block 1D Parcel 694 (P22-0940) (\$131,000) (EJ)

Application for additions to a house.

An appearance was scheduled at 10:30am and the objectors were present and available for the meeting, but the applicant was not.

FACTS

<i>Location</i>	Worthing Drive & Hastings Cres, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	0.1566 ac. (6,821 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Shed
<i>Proposed building size</i>	655 sq. ft.
<i>Total building site coverage</i>	22.96%

BACKGROUND

October 21, 2013 - A house was administratively approved (P13-0810).

December 13, 2013 - The Department modified planning permission for house (P13-1026).

August 2, 2017 (CPA/15/17; Item 2.11) – The CPA granted permission for an ATF storage shed (P17-0724).

Decision: It was resolved to adjourn the application and re-invite the applicant and objector to appear before the Authority to discuss details of the application.

OBJECTION LETTER

We, [REDACTED], Owners and residents of Block and Parcel 1D692, **would like to object** to the application of Block and Parcel 1D694 on the following grounds:

When we first arrived to our home, a storage location was already built beyond the regular limits and an application was agreed by us under the condition that the area should remain tidy. Without further notice, such storage location has been expanded, it seems like it is no longer just a storage location, and it is not tidy as agreed.

In order to avoid further visual environment impact to our patrimony as well as avoid any safety risks, which were considered when establishing the planning setback limits, we hereby formally object to any application beyond the regular planning regulations.

PLANNING DEPARTMENT ANALYSIS

General

The proposed additions to house located on Worthing Drive and Hasting Crescent.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Front setback

The applicant proposes the addition of two bedrooms and an activity room; however, the proposed two bedrooms are at 14.4' vs 20' required from Hasting Cres.; therefore, requires a setback variance from the Authority.

2.2 KERRYANN PHILLIPS (TSC ARCHITECTURE) Block 27E Parcel 209 (P22-0828) (\$88,000) (EJ)

Application for an addition to a duplex.

Appearance at 11:00am

FACTS

<i>Location</i>	Brookstone Close, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3099 ac. (13,499 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Duplex
<i>Proposed building size</i>	376 sq. ft.
<i>Total building site coverage</i>	22.85%

BACKGROUND

August 31, 2009 (**P09-0896**) - permission granted for a three by three bedroom duplex.

October 26, 2022 (CPA/26/22; item 2.10) – the application was adjourned to invite in the applicant to discuss concerns regarding deficient setbacks

Decision: It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 3) 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.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level.

Reasons for the decision:

- 1) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) 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
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

APPLICANT'S LETTER

This letter is written on behalf of KerryAnn Phillips who recently applied to the department to construct a 376 S/F addition on the referenced property. It should be

noted that the application requires a set-back variance and the required notice was sent by registered mail to all Adjacent owners on September 20th, 2022. The applicant's reasoning for seeking the variance is that their family has expanded and needed additional living space.

As per section 8 (13) (b), (iii) such there is sufficient reason to grant a variance as exceptional circumstances exist, which may include the fact; the proposal will not be materially detrimental to persons residing or working in the vicinity to the adjacent property or to the public welfare.

PLANNING DEPARTMENT ANALYSIS

General

The proposed house addition (study, half bath and multipurpose room) is located at the rear of existing duplex located on Brookstone Close in Savannah.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum rear setbacks

The applicant is seeking a variance setback from the Authority as the addition and steps are setback at 12'2" and 8'.8" vs 20' respectively as required under regulations 9 (8)(i).

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.

At 11:00am, Ms. Phillips appeared as the applicant and Timmy Clarke appeared as her agent. Summary notes are provided as follows:

- Mr. Clarke explained the addition was done because the family had expanded and they are aware of the need for a setback variance.
- The Authority noted that their letter says the neighbour did the same thing and asked if they would know approximately when it was and Ms. Phillips replied it was some time last year in the summer.
- The Authority noted that they understand this to be a strata and Ms. Phillips advised there is a store room connection.
- The Authority asked if they pay strata fees and Ms. Phillips replied no.
- Mr. Clarke noted that in order to get the third strata unit they needed the store room.
- The Authority noted that it is possible there may be a future strata issues because the addition extends past the strata boundary and Ms. Phillips noted that she understands that.

2.3 CASY CORP (John Doak) Block 5B Parcel 361 (P22-0848) (\$3,800,000) (EJ)

Application for a duplex, pools (2), cabanas (2) and a fence.

Appearance at 11:30am

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>	0.33 ac. (14,374 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	10,027 sq. ft.
<i>Total building site coverage</i>	29.4%
<i>Allowable units</i>	1
<i>Proposed units</i>	1 Duplex
<i>Allowable bedrooms</i>	NA
<i>Proposed bedrooms</i>	6
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

December 7, 2022 (**CPA/29/22; item 2.9**) – the application was adjourned to invite in the applicant regarding deficient setbacks

Decision: It was resolved to adjourn the application for the following reasons:

- 1) The applicant is required to submit revised plans showing:
 - a) the 50' HWM setback parallel to the shoreline;
 - b) all structures, including pools, setback a minimum of 50' from the high water mark;
 - c) the pools and cabanas with minimum 15' side setbacks and the pool decks with side setbacks that allow for sufficient landscaping to provide a buffer from neighbouring properties per Regulation 15(5);
 - d) the height of the existing seawall and the proposed increase in its height; and
 - e) lush landscaping throughout the site per Regulation 15(5).

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 adjacent to a Marine Reserve (a Protected Area under the National Conservation Act). As such, it is important that the construction will not have any unacceptable effects on the Protected Area. 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. Other stockpiled materials such as fill and building materials must be stored away from the Mean High Water Mark to prevent run-off of debris or turbidity into the Marine Reserve, this is a particular concern due to the threat of wave inundation in this area as there is no protective fringing reef.

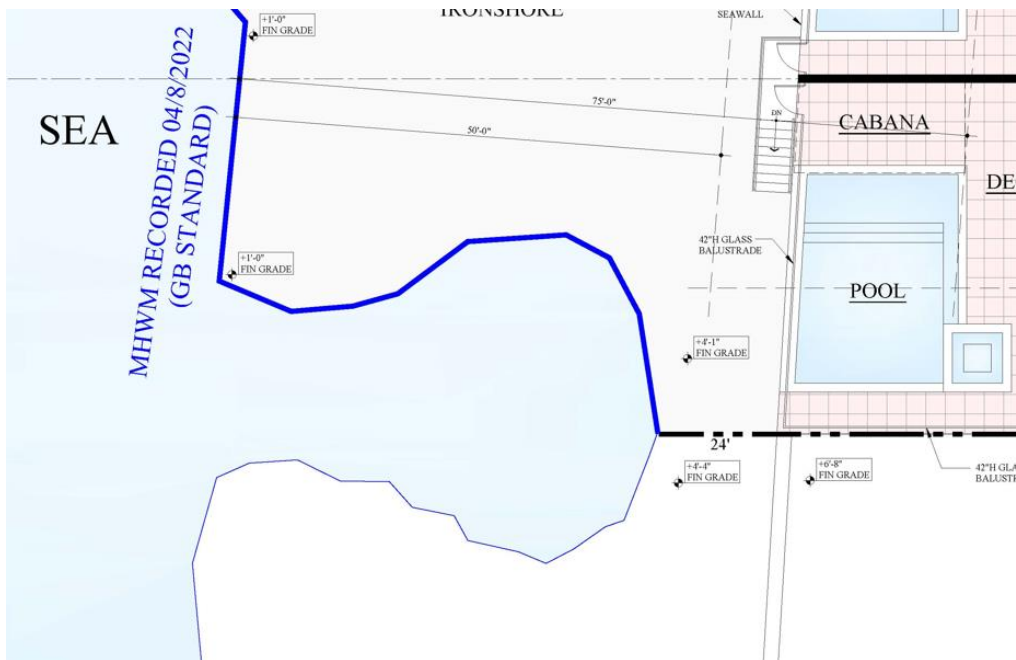


Figure 1: A plan extract showing the limited setback of the existing seawall and the pool deck from the MHW of the cove (Source: John Doak Architecture 2022)

The DoE is also concerned about the limited setback of the edge of the seawall and pool deck from the MHW as it relates to the natural cove inlet on the coastline of the parcel. Although the plans show measured setbacks from part of the coast, they do not account for the setbacks relative to the MHW of the cove. As can be seen in Figure 1 above, the setbacks of the existing seawall and proposed pool deck are limited (approximately 12 ft). There are several examples of similar developments in this area which have experienced storm impacts or undermining of structures to such

an extent that coastal engineering is now required. When a development is set too close to the Mean High Water Mark, there are limited appropriate solutions for addressing any structural issues that occur. Wave impacts to these proposed structures also pose a risk of indirect impacts to the Marine Reserve. In addition the threat of wave inundation could cause the flooding of the area landward of the seawall, this threat could be reduced by the use of features such as permeable paving that would better allow the drainage of water on the site.

RECOMMENDED CONDITIONS:

The DoE recommends that the proposed setback for the swimming pool deck are increased as much as possible to reduce the impact to the development from wave inundation during storm events.

The DoE recommends that the following conditions be included by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

- *The proposed impermeable pool deck and landscaped areas shall be construction of semi-permeable materials in order to reduce the impact of water run-off from the property due to wave inundation or rainfall.*

DIRECTED CONDITIONS

The site is adjacent to a Marine Protected Area under the National Conservation Act (NCA). Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area. Without appropriate environmental management practices, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- *Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.*

*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 conditions be imposed by the Central Planning Authority or Department of Planning,** as part of any agreed proposed action for planning approval:*

- *All construction materials and debris shall be stockpiled landward of the existing seawall in order to prevent material entering the Marine Protected Area. Materials, equipment and debris shall be stockpiled landward of any beachside construction fencing, if installed.*
- *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.

These conditions are 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 this information will be relayed to the applicant in the Department of Planning's decision letter.

APPLICANT'S LETTER

With reference to our client's application for planning permission for a three storey pair of single family residences, swimming pool, existing storm protection seawall, boundary walls/fences, driveway, garden terraces and associated works, we request the Central Planning Authority's approval to vary the proposed building's boundary setbacks as shown in the attached plans and as described below, as required by regulations section 8 (13), and as notified via Section 15(4) notices to the adjacent property Owners at 5B258 and 5B360.

BOUNDARY VARIANCES

- (1) *The applicant seeks the CPA's consideration to vary the side setbacks from 20'-0" to 15'-0" on the west and east side boundaries, noting:*
 - *The application is for a duplex in a Beach Resort Residential zoned property where the CPA has approved 15ft setbacks being acceptable for single family residential, and likewise that road setbacks would be 20ft. The proposal is not for apartments and this application is consistent with recent CPA practice for low density solutions in BRR zones.*
 - *The application seeks to locate a poolside cabana in the SW corner of the property as shown*
 - *The Applicant seeks to locate two swimming pools as shown, noting each encroaches into the 15ft side setbacks at ground //deck level*
- (2) *The applicant seeks the CPA's consideration to vary the 25ft roadside setback to 20'0" as this is a single family residence and not a resort/apartment project*
 - *The septic tank and deep well are located to respect the 20ft setback from the road, as shown in the site plan*
- (3) *The applicant notes the existing seawall on the property is built more than 50ft from the edge of the ironshore over most of the coastline. The seawall is to remain and be enhance/repared as my be necessary over its overall length including on the west boundary where it will be continued to close the current gap there. Bothe swimming pools will be more than 50ft from the Ironshore edge and likewise the building will be in excess of the 75ft setback. Indeed, the SW corner of the proposed building will be 92'5" as dimensioned on the site plan.*

OTHER CONSIDERATIONS

In consideration of the Applicant's variance requests we further note:

- *The subject property is zoned Beach Resort Residential being the transition zone between Hotel/Tourism and Low Density Residential. The submitted proposal is a low density residential solution and not at all proposed as a resort nor hotel/tourism type usage*
- *The proposed footprint of the building is 29.6% and within the allowable coverage*
- *The proposal is set more than 50ft clear of the High Water Mark, being sited on Ironshore coastline*
- *With reference to the Development and Planning Regulations(2020 revisions) we submit that this location is suitable for this duplex residence, pool and associated works*
- *The building height does not exceed the 40ft height. All boundary walls and fences are within the limits of 4ft height.*
- *With reference to Clause 8 (11) regarding setbacks, waterfront property the Authority may grant permission for the proposed side setback of the setbacks requested, all exceeding min15ft for residential zoning, and having regard to:*
 - *(a) the elevation of the property and its environs – the proposals respect the shoreline, contours and levels of the existing conditions particularly in consideration of storms and the property's topography and the proposed buildings are set to be min +11.5ft above sea level for the habitable levels of the house and respectful of the adjacent property levels, as shown on the site plans*
 - *(b) the geology of the property – the geology of the land is suitable to the proposed use and method of construction*
 - *(c) the storm/beach ridge – the proposals respect the location of the storm ridge and the natural and manmade topographical profiling of this coastline and subject property*
 - *(d) the existence of a protective reef adjacent to the proposed development – the proposals will have no negative impact to any reef, shoreline or other adjacencies in the ocean*
 - *(e) location of adjacent development – the proposal is respectful of neighbouring properties and does not negatively impact adjacent development*
 - *(f) any other material consideration which the Authority considers will affect the proposal – there is no other aspect nor material consideration that would affect the proposal*

The Applicant requests the CPA's favourable review of the above noted variance requests.

PLANNING DEPARTMENT ANALYSIS

General

The proposed duplex with two swimming pools, two cabana and 4' fence is located on North West Point Road in West Bay.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Minimum side setbacks

The applicant is seeking setback variances for the proposed house, pool and cabana, proposed at 15', 4'.3" and 0' from the side boundaries therefore not meeting regulations 15 (4)(b) 20' side setback requirements.

2) High water mark setbacks

The applicant is also requesting a high water mark setback variance for the proposed house, pool and deck, proposed at 43'.1", 14'.5" and 12'.5" therefore not meeting regulation 8(10)(f) for a 50' ironshore setback requirement.

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.

At 11:30am, John Doak appeared on behalf of the applicant and summary notes are provided as follows:

- The Authority asked Mr. Doak to present the application and noted there will be questions regarding setbacks and DOE's directed conditions.
- Mr. Doak asked which setbacks are in question and the Authority advised it is the setback from the cove.
- Mr. Doak then provided several comments:
 - this is a residential proposal and they are asking for 15' setbacks on the side and 20' from the road
 - the shoreline is ironshore
 - with the exception of the cove they meet every other setback
 - 50' goes to the existing seawall that has been there about 25 years
 - he assumes the wall was built with permission
 - the building is setback over 90' at the north point
 - from the inside of the inlet to the building is 43' so it is only 7' shy
 - the pool and other things come into the setback
 - he looked at the aerials and over 2000' of coastline there are 34 inlets so this same situation happens along this coastline

- DOE's comments are not specific, they generalize about observing erosion but don't say which property
- he referred to a photograph of the seawall on the site and noted that there are no imperfections in it and there is about 13' to 14' of ironshore between the inlet and the seawall
- he noted there has been some undermining on the coast, but it doesn't go into a cave
- they have an engineer doing a report and they haven't raised any concerns and have said the seawall is very well built
- The Authority noted that the seawall covers three properties and Mr. Doak concurred and the engineer says there is nothing wrong with it, but they do want to explore the undermining, but will need DOE's approval to do so
- The Authority asked how thick is the wall and Mr. Doak replied there is a curved profile and at the top it is about 15" thick
- Mr. Doak noted the deck will be more green as it will be permeable and self-draining
- The Authority noted there is some concern that the pool and deck will be higher than the seawall and Mr. Doak replied they would be slightly higher and the seawall height will be increased
- The Authority provided several comments:
 - the pools and cabanas should be setback 50' from the HWM
 - they are wanting 0' and 4' side setbacks for the cabanas and deck
 - the site is zoned Beach Resort Residential and even when doing a residential development Regulation 15(5) requires landscaping for a buffer and privacy
 - DOE refers to hardscaping and landscaping and the site plan doesn't show enough landscaping which would help with privacy as a buffer especially when the site level is raised and there are glass balustrades
 - there is a concern that the glass could become a solid wall and the neighbour would be looking at it
 - Regulation 15(5) was read to the applicant
 - landscaping seems to stop at the end of the building and then there is just a glass hand rail
- Mr. Doak noted that there has to be fulfilment of planning conditions which can address DOE's comments for a semi permeable surface around the pool and he noted that the plan does seem to imply a lot of hardscaping, but he can produce a landscape plan before a decision is made. He advised that he tried to make both sides the same especially where the cabanas are placed. He noted that he could perhaps move the pools to each side of the separation wall and that would give more green space.

- The Authority asked if the cabana at the north could be moved and Mr. Doak replied yes, but he can also remove them.
- The Authority asked why the setback on the plan doesn't incorporate the cove as the plan should show the 50' setback parallel to the shoreline and it should also show the actual setback.
- Mr. Doak noted that DOE asked the applicant to get more space by the cove so he can move the pool to the separation line and that frees up more space for landscaping. The Authority noted he may have to move the steps and Mr. Doak stated he could perhaps move them to each end. The Authority noted that the change would alleviate the side setbacks and they just have to deal with the HWM setback.
- Mr. Doak asked if he should do another site plan for review and the Authority replied that would have to be voted on so maybe it will be adjourned for a revised plan and no matter what the pools will have to be either 50' or eliminated and Mr. Doak replied he wasn't sure eliminating them was going to happen.
- The Authority asked what size are the pools and Mr. Doak replied they are generous and could be smaller. The Authority asked if one pool could be done for both units and Mr. Doak replied probably not.

2.4 HARBOUR FIDUCIARY (Abernethy & Associates) Block 13D Parcel 418 (P22-0972) (\$5,238) (EJ)

Application for a two (2) lot subdivision.

Appearance at 1:00pm

FACTS

<i>Location</i>	Eastern Avenue, George Town
<i>Zoning</i>	GC/HDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	7.20 ac. (313,632 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Britcay House

BACKGROUND

December 7, 2022 (CPA/29/22; item 2.11) – the application was adjourned to invite in the applicant regarding concerns with the access width and width of the proposed parking spaces

Decision: It was resolved to adjourn the application for the following reasons:

- 1) The applicant shall submit revised plans showing:
 - a) access to Lot 2 through Lot 1; and

- b) all re-configured/new parking spaces with a minimum width of 8' 6".

AGENCY COMMENTS

Comments from the Water Authority, 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

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

Water Supply

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

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

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

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 northern part of the subject parcel consists of primary habitat classified as tidally flooded mangrove forest and woodland, as shown in Figures 1 and 2.

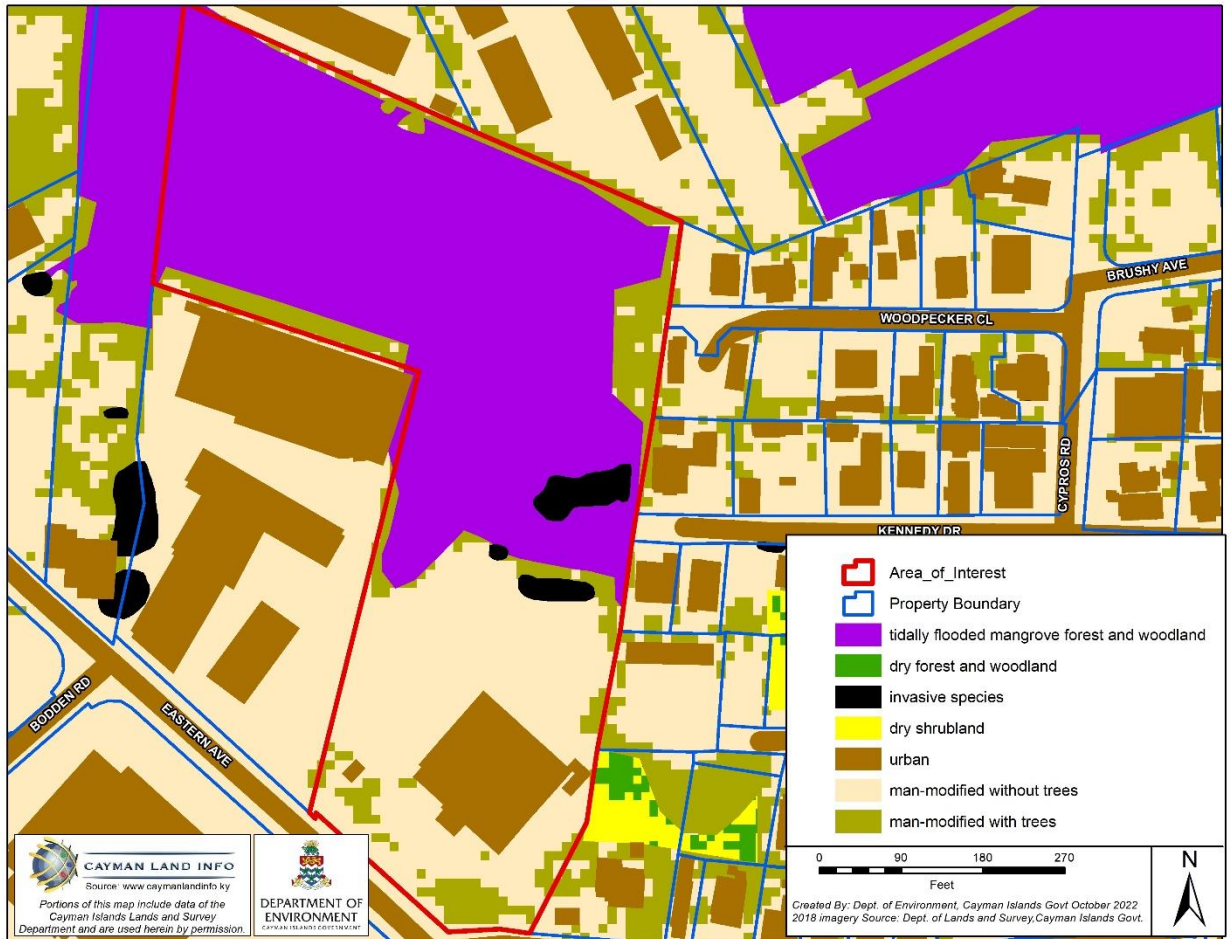


Figure 1: DOE's 2013 habitat map extract showing the application site outlined in red.

Figure 2: LIS 2018 Aerial Imagery showing the application site outlined in red.

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.**

Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats and other wetland vegetation also slow the speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality

by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

Another important function of mangrove wetlands is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large scale removal of significant tracts of mangrove habitat reduces the island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of the site has the potential to release captured carbon back into the atmosphere.

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

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

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

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

Any future development, clearing, filling or excavation of the resultant subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.

APPLICANT'S LETTER

Please find attached our drawings A-010 illustrating the adjustments to the parking area relating to the application filed for a subdivision relating to 13D 418. We note that the application filed by Abernathy and Associates forms the basis of this letter.

We confirm the following:

- The existing parking layout is impacted with 11 parking stalls having to be adjusted due to the proposed line of the subdivision boundary, as highlighted in the blue area on the existing site plan layout drawing.*
- We confirm that adjustment can be carried out by redistributing the parking stalls to maintain the required parking stalls. We note that the proposed parking layout plan provides for 166 parking stalls in lieu of the 163 stalls previously constructed.*

- We confirm that by maintaining the parking stall sizes (8' x 16') as was originally approved for the development., the parking requirement can slightly be improved in this proposed site layout.

We trust that you will review the application favorably and grant an approval to have the subdivision for two parcels, to enable a dedicated road access to the rear parcel from Eastern Avenue.



PLANNING DEPARTMENT ANALYSIS

General

The proposed two (2) lot subdivision is located at BritCay House property on Eastern avenue.

Zoning

The property is zoned General Commercial and High Density Residential.

Specific Issues

1) Access

The proposed lot-2 access is off Eastern Avenue and planned at 24'. Given the parcel is 4.91 acres size there is a much development potential and the Authority is asked to consider if the access width of 24' is sufficient. Further, the access is at an angle where it connect with Eastern Ave potential making left turns into the site challenging. This matter would be mitigated to some degree if the access was wider.

2) Modification of Britcay site plan

As the applicant has indicated the proposed 24' access will partly run over the existing Britcay House parking lot and will displace 11 parking spots. The applicant has provided a revised site plan showing the provision of 11 new parking spaces, but they have been designed at the old standard of 8' wide. Should the subdivision be approved, an application will have to be submitted to modify the Britcay House parking layout and that application would have to be reviewed and approved prior to the subdivision being finalized.

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.

At 1:00pm Greg Abernethy appeared on behalf of the applicant and summary notes are provided as follows:

- Mr. Abernethy explained that the architect couldn't make it, but he can be dialed in if necessary. He noted that they submitted a plan showing how the parking for Britcay would be revised.
- The Authority explained there is a concern about the access onto Eastern Ave.
- Mr. Abernethy noted that the narrower access is because of the location of the generator and it is not that feasible to move it as it is in a closed building. He noted that they had thought about using a 30' access through the existing parking area, but that would bring too much traffic.
- The Authority noted that a part of the existing parking area encroaches the adjacent parcel and Mr. Abernethy replied that the new design addresses that.
- The Authority asked if there was any way to go through the existing driveway and then go up and branch off into a 30' access into lot 2 as this would avoid too many driveways in a short distance on Eastern Ave. Mr. Abernethy asked if this means there would be a 30' easement to the back and the Authority replied that is correct. Mr. Abernethy stated that he could take the issue to his client.
- There was discussion about how many spaces would be lost if the relocated spaces were 8' 6" and it was determined it would be 1 space.
- The Authority noted that the plans need to be revised to use the existing entrance with an easement and all of the new parking spaces need to be 8' 6"

2.5 **BLACK URCHIN RESORT (Paradise Drafting Ltd) Block 48C Parcel 16 (P22- 0196) (\$18,000) (JP)**

Application for three storage containers.

Appearance at 1:30

FACTS

Location

Bodden Town Road, Breakers

<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.22 ac. (96,703 sq. ft.)
<i>Current use</i>	Tourism/residential
<i>Proposed building size</i>	468 sq. ft.
<i>Total building site coverage</i>	17.1%

BACKGROUND

November 23, 2022 (**CPA/28/22; item 2.16**) – members reconsidered the application with the benefit of additional information from the applicant. Members adjourned determination to enable an appearance to discuss concerns about use of modular buildings.

May 25, 2022 (**CPA/14/22; item 2.8**) – members considered the application for three storage containers and adjourned requiring the applicant required to submit revised plans showing the visual appearance of the containers in keeping with the character and quality of the resort, for the Authority’s consideration.

January 10th, 2018 (**CPA/01/18; item 2.3**) – application for a house, four apartments, a welcome centre, two pools and 6’ wall approved (P17-1372)

Extensive Planning history relating to development of site for ancillary structures subsequent to above application/decision.

Decision: It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-7) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands*

Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.

- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

Reasons for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Additionally, the Authority was made aware by the applicant that the structures are not typical shipping containers, but rather prefabricated modular structures and upon review of the drawings, the Authority is satisfied that the visual appearance of the structures is acceptable and will not detract from the area.

AGENCY COMMENTS

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 Department confirms that we have no comments.

APPLICANT'S LETTER

We are writing on behalf of our client who is requesting permission to install 3# permanent containers on their site in Bodden Town. The containers would be situated behind an existing hedge which will provide plenty of visual screening.

Our client requires this storage space for their resort operations, in particular the storage of additional special event items such as tables, chairs, umbrellas. They will also be storing guest sporting items such as kayaks, inflatables, bicycles etc.

The containers are prefabricated units as outlined in the attached literature from the manufacturer.

We believe that this request will not be materially detrimental to the adjacent neighbours as these containers meet the required setback requirements as described in the planning regulations.

For these reasons we hope that the CPA will approve this request.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located to the south of Bodden Town Road in the Breakers area with the Caribbean Sea forming the southern boundary. Vacant parcels are located to the east and west.

The application seeks Planning Permission for the siting of 3 storage containers.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Suitability

Regulation 15(1) permits development in Beach Resort Residential zones if it 'has the appearance of residential development in scale and massing' and Regulation 15(2) permits 'tourism related development' in Beach Resort/Residential zones.

Members are invited to consider the content of the Agent's letter in determining the acceptability of the proposed development.

SUPPLEMENTARY ANALYSIS #1

The applicant has considered the previous reasons for adjournment and would like further consideration given and reflection upon the following submission:

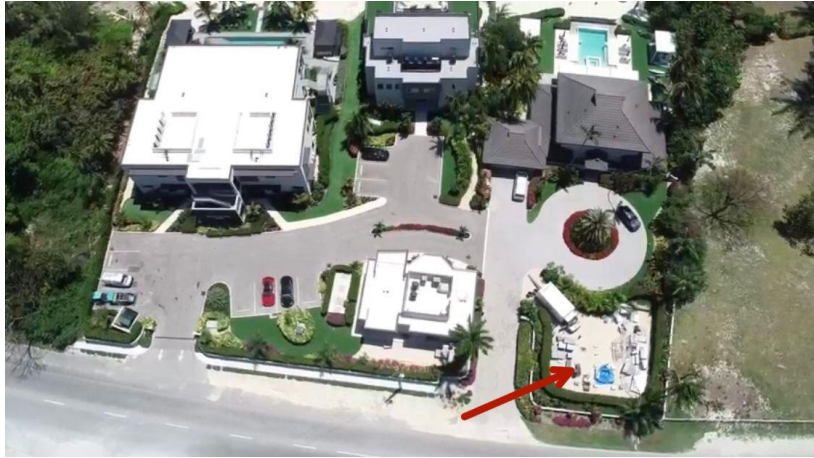
In response to the Central Planning Authority request, "The applicant is required to submit revised plans showing the visual appearance of the containers in keeping with the quality of the resort, for the Authority's consideration", we submit the following.

- 1. Picture one (1), showing an arial view of the property indicating where the prefabricated tiny home units will be placed. It also shows that it is to the front of the property with a 10 foot hedge that encircles the entire area.*
- 2. Picture two (2), showing the road view of the area where they will be placed with a person for size context depicting that they will not be visible behind a mid-height wall with a 10 foot hedge. At the time this picture was taken the hedge had matured to 8.5 Feet and it is now approximately one foot higher.*
- 3. Lastly, these units are prefabricated units that are typically used as portable offices or modules for the creation of stationary tiny homes. They are durable and weather resistant and should not degrade in the Cayman environment. They have flat roofs as depicted in the original photos and specifications submitted with the original application.*

In choosing these particular units we believed that they would align with the aesthetics of the property for their intended use as storage for supplies, kayaks and other watersports equipment, especially since they are hidden from view. Our hope

is that this will satisfy the Central Planning Authority's request and knowing that they will not be visible either from the road or the interior of the property will assist you in making a favorable decision to approve their installation.

Picture One



Picture Two



SUPPLEMENTARY ANALYSIS #2

No changes have been made to the plans.

At 1:30pm, Judy Mauer appeared on behalf of the applicant and summary notes are provided as follows:

- The Authority asked Ms. Mauer to present the application while noting that the main concern is the visual appearance
- Ms. Mauer provided several comments:
 - in her package of information is a photograph showing the corner of the property and the red arrow shows where the buildings will go
 - she noted there is another photograph showing the existing vegetation and she measured it and it is 9.5' tall and they will take it to 10'
 - the buildings won't be visible from the road, coming or going
 - the buildings can be used for tiny homes or retail, they are not shipping containers
 - they are nice buildings and they won't rust
 - they ordered them because of their aesthetic value
 - they will be behind the hedge
 - this area of the site was meant for storing event items
 - they don't have enough storage space now
- The Authority noted it is a beautiful site and asked why they would want to put shipping containers there and Ms. Mauer replied they are not shipping containers. Ms. Mauer noted that they are very proud of their development and wouldn't want to do anything to take away from that.
- The Authority noted that there are no toilets and are just for storage and Ms. Mauer replied yes and they fold up.
- Ms. Mauer explained that they bought 10 of them for use on construction sites and they have sold 7 and will keep 3 for this site. The structures are with Customs and this is holding them up.
- The Authority asked if they are about the size of a 20' shipping container and Ms. Mauer replied they are 20' by 8' 6".
- The Authority asked if they would be side by side and Ms. Mauer replied yes, then the Authority asked if they are interconnected and Ms. Mauer replied no. She noted that one is for the chef's needs and the other two are for storage.
- The Authority confirmed the height is 8' 2 3/8" on top of one block.
- The Authority asked if there would be a walkway with a ramp to get in and Ms. Mauer replied yes
- The Authority noted that one is for the chef and asked if it would be air conditioned. Ms. Mauer replied she doesn't believe so, but if it is needed they will put in plans for it.

- The Authority asked if there would be lights and Ms. Mauer replied they were pre-wired.

2.6 BARKERS BEACH RESORT (Coe Group Ltd) Block 8A Parcel 180 (P22-0675) (\$12.0 million) (NP)

Application for a hotel, restaurant, pool, cabanas, LPG tanks and sign.

Appearance at 2:00pm

FACTS

<i>Location</i>	Conch Point Drive, West Bay
<i>Zoning</i>	Hotel /Tourism
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	1.01 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Two storey apartment building
<i>Proposed use</i>	Hotel & Restaurant
<i>Proposed building footprint</i>	8,683
<i>Proposed building size</i>	35,804 sq. ft.
<i>Total building site coverage</i>	23.0%
Number of bedrooms allowed	65
Number of bedrooms proposed	32
Parking required	32 (16 for bedrooms, 16 for restaurant/bars)
Parking proposed	26 on-site 50 off-site

BACKGROUND

September 29, 2021 (**CPA/20/21; item 2.6**) – a previous application for a hotel with ancillary features was refused for the following reasons:

- 1) The application does not comply with the minimum required setback from the high water mark per Regulation 8(10)(e) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that the applicant failed to demonstrate that the Authority should allow lesser setbacks having regard to the provisions of Regulation 8(11). The applicant did submit a letter wherein they speak to the need for variances for the high water mark setbacks, but there is no reference to the criteria noted in Regulation 8(11). Finally, for clarity, the Authority does not agree with the applicant’s stated reasons for the deficient

setbacks and notes that no reason were provided for the deficient high water mark setback for the pool and gazebos.

- 2) The application does not comply with the minimum required side setbacks per Regulation 10(1)(f) of the Development and Planning Regulations (2021 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 setbacks. Further, the Authority rejects the applicant's suggestion that an existing public right-of-way on a separate parcel of land can contribute to the required setback on another separate parcel of land.
- 3) The application does not comply with the minimum required front setback per Regulation 10(1)(h) of the Development and Planning Regulations (2021 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 setback.

Decision: It was resolved to grant planning permission, **subject to the following conditions:**

Conditions (1-9) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall have an existing as-built survey of the property prepared by a Licensed Land Surveyor. The survey shall include all existing buildings and topographical features including site levels and contour lines at 2' intervals.
- 2) There shall be absolutely no excavation of the remaining beach ridge. Should the surveys referred to in (1) above reveal that the proposed plans involve any

excavation of the oceanside profile or apex of the beach ridge, plans shall be revised such that buildings are relocated to avoid such excavation.

- 3) The applicant shall submit revised plans showing:
 - a) updated High Water Mark survey completed by a Licensed Land Surveyor, to comply with the timeframe stipulated in Regulation 6(3)
 - b) details of the as-built survey (location of existing structures clearly highlighted or boldly outlined);
 - c) all proposed new structures setback a minimum of 130 ft from the updated HWM
 - d) the proposed outdoor bar either deleted or relocated to be wholly contained within the footprint of the existing building;
 - e) accurate depiction and retention of all existing landscaping (including mature trees) seaward of the minimum 130' setback (natural rock/rubble beach) which shall be retained;
 - f) deletion of reference to 75'-0" setback which is not the correct minimum setback for this area; and,
 - g) in the basement parking level, the deletion of parking space 8 and the accessible parking space relocated to space 15.
- 4) The applicant shall provide a copy of a signed lease for the off-site parking spaces on Block 8A Parcel 8 demonstrating that the spaces will be available for the duration of the operation of the hotel.
- 5) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 6) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 7) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 8) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 9) The applicant shall submit a detailed landscape plan to the satisfaction of the Director of Planning, which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky)*

under Policy Development, Policy Drafts. In addition, the landscape plan shall include the following:

- a) retention of the oceanside profile and apex of existing beach ridge
 - b) plans that involve no grooming, excavation, levelling or any other disturbance to any existing beach sand, topography and profile beyond the 130 ft setback from the updated HWM..
- 10) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (11-12) listed below shall be met before a Building Permit can be issued.

- 11) The applicant shall submit the Stormwater Management plan required in condition 6) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 12) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 13) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 14) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 15) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 16) 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.

17) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (18-22) shall be complied with before a final Certificate of Occupancy can be issued.

18) All construction material shall be stockpiled a minimum of 75ft from the Mean High Water Mark, except on the seaward side of the existing building where construction materials may be located a minimum of 65 ft from the Mean High Water Mark.

19) There shall be absolutely no excavation of the remaining beach ridge. The natural profile of the beach ridge shall be maintained in order to increase the resiliency of the site against wave overtopping during storms and hurricanes and climate change more generally.

20) Any sand that is excavated during construction shall be retained on-site and only with the prior consultation and approval of the DOE will beach quality sand shall be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject to a separate application for planning permission and separate consultation with the National Conservation Council.

21) If any disturbance of the beach ridge occurs as a result of construction operations, the applicant shall reinstate to the condition illustrated in the as-built topographic survey with contour lines prior to the issuance of a Certificate of Occupancy.

22) The lease required in condition 4) above shall be registered.

23) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons for the decision:

1) The Authority considered the application and determined that planning permission would be granted since with the exception of a small portion being added to the

existing building which does comply with the required 130' high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision). More specifically:

- While the existing building does not comply with minimum required HWM and side setbacks, it is existing and the applicant is not proposing to change the footprint of building walls. All new buildings comply with the minimum required HWM and side setbacks with the exception of very small area of the proposed new building that connects to the existing building this is addressed below in reason 2).
 - A condition of approval has been included requiring two parking spaces to be deleted/relocated in order to ensure proper functionality.
 - The Authority is satisfied with the amount and location of off-site parking per regulation 8(1)(c)
 - The Authority is of the view that the proposed signage is acceptable.
 - DEH has approved of the location of the solid waste enclosure.
 - Conditions of approval have been included to address agency comments where necessary.
- 2) The CPA considered the comments from the DOE and in particular the need to avoid development in or alteration of the beach ridge. While the CPA noted that the DOE did not impose directed conditions regarding the same, especially given the adjacency to a Marine Protected Area, the CPA considered the application and determined that there shall be no new development or alteration of the remaining beach ridge seaward of the minimum seaside setback which is 130' from the updated HWM. The only exception to this is the very small area of the proposed new building that connects to the existing building. The CPA determined that this variance is negligible and it is located landward of the existing building. In addition, the CPA determined that it would otherwise be difficult for the applicant to connect the existing and proposed structures. Accordingly the CPA resolved to grant this minor setback variance.
- 3) The CPA further determined that the applicant needs to ensure the protection of the remaining beach ridge on the site and has provided conditions to address this.
- 4) The CPA considered the comments from the applicant at its meeting, in addition to the plans submitted, but there seemed to be a discrepancy between the applicant's submissions to the extent that the CPA could not easily determine the location of the existing beach ridge and existing buildings on the proposed site plan. Accordingly, the CPA requires the submission of detailed surveys and revised plans to address these concerns.
- 5) The CPA is of the view that the exposed and uncovered existing wooden stairs to the existing apartments do not constitute part of an existing building footprint since the stairs have no ground floor, slab or roof. The proposed outdoor bar shown in the location of the existing stairs would seem to require at least a slab

for the plumbing and electrical equipment and furnishings shown on the proposed plan and the CPA found no exceptional circumstance to grant a setback variance within the setback from the High Water Mark and so close to (or on) the remaining existing beach ridge. Accordingly, the CPA requires that the proposed outdoor bar be either deleted or relocated to be wholly contained within the footprint of the existing structure.

AGENCY COMMENTS

Comments from the various agencies 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 subject parcel is predominately man-modified and is located adjacent to a Line Fishing Only Zone, a Marine Protected Area (MPA) under the National Conservation Act (NCA).

Hotel Location Suitability

The environment at the application site may not be fitting for a hotel. The site has a natural rock/rubble beach due to the off-shore topography (Figures 1 & 2). It is located on an exposed coastline and lacks the protection of a reef offshore. Although the current proposal does not appear to include a request to modify or groom the shoreline, we wish to highlight that grooming this beach will not result in a “Seven Mile Beach” sandy aesthetic.

The DoE has previously expressed its concerns with managing expectations of new developments and reiterates them for this proposal. Much of Grand Cayman’s advertising is based on the Seven Mile Beach experience but this facility will not provide the same sandy beach entrance and easy wading and swimming. In addition, due to the rocky shoreline, the feasibility of operating watersports from the property, as is often done in hotel establishments, will be difficult.

Constant beach grooming is not endorsed by the DoE as it often results in impacts such as the loss of the beach profile or shoreline erosion. On windward coastline beaches such as this, the rock and rubble assist in the stabilisation of the shoreline sediment including the sand beach itself. The sifting of the sand during the beach grooming process brings the finer sand grains to the top of the beach profile, exposing the finer sand to wind-borne erosion.



Figure 1: DoE site visit photo showing the shoreline of the subject parcel.



Figure 2: DoE site visit photo showing the nearshore of the subject parcel.

For this reason, the DoE has concerns over meeting managing guest expectations. Often developers express that they are aware of the natural attributes of a site and its limitations, only for developers or owners to present a proposal after development is underway or complete to modify the shoreline or offshore environment.

Spanish Cove, located to the west of the site along the same coastline, operated as primarily a dive resort. In order to facilitate watersports at that development, extensive modifications of the seabed were undertaken in the 1980s/1990s as shown in Figure 3 below. However, there are healthy seagrass beds offshore and the DoE would not support the dredging and construction of a similar facility at this location within the MPA.

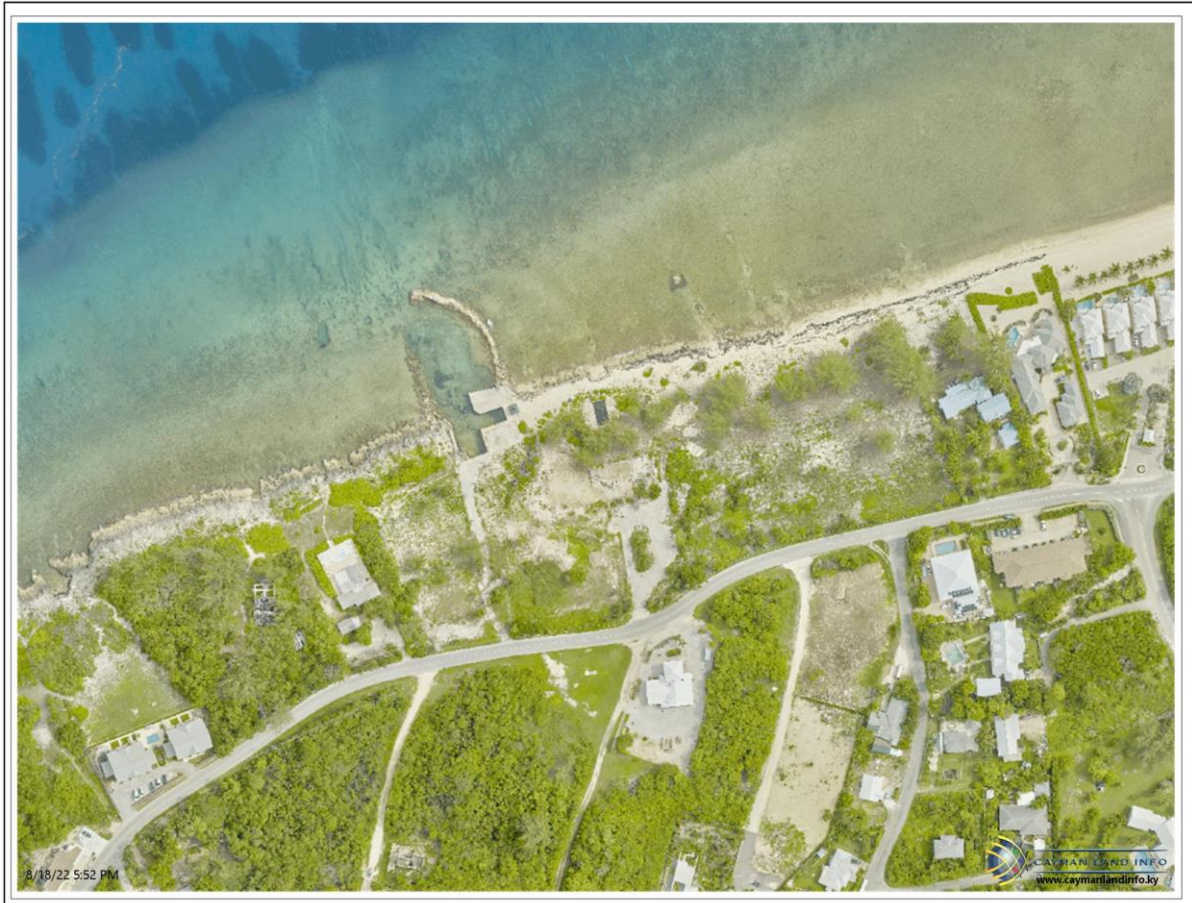


Figure 3: Cayman Land Info 2018 aerial extract showing the excavated facility at Spanish Cove.

Removal of the Beach Ridge

The DoE notes that this proposal includes basement-level parking. To facilitate foundations and basement level parking, full excavation of the beach ridge must occur. Figure 1 shows that there is a fairly steep gradient on the natural beach ridge in this area. The removal of the beach ridge is a major concern as, in the absence of an offshore fringing reef, it is the first line of defence against wave overtopping for inland properties in the event of a storm and it contains significant sand reserves. These reserves are important to the resilience of the beach system and are a natural source of sand which, on an undeveloped beach, would replenish the beach profile after major storms and hurricanes. A significant amount of sand will result from the excavations for the foundations, pool and basement parking. Once excavated and removed from the beach system, these sand reserves can never be recovered, making the beach system increasingly more vulnerable to erosion, which is exacerbated by the impacts of climate change, especially sea level rise.

Removing or levelling the beach ridge reduces the site's resiliency against wave overtopping and removes that sand from the beach system permanently. The DoE recommends that the basement parking is removed in order to improve the resiliency of the site and reduce the amount of sand excavation required and that sustainability

measures such as building on piles are included in the design. Any beach-quality sand that is excavated as a part of the construction should be retained on-site. We recommend that the sand be used to recreate the beach ridge, placing a new ridge in front of the buildings and pool deck along the coastal side of the property and creating depth in the beach profile.

Construction Debris Pollution

We have experienced developments along the coast inadvertently polluting the marine environment from wind-borne debris. The Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island.

EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. It is almost impossible to collect the polystyrene beads once they have become wind-borne.

We strongly recommend that Best Management Practices are adopted during the construction process to ensure that construction-related debris does not enter the marine environment.

DIRECTED CONDITION

The site is adjacent to an MPA. Without appropriate environmental management practices, the construction of the proposed development is likely to cause an adverse effect on a Protected Area under the NCA, namely the discharge of dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area (Section 2(f) of the NCA). The construction-related impacts as a result of stockpiling excavated sediments and construction materials too close to the water must be mitigated through the inclusion of conditions as directed under Section 41(5) of the NCA.

*Therefore, 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 **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:*

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

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

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is

received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

In addition, we recommend the inclusion of the below conditions:

- 2) *The natural profile of the beach ridge shall be maintained in order to increase the resiliency of the site against wave overtopping during storms and hurricanes and climate change more generally.*
- 3) *Any sand that is excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*
- 4) *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.*

Additional Recommendations to the Applicant

We are not aware of any climate-resilient design features or alternative forms of energy being proposed with this application. However, the Department recommends that, wherever possible, sustainable design features are included in development projects such as this. For example:

- *The incorporation of renewable energy, especially given the target that 70% of energy generation be renewably sourced by the year 2037 within the National Energy Policy 2017-2037, i.e. the installation of solar carports to introduce opportunities for renewable energy integration and reduce solar heat gain of asphalt surfaces through shading.*
- *The incorporation of high reflectivity and high emissivity hardscape materials (pavers, etc.) into the design, and the minimization of asphalt parking or provide alternate surfacing to reduce the heat island effect.*
- *The use of greywater systems for irrigation.*
- *The use of native vegetation and drought-tolerant vegetation in the landscaping scheme.*
 - *Native coastal vegetation is best suited for the habitat conditions of the site and requires less maintenance (i.e. minimises the demand for potable water for irrigation) which makes it a very cost-effective choice.*
 - *When designed effectively landscaping can assist with shoreline protection of structures, retain sand, provide appropriate shading and cooling of buildings, hardscape and people, attenuate noise and provide windbreaks to trap airborne particles/debris.*

Department of Environmental Health

Solid Waste Facility:

The solid waste facility does not meet the requirements of DEH.

1. *Location of enclosure*

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

2. *Minimum vertical clearance*

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

3. *Access to enclosure*

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

4. *Angle of approach*

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

5. *Turning radius*

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

Kitchen and indoor outdoor bars.

The applicant must provide the following in order to complete the review:

1. *A detailed labelled floor plan of the kitchen showing the layout of all equipment.*
 - *Specification for equipment must be submitted.*
2. *Approved BCU drawings for the exhaust ventilation system.*
3. *Specifications for the hot water system which shall include:*
 - a. *The type of heater proposed*
 - b. *The minimum designed hot water requirements*
 - c. *The storage capacity of the heater in gallons*
 - d. *The percentage thermal efficiency of the heater*
 - e. *The BTU rating of the heater*
 - f. *The recovery rate of the heater in gallons per hour.*
4. *For manual washing and sanitizing of utensils, provide a stainless steel sink with no fewer than 3-compartments. The sink compartments shall be large enough to hold the largest pot, pan or piece of equipment. Each compartment shall be supplied with adequate hot and cold potable running water.*
5. *The kitchen will require a two compartment sink and the bar areas will require hand wash sinks.*

Swimming Pool:

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

Water Authority Cayman

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 5,570.4 US gallons per day (gpd), based on the following calculations.**

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Building A	12 x 1-Bed + Den Units	225gpd/1-bed + Den	2,700
	3 x 2-Bed Units	225gpd/2-Bed	675
Building B	Dining ~800 sq. ft.	800 x 1.8 (restaurant factor 1)	1,440
	Bars 246 sq. ft.	246 x 1.0 (restaurant factor 2)	246
	Office/Admin 147 sq. ft.	147 x 0.1 (office factor)	14.7
	2 x 1-Bed + Den Units	225gpd/1-bed + Den	450
	Restaurant Office 147 sq. ft.	147 x 0.1 (office factor)	14.7
	Staff Room 300 sq. ft.	300 x 0.1 (office factor)	30
TOTAL			5,570.4

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

Decommission Existing Septic Tank

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

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems11423220782.pdf

Grease Interceptor Required

*A grease interceptor with a **minimum capacity of 1,500 US gallons** is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU. Where two tanks are used to achieve the required capacity, they shall be installed in series with the larger tank first (600 US gallon minimum).*

Lint Interceptor Required - Commercial, Institutional & Coin-op Laundries

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

Generator and Fuel Storage Tank(s) Installation

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

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

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.*

Department of Tourism

No comments received by the report deadline.

Fire Department

The Fire Department has stamp approved the drawings.

National Roads Authority

No comments received by the report deadline.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in West Bay on Conch Point Drive, immediately east of Pampered Ponies.

The property presently contains a two storey apartment building.

The proposal is for a new five storey building with hotel units and the renovation of the existing two storey building to a bar/restaurant on the ground floor as well as two hotel units on the second floor.

There will also be a pool, two LPG tanks, and a 74 square foot freestanding sign.

Zoning

The property is zoned Hotel Tourism.

Specific Issues

1) HWM setback

Building B is an existing two storey apartment building.

The restaurant and bar will be located on the ground floor and two hotel units are proposed on the second floor.

The existing seaside setback of building B is 66 feet to the edge of the building, therefore it does not comply with the required setback of 130'.

2) East side setbacks

Regulation 11(1)(f) requires a minimum side setback of 20 feet. As required by the regulations, this setback is measured to the property boundary.

The existing side setback for Building B is 15 feet. The proposed underground lpg tanks would have a side setback of 12 feet and the proposed sewage treatment plant would have a side setback of 6 feet.

3) Parking

The required number of parking spaces is 32. 16 spaces are required for the 32 guest rooms and 16 spaces are required for the restaurant/bar areas. The site plan includes 26 parking spaces on site and the applicant is proposing an additional 50 spaces off-site on 8A 8. The basement includes parking for 16 vehicles, but it is suggested that the accessible space and space 8 do not function and they should be removed from the proposal. If the Authority agrees with this suggestion then there would be 24 parking spaces on site, which is 75% of the total requirement.

In addition to the onsite parking, 50 spaces are proposed to be provided on a property to the east (8A 8), which is located 136 feet away. Regulation 8(1)(c) states that in the H/T zone 50% of the parking spaces may be located not more than 500' from the respective building.

The property owner for 8A 8 has provided correspondence stating that they have agreed to provide offsite parking for the proposal and the applicant has been

advised that long term leases will be required for the offsite parking arrangements if it is accepted.

The applicant has indicated that valet parking will be used primarily for restaurant and bar patrons.

4) Sign area

The proposed plans indicate that the sign will be 74 square feet in area.

The Authority should discuss whether the size of the sign is appropriate for this site.

5) DEH Comments

The comments received in large part can be addressed at the building permit stage. The comments regarding the garbage enclosure are confusing as it seems they seem to imply that DEH hasn't seen a plan showing the location of the enclosure, but in fact they shown quite clearly on the site plan. It is not evident from these comments if DEH has a concern with the location of the garbage enclosures.

At 2:00pm, Morne Botes, Joseph Coe and Waide DaCosta appeared on behalf of the applicant and summary notes are provided as follows:

- The Authority noted that there was a previous application and asked how they have addressed the issues raised at that time
- Mr. Coe noted that there were a few issues and it was kicked back and they have revisited the application. He proceeded to provide several comments:
 - they still have a new 5 storey building
 - the 2 storey existing building is being renovated, it has roof trusses and those are being replaced with a concrete slab deck
 - the existing building will be renovated and made more functional
 - there will be a restaurant on the ground floor and the second floor will still have two apartments but they will be re-orientated
 - the existing stairs will be removed as there will be new stairs on the land side
 - the roof slab will be a recreational deck with ocean views
 - regarding the new building they have moved the entire block back to the 130' setback from the HWM
 - parking is now under the building and will be excavated from the existing berm but nothing seaward of the 130' setback
 - they will dig down into the berm to put in parking and meet what they need and there will be off-site parking for overflow for the restaurant
 - they had a challenge with Fire to get to Building B, but they are now happy with one driveway along the side and they can reverse over the grass area
 - the building will be fully fire suppressed and the elevators have standby generators

- the second hurdle was DEH access to the dumpsters and they had to revise the plan to give a reverse aisle which meant re-orientating the sewage treatment plant
 - they were going to use IWC, but DEH said they wouldn't let them do the waste collection
 - there is no other location for the sewage treatment plant and it will be underground with maybe a 6" slab sticking up with blowers
 - everything functions as it has to
 - the CUC vault is out of their domain, CUC asked them to put it there
 - CUC is making changes to 3 phase power in the area and there will be some unusual transformers
- Mr. Botes advised that CUC upgraded this site and the resort next door.
 - The Authority asked if the outdoor bar area is existing and Mr. Coe replied it is a stair well.
 - The Authority asked if both accessible parking spaces could be on the ground floor and not have one in the basement. Mr Coe replied if one is in the basement and it is raining then owners or guests would have safe passage.
 - The Authority asked where would parking space 8 and the accessible space reverse if the motorcycle and bicycle parking spaces were used. Mr. Coe replied it is a bit of a manoeuvre, but the driveway is 22' wide. He noted that most handicap people don't drive themselves and he doesn't see it as an issue, but if they have to remove it they can. He noted that the area by the elevator in the basement is ramped so the space could go there.
 - The Authority referred to DOE's comments about the beach ridge and the concern that the entire beach ridge was being removed and noted that Mr. Coe said the basement would be excavated from the berm and asked where it is on site. Mr. Coe referred to the topographic plan and explained it is by the two palm trees and goes over into Pampered Ponies. The Authority asked if the excavation would be landward of the 130' setback and Mr. Botes replied yes. Mr. Coe also replied that everything is behind the 130' line.
 - The Authority referred to a photograph in DOE's report and asked if their proposal is to clean up the beach in order to use the beach. Mr. Coe replied that photograph was taken after a storm and is not their site.
 - Mr. Coe noted that DOE says they can't groom the beach yet they have to put back excavated sand on the beach.
 - Mr. Botes said the DOE report was weird and comical. He stated that DOE are not experts in engineering and that their comments seem to be personal against us.
 - The Authority noted the off-site parking and asked how long will the lease be for and if they can break it as it should remain in perpetuity. The Authority asked if the off-site parking can be purchased and then tie the two together.
 - Mr. Coe replied they have first offer to purchase it.

- Mr. Botes noted that yes the lease could end and that concerns them and their intention is to have a large area for parking they just don't have it now. Mr. Botes noted that they need a restaurant to have a hotel and they need spill over parking for the restaurant.
- The Authority noted that their preference seems to be to purchase some land and Mr. Botes replied that is correct. The Authority asked if they may purchase somewhere else too and Mr. Botes replied yes and Mr. Coe replied they have other options elsewhere.
- The Authority asked what is there time frame and Mr. Coe replied that if they are successful they would like to break ground by September with a two year build.
- The Authority asked what is the occupancy and Mr. Coe replied 32 to 28 people and Mr. Botes noted there are only 17 units.

2.0 APPLICATIONS
APPEARANCES (Items 2.7 to 2.9)

2.7 ELIZABETH ROSS (Design (Cayman) Block 15C Parcel 11 (P22-0813) (\$2,000,000) (JP)

Application for eight (8) townhouses and a pool.

FACTS

<i>Location</i>	Fairlawn Road, George Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.47 ac. (20,325 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	9554 sq. ft.
<i>Total building site coverage</i>	24.5%
<i>Allowable units</i>	9
<i>Proposed units</i>	8
<i>Allowable bedrooms</i>	14
<i>Proposed bedrooms</i>	16
<i>Required parking</i>	12
<i>Proposed parking</i>	16

BACKGROUND

No Planning history

Decision: It was resolved to adjourn the application for the following reasons:

- 1) The applicant must obtain a registered vehicular right-of-way over 15C 54.
- 2) The Authority requires comments from the National Roads Authority in order to be in consider the application from a fully informed position.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Proposed Apartments	225gpd/2-Bed Unit	8 x 225gpd	1,800
TOTAL			1,800

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

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

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

At Max for Septic Tank(s)

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

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 response.

Department of Environmental Health

Solid Waste Facility:

1. *This development require 8 (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*

Minimum enclosure dimensions

<i>Number of containers</i>	<i>Minimum dimensions (feet)</i>		
	<i>Width</i>	<i>Length</i>	<i>Height</i>
8	5	10	2.50

Swimming pool

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

Fire Service

Please depict Proposed or existing Fire hydrant and Fire well. As per 1994 Standard Fire Prevention Code 603.1.3.1 Water supply. Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official. Where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements shall be provided. Fire flow performance tests shall be witnessed by the fire official, or representative, prior to final approval.

Department of Environment

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

The application site consists of secondary growth. Secondary growth of native species can provide ecosystem services such as:

- It can be retained along parcel boundaries and between buildings to serve as privacy buffers/screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping.*
- It can serve as an amenity, providing green space and shade for those who live nearby/on the property.*
- It can assist with on-site stormwater management and drainage.*
- It can remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species).*
- It can help cut back on carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere.*
- When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

It is recommended that the applicant retains as much mature native vegetation as possible and incorporates it into the landscaping scheme. An example of incorporation of native vegetation is to retain them within the required setbacks as they could be utilised as a privacy buffer. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Native species are also ecologically valuable as they provide habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

It is also recommended that, wherever possible, sustainable design features such as renewable energy installations are included in large-scale and/or commercial proposals, especially given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). For example, photovoltaic solar panels could be installed on suitable roof space or over the proposed parking spaces and rainwater collection could be used for irrigation.

If the Central Planning Authority or Planning Department is minded to grant planning permission, the DoE recommends the inclusion of the following condition to minimise impacts to the environment.

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

APPLICANT'S LETTER

We would be grateful for your consideration in respect to the following:

- 1. Existing and proposed site levels required. The levels provided on the site plan are noted, however, there is no indication whether they are existing, proposed, or both.*

Agent Response:

We have indicated the existing and proposed levels accordingly. Please see the revised Site plan.

- 2. Submitted plans detail townhouses not apartments, unless I hear otherwise, I shall amend the description. I believe this may help with building control later.*

Agent Response:

Please note that the client is applying for Apartments and not Townhouses. The client has no intention to sell any of the proposed units. This will only be for rental income.

- 3. Radius of 15' required for entrances.*

Agent Response:

We have added additional information to the Site Plan.

- 4. Variance letter required for bedroom density (16 v 15). For the avoidance of doubt, using a different label does not overcome bedroom density calculations.*

Agent Response:

Please note that the proposed development meets the density requirements. The density requirement for the development is as follows:

- 1. Max number of units allowed is 9. We are proposing 8.*
- 2. Max number of bedrooms allowed is 15. We are proposing 14.*

Please note that units 2 & 7 are single bed apartments with an Office. To ensure no doubt on the client's intentions for those (2) units, we have made further alterations to the Second-floor layout. Please see the revised Second-floor drawings.

- 5. 250' radius. Ensure a copy of notices, mail slips and owners listing are uploaded within 3 days of being issued.*

Agent Response:

We have provided the mail slip as requested.

- 6. Include a height measurement on elevations, from top of grade to*

highest point on roof. Agent Response:

Please note that the requested information is noted on drawings A.301, A.301.1, and A.302.

Please also note that our client has asked for your consideration when making your decision on the above noted variances. Your understanding and approval will be greatly appreciated.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in George Town within a developing residential area. The majority of properties are apartments or townhouses. Vacant land bounds the site to the south with Fairlawn Road forming the western boundary. Residential properties are located to the north and east.

The application seeks Planning Permission for the construction of 8 townhouses, pool and associated supporting facilities.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Definition

The applicant has stated a preference for the development to be considered as apartments. The Department advises as follows:

- For the purposes of considering a Planning application exactly the same criteria is applied whether the structure is a townhouse or apartment.
- The Development and Planning Regulations 2022 Regulation 2 provides definitions. The Regulations state the following:

“apartment building” means a building that has three or more dwelling units, with —

- (a) at least one dwelling unit entirely or partially above another; and
- (b) each dwelling unit having a separate entrance directly from outside or through a common inside area;

“townhouse” means a dwelling unit constructed in a group of three or more attached units in which each unit extends from the foundation to roof and with open space on at least two sides;

The application clearly represents eight townhouses.

Therefore, a preference for the development to be described as apartments based on tenure is irrelevant for the purposes of correctly describing the proposal for a planning application.

2) Suitability

Regulation 9(7) permits townhouses in suitable locations. There are existing apartments on Fairlawn Road and several other apartment developments in the surrounding area.

3) Access

- a) Fairlawn Road is a private road, but is subject to BP 291. A review of the land registers for the subject site reveals it does not benefit from a vehicular easement or right-of-way. A review of the land register for 15C 54 reveals it is encumbered by an easement from 1978 as shown on the registry map. It should be noted that there are many parcels that currently physical access from Fairlawn Road. Should NRA proceed with BP 291 then the road will become public and the issue of easements or right-of-ways will fall away.
- b) Entrance radii for townhouse developments should be 15'. The proposal only includes 15' radii on the exit side and fails to include on the entrance side.

Members are invited to request revised plans to ensure a safe access and exit can be achieved on site.

4) Bedroom density

Regulation 9(7)(c) permits a maximum of 14 bedrooms based on the lot size.

The application has originally submitted included 14 bedrooms and 2 dens. The dens were essentially mirrored the bedrooms. Revised plans have been submitted amending the dens to offices, reducing the bathroom to a powder room and changing the storage/closet to an open bookshelf area. The Authority needs to determine if the offices are acceptable or if they should be considered bedrooms. If they are bedrooms, then the applicant will require a variance.

2.8 HH LIMITED (Eric Cronier & Associates) Block 12C Parcel 517 (P22-0998) (\$5,000) (NP)

Application for a 4 lot subdivision.

Peter Campbell declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Esterley Tibbetts Highway in West Bay
<i>Zoning</i>	Hotel/Tourism
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	5.98 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 0.5 acres for hotel and townhouses
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	0.1135 acres to 3 acres
<i>Current use</i>	Vacant

Decision: It was resolved to grant planning permission, subject to the following conditions:

- 1) Prior to the subdivision plan being finalized, the construction of the access road addressed at CPA/09/21; item 2.1 (condition 7) shall be extended across the road frontage of lot B.
- 2) 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.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

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 majority of the subject parcel is man-modified however there are some mangroves which have regrown on the site, outside of the proposed development footprint in Lot C. 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.

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 minimise impacts to this valuable habitat.

- *There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*
- *Any geotechnical works that require clearing or filling of the site requires a separate application and consultation with the NCC.*

Water Authority Cayman

Wastewater Treatment:

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

- *The developer shall notify the Water Authority's Engineering Services at 949-2837 ext. 3000 as soon as possible to ensure that:*
- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*

- *the Authority can make arrangements necessary for connection such as ordering materials, scheduling, pipe installation, etc.
The Authority will not be responsible for delays due to insufficient notice from the developer.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:
http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf*
- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*
- *A grease interceptor with a minimum capacity of 1,000 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.*

Water Supply:

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

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

Additional Requirements: Lot C

Please note that in addition to the previous requirements, the following listed below are specific to future Lot C only. The development proposed on this lot has been previously reviewed by the Water Authority (Planning Ref: i011621-155546, P21-0021). There are no new requirements for Lot C with regards to the currently proposed subdivision.

Oil / Water separator

An approved coalescing oil / water separator is required. The fuel dispensing area(s) shall be finished with an impermeable surface (i.e. concrete) and be sloped towards a dedicated drainage system that discharges into the oil/water separator which discharges into a drainage well installed per approved NRA design. Areas outside of the dispensing area(s) shall be sloped in such a manner that stormwater does not drain into the drainage system for the oil/water separator. The developer shall submit a drainage plan for all hard cover areas of the development including slopes, flow gradients and the drainage system plumbed towards the oil / water separator. In addition, the developer shall submit details of the area covered by the canopy. Upon receipt of the required information the Water Authority will determine the minimum treatment capacity of the oil/water separator. The minimum treatment capacity (GPM) of the coalescing Oil Water Separator is based on the surface area that drains into the OWS and a rainfall intensity of 2 inches per hour. For any parts of the drainage area that are covered by a canopy, the rainfall intensity is reduced to 1 inch per hour.

The oil/water separator shall be installed in such a manner that it can easily be accessed for routine maintenance and inspection. Best Management Practices (BMPs) shall be employed to prevent or minimize spills of hazardous materials stored / used at the facility. The oil / water separator shall be inspected by the Water Authority as a condition for Certificate of Occupancy and shall be routinely maintained.

The developer shall submit the Manufacturer's specification sheet, installation and operation manual for the oil / water separator with design guidelines for review and approval. The required information can be submitted via email to development.control@waterauthority.ky, or hand delivered to the Water Authority's Administration Office at 13G Red Gate Road.

Elevator Installation:

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

Generator and Fuel Storage Tank(s) Installation:

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

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located between the Esterley Tibbetts Highway and West Bay Road in West Bay.

The property is currently vacant and the application is to divide the property into four lots.

Proposed Lot D is a road parcel and consists of 0.1135 acres.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Road Access for proposed Lot B

The proposed subdivision drawing indicates a frontage of 41 feet on the future road (BP 486) for proposed lot B. The Authority should determine if this width is adequate for a future driveway access to the lot.

2.9 EMILY CACHO (ABERNETHY & ASSOCIATES LTD.) Block 4B Parcel 36 (P22-1024) (\$4,753) (EJ)

Application for a three (3) lot subdivision.

FACTS

<i>Location</i>	King Road, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.80 ac. (34,848 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Houses

BACKGROUND

May 30, 2003 – the Department granted permission for a house.

Decision: It was resolved to grant planning permission, subject to the following condition:

- 1) 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.

Reasons for the decision:

- 1) With the exception of the widths of lots 2 and 3, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) Proposed lots 2 and 3 do not comply with the minimum required lot width per Regulation 9(8)(g) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot width as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
 - b) 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.

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).

Although much of the existing vegetation on the subject parcel has previously been disturbed, it may be an ecologically valuable habitat. The site may contain native

species as there is mature vegetation that has regrown. Retaining native vegetation (even in a partially disturbed area) can still provide benefits to the property owner and the surrounding area. For example, retaining vegetation can:

- *Provide habitat and food for wildlife.*
- *Provide sound and privacy buffers from the road and neighbouring properties and developments.*
- *Provide mature vegetation which can enhance landscaping and immediately offer shade.*
- *Assist with the management of run-off and drainage.*
- *Reduce the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land which releases carbon dioxide into the atmosphere.*

The Applicant should retain as much existing vegetation as possible and incorporate it into the landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

PLANNING DEPARTMENT ANALYSIS

General

The proposed three (3) lot subdivision is located on Kings Road in West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum lot width

Although the proposed lots 1, 2 & 3 are 10,315 sq. ft., 10,170 sq. ft., & 14,740 sq. ft. respectively, the Authority is asked to decide if the widths of proposed lots 2 and 3 proposed at 72' and 68' are sufficient, bearing in mind regulations 9 (8)(g) requires 80' minimum. Lots 1 and 3 has existing homes and meet all setback requirements.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 TEMPORARY ELECTRICAL SUPPLY Block 23C Parcel 236

The Authority considered a submitted request for a temporary electrical connection to facilitate site preparation works associated with an approved commercial development.

The Authority determined that a temporary supply could be permitted for 12 months from the date of this decision.

5.2 TEMPORARY ELECTRICAL SUPPLY Block 32D Parcel 349

The Authority considered a submitted request for a temporary electrical connection to facilitate the construction of the approved park on the LPP parcel and determined that a temporary supply could be permitted for 6 months from the date of this decision.

5.3 THE MILL GROUP Block 14BG Parcel 26 (CE23-0001) (BP)

The Authority viewed photographs of the ruinous condition of the land due to the storage of garbage and other debris and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.4 MAGELLAN HOMEOWNERS ASSOCIATION Block 11C Parcel 321 (CE23-0003)(BP)

Christine Maltman declared a conflict and left the meeting room.

The Authority viewed photographs of an industrial garbage container, portable toilet, derelict truck and boat trailers and other debris and determined that a Maintenance of Land Notice would be issued.

Decision: It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

5.5 DIAZ LANE Block 11C Parcel 321

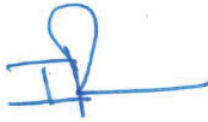
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6.0 CPA MEMBERS INFORMATION/DISCUSSION

6.1 Post Office Delays re Registered Mail

The CPA raised this matter again ie the fact that registered mail notices for planning applications are frequently arriving too late (beyond the notice period). The industry has raised this issue as well and the CPA is concerned that landowners being notified are losing their right to make representation as a result. The Authority asked the Department to investigate and advise/make recommendations for revising the process ASAP as well as advising the Ministry of same.

The meeting adjourned at 3:40pm. The next meeting of the Central Planning Authority is scheduled for *Wednesday, January 18, 2023 at 10:00 a.m.* in in Conference Room 1038, 1st floor, Government Administration Building.



Ian Pairaudeau
Chair



Haroon Pandohie
Executive Secretary

c.c. All members of the Central Planning Authority