

# **Central Planning Authority**

**Minutes** of a meeting of the Central Planning Authority held on March 04, 2020 at **10:00a.m.** in the Conference Room, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue.

**5<sup>th</sup> Meeting of the Year**

**CPA/05/20**

**Mr. A. L. Thompson (Chairman) (except 2.7)**

**Mr. Robert Watler Jr. (Deputy Chairman)(Acting Chairman 2.7)(except 2.20)**

**Mr. Kris Bergstrom (apologies)**

**Mr. Peterkin Berry (apologies)**

**Mr. Edgar Ashton Bodden**

**Mr. Roland Bodden (except 2.2)**

**Mr. Joseph Coe**

**Mr. Ray Hydes**

**Mr. Trent McCoy**

**Mr. Jaron Leslie**

**Ms. Christina McTaggart-Pineda**

**Mr. Selvin Richardson**

**Mr. Fred Whittaker (except 2.2 and 2.18)**

**Mr. Haroon Pandohie (Executive Secretary)**

**Mr. Ron Sanderson (Deputy Director of Planning (CP))**

- 1. Confirmation of Minutes**
- 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/05/20

1. 1 Confirmation of Minutes of CPA/04/20 held on February 19, 2020. 4
2. 1 ELIZABETHAN SQUARE APARTMENTS Block 5B Parcel 125 (391-97) (P19-1374) (\$4.2M) (JP) 5
2. 2 DILLON CLAASSENS Block 74A Parcel 34 (FA81-0022) (P19-1266) (P19-1265) (P19-1271) (\$2.5M) (BES) 16
2. 3 ANGELLA & ROY MCLAUGHLIN Block 27D Parcel 385 (F19-0347) (P19-0608) (\$64,000) (MW) 25
2. 4 GAYLIA ELAINE EDWARDS (Edward Apartments) Block 43E Parcel 189 (F19-0654) (P19-1288) (\$500,000) (JP) 28
2. 5 CORY STRANDER Block 49C Parcel 46 (FA80-0145) (P19-0415) (P19-0889) (CS) 33
2. 6 SAPPHIRE APARTMENTS Block 2C Parcel 201 (Previously 151,153,157) (F19-0243) (P19-1406) (JP) 38
2. 7 ANDY PARSONS Block 59A Parcels 60 & 92 (F03-0037) (P19-0156) (\$20,000) (CS) 45
2. 8 K&B LTD. Block 23C Parcel 233 (F19-0678) (P19-1318) (CS) 52
2. 9 RON HARGRAVE Block 74A Parcel 69 (F17-0122) (P19-1284) (\$650,000) (MW) 56
2. 10 TONY LALOR Block 25B Parcel 256 (FA91-0205) (P19-0891) (\$87,500) (CS) 67
2. 11 7 MILE BEACH RESORT Block 13B Parcel 102 (FA89-0271) (P16-0421) (P19-1322) (CS) 71
2. 12 BRUCE REYNOLDS Block 22D Parcel 230 (F19-0707) (P19-1371) (\$500,000) (CS) 75
2. 13 JOHN GRAY HIGH SCHOOL (Ministry EYSAL) Block 15B Parcel 388 (FA87-0194) (P19-0647) (P19-1359) (CS) 83
2. 14 MAEDAC HOUSE Block 22E Parcel 117 (F80-0278) (P19-1190) (\$12,000) (MW) 85
2. 15 TANJA SCOTT Block 28C Parcel 548 (F19-0657) (P19-1219) (\$550,000) (MW) 88
2. 16 RUM POINT COTTAGE (Encompass Cayman) Block 40A Parcel 45 (F19-0702) (P19-1360) (\$480,000) (JP) 94
2. 17 CARMEL WEAVER Block 13B Parcel 39 (FA83-0154) (P19-1420) (\$90,000) (EJ) 99
2. 18 PADDINGTON WAREHOUSES Block 13D Parcel 466 (F96-0101) (P19-0466) (\$143,000) (MW) 101
2. 19 MAITLAND RESIDENCE Block 9A Parcel 854 (F20-0016) (P20-0021) (\$635,000) (JP) 107
2. 20 SIDA RESIDENCE Block 64A Parcel 50 (F96-0383) (P19-0383) (P19-1230) (JP) 109
2. 21 EDWARD & EMMA FITZGERALD Block 24C Parcel 14 (F19-0296) (P20-0041) (AS) 111

- 2. 22 MARCUS HUGGINS Block 27D Parcel 430H1 (F14-0130) (P19-1268) (\$8,000) (BES) 114
- 2. 23 PIONEER CONSTRUCTION Block 15E Parcel 267 (F10-0231) (P19-1023) (P19-1112) (\$60,000) (BES) 116
- 2. 24 DAVID WALKER Block 15D Parcel 166 (FA92-0272) (P19-1294) (\$5,000) (CS) 118
- 2. 25 GRAND ISLAND DEVELOPMENT Block 15B Parcel 38 (F18-0521) (P20-0085) (\$900,000) (JP) 120
- 2. 26 SPB CONTRACTORS AND DEVELOPERS Block 24E Parcel 545 (F07-0492) (P19-1129) (BES) 122
- 2. 27 CAYMAN SHORES DEVELOPMENT LTD. Block 12D Parcel 95 Block 3 (F03-0517) (P20-0079) (CS) 125
- 2. 28 DONOVAN GODET Block 22D Parcel 11 (F19-0324) (P20-0093) (\$4,999) (MW) 126
- 2. 29 YASMINI CASTILLO Block 48C Parcel 95 (F19-0718) (P19-1387) (JP) 128
- 2. 30 PALM GROVE (Former Solution Centre) (Mitzi Callan) Block 14D Parcel 65 (FA85-0154) (P19-1433) (\$80,000) (JP) 129
- 5. 1 DEVELOPMENT INQUIRY Block 1E Parcel 14 (P20-0094)(CS) 133
- 5. 2 DEVELOPMENT INQUIRY Block OPY Parcel 18 (HP) 133
- 5. 3 VISTA DEVELOPMENT (Elvis Ltd.) Block 2C Parcel 198 (F19-0537) (P19-1029) (\$18M) (CS) 133
- 5. 4 APACHE YEARLING LTD Block 33B Parcel 28 (CE20-0047 (YR) 136
- 5. 5 REYNA SCOTT, RENERI CMACHO, ISMAEL CMACHO & MARIA ANDERSON Block 7C Parcel 106 (CE20-0045) (YR) 136
- 5. 6 UMMI & SONIA KAPOOR Block 7C Parcel 93 (CE20-0045A) (YR) 136
- 5. 7 ROBERT O. THOMPSON Block 14D Parcel 56 (CE20-0046) (YR) 137
- 5. 8 JENESHA & MARLON SIMPSON Block 14D Parcel 63 (CE20-0044) (YR) 137
- 5. 9 GEORGE TOWN LANDFILL REMEDIATION Block 13C Parcel 1 and Block 13D Parcel 1 (HP) 137

**APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY**

<b>APPLICANT NAME</b>	<b>TIME</b>	<b>ITEM</b>	<b>PAGE</b>
Elizabethan Square Apartments	10:30	2.1	7
Dillon Claassens	11:00	2.2	18
Angela & Ray McLaughlin	11:30	2.3	27
Gaylia Elaine Edwards	12:00	2.4	30
Corey Strander	1:00	2.5	35
Sapphire	1:30	2.6	40

**1.0 CONFIRMATION OF MINUTES**

**1.1 Confirmation of Minutes of CPA/04/20 held on February 19, 2020.**

**Moved:** Selvin Richardson

**Seconded:** Fred Whittaker

**Confirmed**

## **2.0 APPLICATIONS APPEARANCES (Items 2.1 to 2.6)**

### **2.1 ELIZABETHAN SQUARE APARTMENTS Block 5B Parcel 125 (391-97) (P19-1374) (\$4.2M) (JP)**

Application for mixed use development of 13x 2 bedroom apartments and 7x 1 bedroom apartments, a pool, 4 retail/commercial units.

#### **Appearance at 10:30**

#### **FACTS**

<i>Location</i>	West Bay
<i>Zoning</i>	<b>Neighbourhood Commercial/LDR</b>
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	1.3998 AC/60,975 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Mixed use residential and commercial
<i>Parking Required</i>	41
<i>Parking Proposed</i>	50
<i>Site Coverage Allowed</i>	75%
<i>Site Coverage Proposed</i>	18.9%
<i>Number of Apartments Permitted</i>	20
<i>Number of Apartments Proposed</i>	20
<i>Number of Bedrooms Permitted</i>	33
<i>Number of bedrooms Proposed</i>	33

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

Reasons for the decision:

There are two objectors on record. One objector advised the Department that they could not attend the meeting, but consideration of their written objections by the Authority would suffice. Subsequent to the application being heard, it was determined that the other objector had attended the Government Administration Building seeking to appear before the Authority in regard to an application under the name Heritage Holdings. In viewing

the scheduled appearance list on the meeting room door, he apparently did not see the name Heritage Holdings and was unaware that the application was scheduled under the name Elizabethan Square Apartments instead and he then left the building. In order to ensure that natural justice is served and all parties are provided an opportunity to be present for the hearing of the application, the Authority determined that the matter must be adjourned and re-scheduled with new invitations to a subsequent meeting sent to the applicant and objectors.

### **AGENCY COMMENTS**

Comments from the Department of Environment, Department of Environmental Health, National Roads Authority, Water Authority, Fire Department.

#### **Department of the Environment**

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

*The application site is considered to be man-modified with limited ecological value. Nonetheless it is recommended that native vegetation is incorporated into the landscaping scheme as native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.”*

#### **Department of Environmental Health**

*“1. DEH has no objections to the proposed in principle. This development requires (2) 8 cubic yard containers with once per week servicing.*

*a. An enclosure with the following minimum dimensions is required: 10ft W x 10ft D x 5.5ft H.*

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

#### **National Roads Authority**

##### ***“Road Capacity Issues***

*The traffic demand to be generated by a residential development of twenty-one (21) multi-family units has been assessed in accordance with ITE Code 220 - Apartments. In addition the traffic demand to be generated by the above proposed development of 3250 sq. ft. has also been assessed in accordance with ITE Code 710 – General Office. The anticipated traffic to be added onto West Church Street is as follows:*

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
<i>139</i>	<i>11</i>	<i>2</i>	<i>9</i>	<i>13</i>	<i>9</i>	<i>4</i>
<i>36</i>	<i>5</i>	<i>4</i>	<i>1</i>	<i>5</i>	<i>1</i>	<i>4</i>

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

***Access and Traffic Management Issues***

*As per discussions with the applicant, the NRA wishes to thank the applicant for providing the necessary widening at the junction of Elizabeth Street and West Church Street as well as along West Church Street.*

*The applicant has noted the electric pole at the junction of Elizabeth Street and West Church Street. The applicant is in conversations with CUC to move the pole at their cost. The NRA does ask that this be a condition of the applicant's approval.*

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

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

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

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

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

***Stormwater Management Issues***

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water*

*runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto West Church Street. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

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

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

## **Water Authority**

### **“Wastewater Treatment and Disposal**

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L***



Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 4,447 US gallons per day (gpd), based on the following calculations.**

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Building 1	4 Retail units & 4 x 2-Bed units	118 / Retail unit 225 / 2-Bed unit	1,372	1,372
Building 2	8 x 2-Bed units	225 / 2-Bed unit	1,800	1,800
Building 3	7 x 1-Bed & 1 x 2-Bed units	150 / 1-Bed unit 225 / 2-Bed unit	1,275	1,275
			<b>TOTAL</b>	<b>4,447</b>

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

**Requirements based on Minimal Water Use – Change of Use to High Water Use will require upgrades.**

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

**Water Supply:**

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

- **The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.**

- *The developer shall provide water supply infrastructure per CWC’s specification and under CWC’s supervision.*

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)”*

## **Fire Department**

*“Stamped approved site plan.”*

## **APPLICANT’S LETTER**

*“I would like to provide a brief description of our proposed project which consists of 3 buildings with total of 20 Units and a shared pool for the entire development. Building 1 will consist of retail / office space on the ground floor and 4 residential units on the upper Floor, building 2 consists of 4 residential units on the ground floor and on the second Floor, building 3 will have a total of (8) onebedroom unit apartments.*

*We find this mixed-use development essential for this location as the economy of the Cayman Islands is significantly growing and we need to respond to the real estate demand for our community and young professionals looking to purchase their first home or find affordable rent.*

*I would like to address both Mrs. Tricia McDoom’s & Mr. Tyrone Leslie’s objections and comments below:*

*Comments from Tricia McDoom*

- 1. The notice was sent to an incorrect address. Are we certain that all of the other adjacent owners received notice and had an opportunity to respond? Response: Heritage Holdings Ltd., followed planning process by sending notices to all addresses provided by Lands and Survey within the buffer requirements.*
- 2. Zoning is partially Low Density Residential, partially Neighborhood Commercial Response: The proposed development has been designed according to the planning zoning guidelines.*
- 3. Either (8) adjacent properties & boundary walls. Response: Heritage Holdings Ltd., is proposing to have a landscape hedge along the 8 adjacent properties. This will be shown on the submitted landscape plan. There are no planning requirements to have a boundary walls on the site.*
- 4. Number of parking spaces & high traffic. Response: Parking requirement calculation has been provided on this application and we have extra parking to ensure no patrons, residents or guest will have to park outside the property. Furthermore; the application has been forwarded to NRA for their review for traffic concerns and they have no concerns. NRA has provided their approval.*

5. *Locations of parking spaces and driveway Response: Parking lots and roadways are not required to have 15ft setback from the property boundary. We have provided adequate distance to have a separation and landscape hedge between our property and adjacent lots.*

6. *Business detriment during construction. Response: As this project starts, all construction operations will be closely monitored by our Management Team and hours of operations will be standard to Cayman Islands construction practices with partially weekends off. Additionally, Heritage holding Design & Construction Team has drafted a construction operational plan which will be submitted to the Planning Department for review as part of their requirements.*

7. *Commercial and/or Industrial uses. Response: The intent of Building 1 ground floor occupancy use would be solely for retail shops/ office use only. There will not be any industrial use on this building nor truck & large vehicle traffic in the complex. The partial commercial & residential zoning require to have a mixed-use development.*

8. *Architectural design / aesthetics Response: The Architectural style of this development was driven by all practical design factors. The Flat roof and parapet wall were designed to hide the Mechanical HVAC System and Water Heater on the roof. This will enhance the aesthetic of the development by avoiding the visibility of equipment on the site as much possible. We felt the traditional architecture was not resolving our major design concerns for this project as to why we decided to adapt to a more Contemporary / Modern Architectural Style to the Development.*

*Comments from Tyrone Leslie*

1. *The wall is omitted from the plan Response: There is no perimeter fence wall around the site. Heritage Holdings Ltd. will propose a landscape hedge between our property and adjacent lots.* 2. *The LPG generator is missing on the plan. Response: The LPG & Generator were not on the site plan as our engineer consultants did not had the specific location at the time of planning submittal. Both the LPG & Generator have been removed and is not included on this application.* 3. *The proposed mixed-use development with 21 apartments, 4 retail units, pool sign, LPG generator and wall is overbearing. Response: The mixed-use development has been designed as per the zoning and planning guidelines. This includes the allowable units, parking requirements, site setbacks, site coverage and density etc. The Heritage Holdings Ltd Management Team carefully studied this development application and ensured to comply with planning requirements / regulations.*

4. *It appears from inspection the application has not been paid for at the time of sending out the notice. Response: The planning application has been paid for this project. Planning Department has a new online system.*

5. *West Church Street is already congested will cause more traffic problems and will create more hazards for motorist on our street. Response: The application has been forwarded to NRA for their review for traffic concerns and they have no concerns. NRA has provided their approval.*

6. There appears to only be single lanes for a development of that size. Response: On the Proposed Site Plan it is clearly shown there are two lanes at the main entrance of the development as per NRA requirements.

*Heritage Holdings Ltd. has satisfactorily answered all objections, comments and concerns. We thank you for the consideration of this application.”*

## **OBJECTIONS**

### **Objector 1**

*“I live within the radius to the proposed development site and I am writing to ask that the CPA refuse this application or either in the alternative pay keen attention to my listed comments in dealing with the application.*

*Here are my comments and objections relating to this planning application.*

1. *The wall is omitted from the plan. The apartment block will overlook my property; this will lead to the loss of privacy and peaceful enjoyment of my property. A wall will encourage more nuisances such as theft rather than a chain link fence. A chain link fence you can see through and does not take off breeze and sun light.*

2. *The LPG generator is missing on the plan.*

3. *The proposed mixed use development with 21 apartments, 4 retail units, pool sign, LPG generator and wall is overbearing. It is an inappropriate design for this part of the neighbourhood. Such a large building area would totally not be keeping with neighbouring properties, which are mainly smaller houses and single storey bungalow. The height of the building (2 stories) is unreasonable and private areas will be overlooked. (20 ft. from the road 6 ft. from the rear and sides)*

4. *It appears from inspection the application has not been paid for at the time of sending out the notice.*

5. *West Church Street is already congested will cause more traffic problems and will create more hazards for motorist on our street.*

6. *There appears to only be single lanes for a development of that size.*

*I trust that the above considerations will be taken fully into account in determining the application.”*

### **Objector 2**

*I have received notice re an application on the above property for a mixed used development.*

*I am the registered proprietor of one of the adjacent properties, at 5B 292.*

*In principle, I welcome some further development in this area. However, there are legitimate concerns to be dealt with satisfactorily prior to this application proceeding.*

1. *The notice was sent to an incorrect address. Are we certain that all of the other adjacent owners received notice and had an opportunity to respond? PO Box 30706 is an old mailing address which has not been on the registered title for many years. Ultimately, I managed to obtain the notice. My concern is that a similar mailing error may have been made on notice to the owners of the other (seven) adjacent properties. As far as I am aware at least one of the adjacent properties recently changed ownership and was subject to an ownership dispute, meaning that their addresses will have changed more recently than mine.*

2. *Zoning is partially Low Density Residential, partially Neighbourhood Commercial. It is unclear whether a special dispensation is sought for an application premised on the latter zoning and/or whether a change of zoning application has been submitted. The same split zoning applies on 5B 292. Accordingly, if the applicant's application is successful re 5B 125, I will require corresponding confirmation in principle from the Planning Department that the same zoning treatment applies as to 5B 292. This is an extremely important point as, among other things, the zoning treatment affects both the appraisals and marketability of both properties.*

3. *Either (8) adjacent properties & boundary walls. Confirmation is sought as to the applicant's legal responsibility to maintain these eight (8) boundary walls. Details as to the composition and height of boundary walls are required to our mutual satisfaction.*

4. *Number of parking spaces & high traffic. 51 Parking spaces for only 21 very small residential units, seems extraordinary. The prospect of high traffic is concerning – we can expect over 50 cars passing next to the boundary of 5B 292, and 6 other adjacent residential properties, on a daily basis.*

5. *Locations of parking spaces and driveway. A number of the parking spaces are not only within the 15' setback but are literally abutting the boundary with 5B 292. This further emphasises the concerns at 3. and 4. above.*

6. *Business detriment during construction. Neighbourhood properties including at 5B 292 are currently in use for tourism vacation rentals. My concern is that the noise levels during construction will adversely impact business profits during the period of construction. One of the major appeals to tourists in this area is being in a quiet residential neighbourhood.*

*The unsightly and noisy construction phase will no doubt be detrimental, particularly during high season.*

7. *Commercial and/or Industrial uses. The intended design and use for Building 1 is unclear. I could not see a Front Elevation plan for Building 1. Retail and/or Industrial use suggests the regular use of the complex by high traffic, large vehicles and/or heavy equipment. This further emphasises the concerns at 3. and 4 above. It strikes as rather odd to have such a mixed commercial/industrial and residential use with the commercial/industrial building and operations taking place at the front of the complex. Is there an intended future intention to convert to residential?*

8. *Architectural design / aesthetics. The ultra-modern architecture is not in keeping with any other properties in the neighbourhood. At the centre of the entrance, on W Church St, is a protected historic Caymanian home. The other adjacent homes are of standard/traditional architecture. The flat roof “and box” design are an eyesore relative to the neighbouring properties. If at the very least there are pitched roofs, that would improve the aesthetic appeal: overall modern yet in relative congruence with other buildings in the area.*

*Suggestions from the applicant for resolving the above concerns are welcomed.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in the West Bay area of the island occupying an unusually shaped lot. A National Trust property cuts into the application site along the west, where West Church Street also forms the western boundary and services the site. Elizabeth Street and neighbouring properties form the northern boundary. A neighbouring lot is sited to the west which comprises of dense vegetation. An existing residential property forms the southern boundary.

The application seeks planning permission for the creation of mixed use development consisting of 20 apartments comprising 13x 2 bedroom and 7x 1 bedroom units, a pool is proposed to support the units and 4 commercial/retail units are also proposed.

### **Zoning**

The land is split zoned with Neighbourhood Commercial and Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 13(9) enables residential development in neighbourhood commercial zones providing it is not on the ground floor.

Regulation 13(10) does, however, permit residential on any or all floors in a neighbourhood commercial zone if:

- a. The development is a replacement or redevelopment of an existing residential development; or
- b. The development forms part of a mixed-use development situated on one parcel of land the planned development includes a mixture of commercial and residential uses proposed for close interaction.

For the avoidance of doubt:

- Building 1 sited to the north adjacent to West Church Street proposes commercial use on the ground floor with residential above.
- Building 2 located to the north east of the lot consists of two levels of residential use sited on the split between the two zones. Over three quarters of the building

is located in the Low Density Residential zone. Units 1 (ground floor) and unit 5 (upper floor) partially fall in the neighbourhood commercial zone.

- Building 3 is located centrally within the site but wholly within the neighbourhood commercial zone. The entire building is dedicated solely to residential use.

Turning to the two tests provided at Regulation 13(10). Members should note that the site does not replace or redevelop an existing residential building, therefore, they may conclude that the proposal does not satisfy the first test. The second test relates to an addition/extension/enhancement of existing mixed use facilities. Given the site is currently vacant members may consider the second test difficult to address.

During the initial review stage the agent was invited to provide/reflect upon the provisions of Regulation 13(10). Members are invited to consider whether the agent's letter, provided above, successfully addresses the requirements of Regulation 13(10).

## **2) Layout**

Members attention is drawn to the significant asphalt area to the east of the site. They are invited to consider whether such a large area of surfacing is appropriate in a residential setting.

At 10:30am, Kent Burke, Craig Burke and Alexi Ebanks appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority noted the suitability test and the amount of asphalt in the one area of the parking lot.
- Mr. Ebanks noted that the site is split zoned, NC and LDR.
- The Authority noted that the site doesn't seem to be overcrowded and they have more parking than required.
- In regard to the objection letter from Ms. McDoom, can they put up a boundary wall?
- Mr. K. Burke advised that she did have a chain link fence but it fell down. They would be happy to put up another chain link fence with landscaping behind it.
- The Authority noted that a concrete wall would be better and that Ms. McDoom is asking for a 6' wall.
- Mr. Ebanks asked if it would be okay to put up a 4' wall and step it down closer to the road. The Authority noted that this seems like a reasonable option.
- The Authority asked if the National Trust was notified and Mr. K. Burke replied that they were.

- The Authority noted that Ms. McDoom is asking that they put in a sidewalk to Centennial Square. Mr. Ebanks advised that they can't do that as they would have to go over private land of which they have no control.

**2. 2 DILLON CLAASSENS Block 74A Parcel 34 (FA81-0022) (P19-1266) (P19-1265) (P19-1271) (\$2.5M) (BES)**

Application for 18-apartments, swimming pool, 7-ft privacy wall.

**Appearance 11:00**

**Fred Whittaker and Roland Boddien declared conflicts and left the meeting room.**

**FACTS**

<i>Location</i>	Austin Conolly Drive
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.66 AC
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Size Area</i>	16,752.9 sq. ft.
<i>Building Footprint</i>	6,605 sq. ft.
<i>Number of Units Allowed</i>	24
<i>Number Unites Proposed</i>	18
<i>Number of Bedrooms Allowed</i>	40
<i>Number of Bedrooms Proposed</i>	20
<i>Proposed Parking</i>	28
<i>Required</i>	27

**Decision:** It was resolved to adjourn the application and request the applicant to submit revised drawings showing a development scheme that better fits the property and includes a properly functioning parking area.



## **AGENCY COMMENTS**

Comments from the Water Authority, National Conservation Council/Department of Environment, Cayman Islands Fire Service are noted below.

### **Water Authority**

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

#### ***Wastewater Treatment and Disposal***

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 3,000 US gallons per day (gpd), based on the following calculations.***

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Building 1	4	150	600	600
Building 2	8	150	1,200	1,200
Building 3	6	150/300	1,200	1,200
<b>TOTAL</b>				<b>3,000</b>

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority’s standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’8” above MSL or 5’11” if installed less than 100ft from the sea. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

### **Water Supply:**

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

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

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

**National Roads Authority**

*“As per your memo dated November 21<sup>st</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**Road Capacity Issues**

*The traffic demand to be generated by a residential development of a eighteen (18) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Austin Conolly Drive is as follows:*

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<i>120</i>	<i>9</i>	<i>2</i>	<i>7</i>	<i>11</i>	<i>7</i>	<i>4</i>

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

**Access and Traffic Management Issues**

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

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

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

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

### ***Stormwater Management Issues***

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

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

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

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

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

### **NCC/DOE**

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

*The application site is predominately man-modified with some dry shrubland located on the section of the parcel landward of Austin Connolly Dr. We recommend the retention and incorporation of as much native vegetation as possible into the landscaping scheme. Native vegetation is perfectly adapted to the habitat conditions of the site resulting in landscaping which requires less maintenance, making it a very cost-effective choice.*

*The coastal side of the parcel is a primarily a perched beach atop ironshore, however, there are pockets of beach without ironshore (see Figures 1 & 2). Sand is naturally deposited onto this perched beach during storm events. We appreciate that there has been no request to nourish the beach in the applicant's submissions. However, in future, if the applicant does intend to nourish the beach, the source and quality and source of sand should be approved by the Department of Environment to ensure its compatibility with the marine environment offshore.*



***Figures 1 & 2: Site visit photos showing the coastline of the subject parcel.***

*The Department notes that areas of the development do not meet the minimum required coastal setback of 50 feet for ironshore as prescribed in the Planning Regulations. There is also no indication in the applicant's submissions that the development will have any climate-resilient features such as elevated structures or a wash-through ground floor to warrant a variance in the setback. Although the coastline of the subject parcel is relatively stable, it sustained major damage during Hurricane Ivan as evidenced by the quantity of sand thrown up and the removal of almost all of the vegetation on this and neighbouring properties (see Figures 3 & 4).*



**Figures 3 & 4: Aerial imagery showing the subject parcel in 2004 (pre-Hurricane Ivan and post-Hurricane Ivan).**

Given the climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge), coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Regulations). It is important to highlight that setbacks seek to enhance the resilience of properties against these inevitable effects of climate change, such as coastal flooding and erosion, by ensuring that hard structures are not located in vulnerable locations susceptible to these hazards. The Department does not support a variance in the coastal setback. Given the scale of the development and width of the narrow parcel, we recommend the apartments are redesigned to incorporate a wash-through ground floor to improve their climate resiliency.

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

- Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.
- All construction materials shall be stockpiled away from the sea to prevent run-off and debris from entering the marine environment.

Lastly, we note that the proposal also includes a dock and cabana. **Please note that the dock and cabana should be the subject of a Coastal Works Application.** Should the applicant wish to pursue a dock and cabana on the property, the applicant should contact the Ministry of Environment.”

## **Cayman Islands Fire Service**

The CIFS approved the site layout.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is requesting planning permission to construct 18-apartments (16 x 1 bedrooms units and 2-two bedrooms units), swimming pool, 7-ft high privacy wall near the swimming pool at the above-captioned property. The site is located on Austin Conolly Drive.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **a) Suitability**

Pursuant to Regulation 9(8) of the Development and Planning Regulations (2018 Revision), apartments are permissible in suitable locations. The surrounding land uses in the area are single-family dwelling houses and vacant properties.

##### **b) Setback from the HWM**

Regulation 8(10)(b) of the Development and Planning Regulations (2018 Revision) states that the minimum setback from the high-water-mark is 75-ft, whereas the proposed setback is 42'-2".

For the Authority's information, on June 13, 2007 (CPA/17/07; Item 2.24) the CPA granted planning permission for a swimming pool on Block 74A Parcel 97 at a setback of 52-ft from the HWM. The existing house on the said parcel is approximately 49' from the HWM.

The Authority is reminded of Regulation 8(11), that the Authority may grant permission for a setback to be located at a lesser distance than that prescribed having regard to -

- (a) the elevation of the property and its environs;
- (b) the geology of the property;
- (c) the storm/beach ridge;
- (d) the existence of a protective reef adjacent to the proposed development;
- (e) the location of adjacent development; and
- (f) any other material consideration which the Authority considers

will affect the proposal.

**c) Parking layout**

The proposed development requires 27 parking spaces. The applicant is providing 28 spaces, however:

- 11 parallel parking spaces are proposed along Austin Conolly Drive and while NRA has provided no comments on this issue, the Department suggest that this scenario poses a serious traffic safety problem
- It appears that 6 parallel spaces are provided in front of building 3 and the Department suggests that these space are not functional
- 6 parking spaces are being provided on the opposite side of Austin Conolly Drive and this also poses a safety issue for persons having to cross the public road.

In summary, the entire parking scheme does not appear to be functional or safe.

At 11:00am, Dillon Claassens appeared as the applicant and Darran Watts appeared as a colleague. Summary noted are provided as follows:

- The Authority noted that there are concerns regarding the parking layout and setbacks.
- Mr. Claassens advised that the shoreline is 95% ironshore.
- The Authority noted that it may be better to ask for more of a HWM setback and then put the sidewalk along the road with parking behind it. Mr. Claassens also confirmed that there are parallel parking spaces proposed in front of the building.
- In response to a query from the Authority Mr. Watts noted that while it is a bit of a disadvantage they could consider putting more parking across the road.
- The Authority noted that the application needs to be adjourned so they can bring back a revised plan with better parking functionality.



**2.3 ANGELLA & ROY MCLAUGHLIN Block 27D Parcel 385 (F19-0347) (P19-0608) (\$64,000) (MW)**

Application for 416 sq. ft. addition to house to create a duplex.

**An appearance was scheduled for 11:30, but neither the applicant nor their representative were present for the meeting.**

**FACTS**

<i>Location</i>	Kimera Way, Bodden Town
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.1600 Ac./6,969.6 sq. ft.
<i>Parcel Size Required</i>	0.287 Ac. /12,500 sq. ft.
<i>Current Use</i>	Existing residence
<i>Proposed Use</i>	416 sq. ft. Addition to create Duplex
<i>Building Size</i>	1,641 sq. ft.
<i>Building Coverage</i>	23.5%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2
<i>Number of units</i>	2

**BACKGROUND**

November 20, 2019 (CPA 24/19; Item 2.26) – current application adjourned to invite in the applicant

**Decision:** It was resolved to adjourn the application and re-invite the applicant to appear before the Authority to discuss details of the application regarding the lot size, rear setback and suitability of the use for the area.

**APPLICANT’S LETTER**

*”We write on behalf of the applicant’s, Ray & Angella McLaughlin, with regards to the following:*

- *A rear setback variance- to allow the proposed addition to be constructed with a setback less than the required 20ft from the property line.*

- A side setback variance- to allow the proposed door landing to be constructed with a setback less than the required 10ft from the property line.,

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

1. Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified:
2. Per Section 8(13) (b)(iii) of the planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity,, to the adjacent property, to the neighborhood, or the public welfare:
3. The applications complies with all relevant planning requirements.

We look forward to your favourable response to this variance request. Should you have any queries, please do not hesitate to contact us at 947-7020 or email at [gmj@candw.ky](mailto:gmj@candw.ky)”

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 416 sq. ft. addition to create a duplex to be located on Kimera Way, Bodden Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **a) Lot Size**

Regulation 9(8)(e) states “*the minimum lot size for each duplex is 12,500 sq. ft.*” The subject parcel is currently only 6,969.6 sq. ft. which was part of a previously approved subdivision has a difference of 5,530.4 sq. ft. respectively.

#### **b) Rear Setback**

Regulation 9(8)(i) states “ *the minimum front & rear setbacks are 20’* “. The proposed concrete landscape paver step would be 17’-3” from the rear boundary a difference of 2’-9” respectively.

## **SUPPLEMENTARY COMMENTS**

The Board should be reminded the mentioned application had been previously seen at the November 20<sup>th</sup> 2019 meeting (CPA/24/19; Item 2.26) *and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns with the application regarding the lot size and proposed setbacks.*



**2. 4 GAYLIA ELAINE EDWARDS (Edward Apartments) Block 43E Parcel 189 (F19-0654) (P19-1288) (\$500,000) (JP)**

Application for four apartments.

**Appearance at 12:00**

**FACTS**

<i>Location</i>	Sherborne Drive
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.3384 AC/14740.70 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential
<i>Parking Required</i>	6
<i>Parking Proposed</i>	6
<i>Site Coverage Allowed</i>	30%
<i>Site Coverage Proposed</i>	30.75%
<i>Number of Apartments Permitted</i>	5
<i>Number of Apartments Proposed</i>	4
<i>Number of Bedrooms Permitted</i>	8
<i>Number of Bedrooms Proposed</i>	8

**BACKGROUND**

**CPA/03/20; Item 2.11** – Members adjourned consideration of the application to enable the applicant to appear before the board.

**Decision:** It was resolved to adjourn the application and request the applicant to submit revised plans for a duplex instead of apartments.

**AGENCY COMMENTS**

Comments from the Department of Environment, Department of Environmental Health, National Roads Authority, Water Authority, Fire Department.

**Department of the Environment**

*“Under delegated authority from the national conservation council (section 3 (13) of the national conservation law, 2013), the department of environment confirms that we have no objections at this time as the site is man-modified and of limited ecological value.”*

**Department of Environmental Health**

- “1. DEH has no objections to the proposed.*
- 2. The site plan indicates (2)33 gallon bins, this development will require (4) 33 gallon garbage bins within a 5ft W x 5ft L x 2.5ft H enclosure”*

**National Roads Authority**

***“Road Capacity Issues***

*The traffic demand to be generated by a residential development of a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Sherbone Drive is as follows:*

<i>Expect ed Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<b>27</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>

*Based on these estimates, the impact of the proposed development onto Sherbone Drive is considered to be minimal and is in character for this class of road.*

***Access and Traffic Management Issues***

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

*Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft (please have applicant revise the entrance throat to 24 feet) in the final plan.*

*A six (6) foot sidewalk shall be constructed on Sherbone Drive, within the property boundary, to NRA standards – please have applicant revise site plan with a sidewalk shown.*

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

### **Stormwater Management Issues**

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

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

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

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

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

## **Water Authority**

*“Please be advised that the water authority’s requirements for this development are as follows:*

### ***Wastewater treatment & disposal***

- The developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the proposed. The septic tank shall be constructed in strict accordance with the authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority’s standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” above msl. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

### ***Water supply***

*The proposed development site is located within the water authority’s piped water supply area.*

- The developer shall contact water authority’s engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- The developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- The developer shall install the water supply infrastructure within the site, under the water authority’s supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority’s web page:  
<http://www.waterauthority.ky/water-infrastructure>*

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

## **Fire Department**

Reviewed and stamped.

## **AGENTS LETTER**

*“With reference to section 8(13) regulation, kindly requesting lot size variance as per regulations of 12,500 sqft as minimum required, kindly please approve the Lot 43E 189 for a 4plex application which is 14,740.00 sqft. Which is more than the minimum required. As per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the request for planning application of duplex.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is in the Bodden Town area of the District within a newly established subdivision which consists primarily of vacant lots. The wider area is characterised by houses and duplexes. The site is bound to the north, east and south by vacant lots. Sherborne Drive, which provides access to the site forms the western boundary beyond that a single dwelling house is located.

### **Zoning**

The land is zoned Low Density Residential.

### **Specific Issues**

#### **a) Suitability of development**

CPA is invited to consider the principle of apartments having regard to the surrounding area and Regulation 9(8) of the Development and Planning Regulations 2018.

Aerial photography with land ownership overlay demonstrates the area is characterised by dwellings and duplexes. Members are invited to consider the suitability of apartments in relation to the wider context of the area.

#### **b) Lot size variance 25,000 sq ft v 14740 sq ft**

Regulation 9(8)(f) requires a minimum lot size of 25,000 sq. ft. for apartments. The application site measures 14740 sq. ft.

Members are invited to reflect upon the agent’s letter and determine whether adequate justification and demonstration of exceptional circumstance has been provided to allow a variance to this Regulation.

#### **c) Site coverage variance 30.75% v 30%**

Regulation 9(8)(h) requires a maximum site coverage of 30%. The application seeks 30.75%.



Members are invited to reflect upon the applicant’s letter and determine whether adequate justification has been provided.

**d) National Roads Authority**

The NRA sought two amendments to the scheme, specifically:

- Fifteen feet radii curves and 24’ access drive. The application has been revised to include this.
- Inclusion of a 6 foot sidewalk. The application does not address this requirement.

**SUPPLEMENTARY COMMENTS**

There have been no changes to the plans as the application was previously adjourned in order to invite the applicant to appear before the Authority.

At 12:00pm, Ms. Edwards appeared as the applicant and a colleague also appeared with her. Summary notes are provided as follows:

- The Authority noted that there aren’t any apartments in the area. Ms. Edwards advised that there are 4 apartments on 43E 120. The Authority then advised that the building on that site was approved as a duplex and was then illegally converted to 4 apartments. That owner applied for after-the-fact permission for the apartments and that application was refused meaning the building must be changed back to a duplex.
- Ms. Edwards noted it would be better if she applied for a duplex instead and the Authority concurred. The Authority also noted that when she revises the plans for a duplex, if she reduces the footprint by 0.75% then the application could be approved administratively.

**2. 5 CORY STRANDER Block 49C Parcel 46 (FA80-0145) (P19-0415) (P19-0889) (CS)**

Application for an after-the-fact balcony, attached gazebos, and front façade renovations.

**An appearance was scheduled for 1:00pm, but the applicant was not present for the meeting.**

**FACTS**

<i>Location</i>	North Side Road, North Side
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.24 AC/10,454 sq. ft.
<i>Proposed Use</i>	Unknown
<i>Building Footprint</i>	3,634 sq. ft.
<i>Building Area</i>	7213 sq. ft.

Site Coverage

35%

## **BACKGROUND**

July 11, 2018 – Modifications to the roof and exterior façade were administratively approved.

May 2019 – CPA determined that a high water mark survey would not be required for an application for gazebos.

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

## **AGENCY COMMENTS**

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

### **Department of Tourism**

*Additional information is required for this project. questions below:*

- 1. is this project intended to be a tourism accommodation?*
- 2. number of bedrooms required*
- 3. overall property details required*

*this information should be submitted to [jpawlik@caymanislands.ky](mailto:jpawlik@caymanislands.ky) for final decision from the department of tourism.*

### **Department of Environmental Health**

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

### **Department of Environment**

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

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

### **National Roads Authority**

*As per your email dated December 13<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal.*

*The NRA has no objections or concerns with this application.*

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

**Water Authority**

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

**Wastewater Treatment and Disposal**

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

- **The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 4,056 US gallons per day (gpd), based on the following calculations.**

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Hotel Rooms	11 Rooms	100gpd/Room	1,100	1,100
Restaurant & Bar	2,956 sqft	1gpd/sqft	2,956	2,956
<b>TOTAL</b>				<b>4,056</b>

- **Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.**
- **To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'7" above MSL or 5'10" if installed less than 100ft from the sea. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.**

**Existing septic tank shall be decommissioned**

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

[http://www.waterauthority.ky/upimages/download/BMPs\\_abandoned\\_WW\\_systems1\\_1423220782.pdf](http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf)

**Grease Interceptor Required**

**A grease interceptor with a minimum capacity of 2,956 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. Where 2 tanks are used to achieve the required capacity, they shall be installed in series with the larger tank first. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.*

### **Water Supply**

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

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

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

### **APPLICANT LETTER**

*"We write on behalf of the applicant, Cory Strander, with regards to the following;*

- *A side setback variance - to allow the ATF Gazebos to remain as built with setback less than the required 15ft from the property line.*
- *A site coverage Variance - We request permission for the subject matter per the drawings provided and humbly the following reasons:*

*Per section 8(12)(d) of the Planning Regulations, the adjacent property owners have been notified;*

*Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare; The side setback for the gazebos falls in line with the setback of the sidewalls the existing structure. The gazebos have been built over an existing approved concrete deck.*

*The application complies with all other relevant planning requirements."*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission for an After-The-Fact wrap-around balcony, two attached gazebos, and After-The-Fact front façade renovations.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **a) Land Use**

The existing building appears to have been approved as apartments in 1980 and then changed to a hotel in 1995. For several years the building has been vacant. The applicant has started exterior renovations, without planning permission, which these applications aim to rectify.

The applicant has provided floor plans for informational purposes only (not to be considered by CPA). The floor plans show 11 bedrooms on the second floor and an open space on the ground level. There are no kitchen or laundry facilities provided.

Upon conducting a site visit, the building's interior has been gutted.

Based on the information provided, it is not clear what the intended use is for the property. The Department made attempts to seek clarification from the applicant, however the applicant never responded.

#### **b) Parking**

There is no parking provided on site. Regardless of what the building will be classified, parking will be required. Again the Department reached out to the applicant for an explanation with no response provided.

#### **c) Side Setback**

The existing building has an 11'2" and 8'10" side setback. With the after-the-fact renovations, the setbacks have been reduced to 10' and 4'10".

#### **d) Site Coverage**

Before the after-the-fact improvements were made, the site coverage was 30%. With the added balconies (which have columns on the ground) and gazebos, the site coverage has increased to 35%, which exceed the maximum permitted (30%).

## **SUPPLEMENTARY COMMENTS**

There have been no changes to the plans as the application was previously adjourned in order to invite the applicant to appear before the Authority.

**2. 6 SAPPHERE APARTMENTS Block 2C Parcel 201 (Previously 151,153,157) (F19-0243) (P19-1406) (JP)**

Application for 28 apartments, cabana with trellis, swimming pool, sign and fence

**An appearance was scheduled for 1:30pm, but the applicant prior to the meeting the applicant requested that the matter be adjourned and re-scheduled for a later date.**

**FACTS**

<i>Location</i>	North West Point Road
<i>Zoning</i>	<b>LDR</b>
<i>Notice requirements</i>	Objectors
<i>Parcel size</i>	1.5 AC/65,340 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	Residential
<i>Apartments permitted</i>	22
<i>Apartments proposed</i>	28
<i>Bedrooms permitted</i>	35
<i>Bedrooms proposed</i>	32
<i>Parking required</i>	42
<i>Parking proposed</i>	48

**BACKGROUND**

October 23, 2019 (**CPA/22/19; Item 2.6) (P19-0818)** – The Authority adjourned determination of the planning application to reconvene at a later date with the presence of the objector.

June 5, 2019 (**CPA/11/19; Item 2.9) (P19-0369)** - The Authority granted planning permission for three duplexes, fourteen 2-storey apartments, cabana, twelve raw land strata subdivision, cabana, sign, wall and pool.

**Decision:** It was resolved to adjourn the application at the applicant’s request and re-schedule the hearing of the application for a later date.

**AGENCY COMMENTS**

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

**Department of Environment**

*The DoE recommends that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces. The DOE would also recommend the use of native plants in landscaping as it is more sustainable, generally being best suited to the climate and conditions, and more ecologically valuable.*

**Department of Environmental Health**

1. *The property requires an 8yd3 container with servicing twice per week.*
2. *The location of the waste container does not meet DEH requirements and must be moved.*
3. *The pool specifications must be provided to the department prior to construction of the swimming pool.*

**National Roads Authority**

**Road Capacity Issues**

*The traffic demand to be generated by a residential development of a thirty (30) One-Bedroom multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Northwest Point Road is as follows:*

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 16% In</b>	<b>AM Peak 84% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 67% In</b>	<b>PM Peak 33% Out</b>
<b>200</b>	<b>15</b>	<b>3</b>	<b>12</b>	<b>19</b>	<b>12</b>	<b>7</b>

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

**Access and Traffic Management Issues**

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

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

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

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

### ***Stormwater Management Issues***

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

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

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

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



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

**Water Authority**

Wastewater Treatment and Disposal

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

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 4,200 US gallons per day (gpd),** based on the following calculations.

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Building 1 Apartment (Type A)	8	150	1,200	1,200
Building 2 Apartment (Type A)	8	150	1,200	1,200
Building 3 Apartment (Type B)	6	150	1,800	1,800
Building 4 Apartment (Type B)	6	150	1,800	1,800
<b>TOTAL</b>				<b>4,200 GPD</b>

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

Traffic Rated Tank and Covers

*The Site Plan indicates that the wastewater treatment plant is proposed to be located within a traffic area. Therefore, a traffic rated Tank and Covers are required. The Water Authority requires that manhole covers be traffic rated heavy duty to meet*

AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.

### **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.

### **Cayman Islands Fire Service**

Stamped approved drawings.

### **APPLICANT LETTER**

Further to the application submitted in relation to the above referenced Project, we hereby request for a density variance which requires a maximum of 15 apartment units and 24 bedrooms per acre per Planning Regulation 9 (8)(c); and a setback variance to a site plan which requires a minimum of 20 ft rear setback and 15 ft side setback per Planning Regulation 9 (8)(i)(j).

We would appreciate your consideration for this variance request on the following basis:

**(1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area:** The total area of the project site is 1.486 acres, wherein the Planning Regulation 9 (8)(c) allows us to have 22 apartment units (22.29 to be exact) and 35 bedrooms (35.66 to be exact). While we have exceeded by (8) units to the maximum allowed, we have tried to make up for this excess by having our number of bedrooms lower than the maximum limit. We only have a total of 30 bedrooms proposed for this development. Similar developments with the same conditions from the same developer was previously approved by the CPA board (North West Point and Town & Country). While we have complied with the required minimum 20 ft rear setback and 15 ft side setback, we would also like to request for a setback variance due to the odd shape/orientation of the lot. The actual proposed apartment buildings are within the required minimum side setback. Only part of the staircase and back patio is beyond the setback line but still approximately 9'-3 1/2" away from the nearest boundary line. The areas in between will also be heavily landscaped, which will serve as a privacy screen for both properties. We hope that the CPA board will find this acceptable since there is no other place we can fit these areas other than its current proposed location.

## **OBJECTIONS**

### **Objection 1**

*I am writing to register my objections to the application referenced above because it impacts my use, comfort and value of my residence on 2C 181. Also the approval of this application would grant permission in contravention of the Planning Laws and Regulations which would be illegal; this would set a dangerous precedent.*

*My objections are as follows:*

*1. There is no sufficient reason or exceptional circumstance to grant the three variances that this project requires. In addition to the setback and density variance the project also requires a site coverage variance; the drawings state that 30% site coverage is allowed in a LDR zone but this is incorrect, it is 25%.*

*Although the calculations state that the project is under 25% the area of the cabana used in the calculation is less than that stated on the site plan and notification.*

*2. The design of the apartments is poorly developed and not in keeping with the mid to high end residential character of the neighbourhood. Luxury residential properties are being developed on this street and the project does not fit in with a flat roof and air conditioning units exposed on the balconies.*

*I trust that the merits of my objection will be fairly considered.*

### **Objection 2**

*We have recently received a copy of the most recent planning notice from Tropical Architectural Group Ltd. in relation to the development of the above property per the enclosed copy. The detail provided reads:*

*“application for planning permission for the purpose of Proposed (30) unit 2-storey apartments; 730 sq. ft. cabana with trellis; (1) swimming pool; (1) 30 sq. ft. sign; 5' fence; 9-3 Vi side setback variance; 15'-9 Vi rear setback variance; (30) units vs (22) units density variance on Block and Parcel 2C20I (2CI51) and owned by Emerald Isle Holdings LTD.”*

*We do not wish to file any objection to the application per se, but we do have concerns as to density. The requested density variance, increasing the 22 permitted units to 30, represents an increase of 36+% above the density for the property as determined in the Law and Regulations. There are other undeveloped properties along North West Point Road and if the requested density variance is granted it is assumed that other developments may have an equal expectation. The consequent traffic demands along North West Point Road, which is only one lane in each direction, would be very significant and could well become unmanageable for local residents.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application seeks to planning permission for 28 apartments designed across 4 buildings comprising 4 x 2 bed units and 24 x 1 bed units. The scheme includes a cabana with trellis, swimming pool, sign and 5 ft high boundary wall. The scheme would replace a previous approval.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **a) Suitability**

Regulation 9(8) of the Development and Planning Regulations (2018 Revision) states that in a Low Density Residential zone apartments will only be permitted in 'suitable locations'. The Authority should assess if there is any reason apartments should not be permitted on this site. A review of the existing uses in the area reveals only houses and vacant parcels, however, members should be mindful of the previous planning application which was approved and is valid until 2024, albeit permission was granted for a combination of apartments and duplexes, whereas the current application seeks solely apartments on the site.

#### **b) Variance for number of units 28 v 22**

Regulation 9(8)(c) permits the development of 22 apartments on a site of 1.5 acres. The application seeks planning permission for 28 units.

Having regard to the variance letter, members are invited to consider whether adequate justification has been provided.

#### **c) Rear setback variance 15' 10" v 20'**

Regulation 9(8)(i) provides a minimum rear setback of 20'. The proposed development seeks a variance at 15' 10" whereby 2 units in building 3 encroach into the rear setback.

Members are encouraged to reflect upon the contents of the applicants letter in determining whether exceptional circumstance has been demonstrated in order to grant the variance.

#### **d) Side setback variance 9' 3" v 15'**

Regulation 9(8)(j) requires where structures are more than one storey in height a setback of 15' is required from a side boundary. The application seeks a variance to permit an external staircase serving building 1 is permitted at 9' 3" instead of 15'.

Members are invited to reflect upon the content of the variance letter.

**2.0 APPLICATIONS**  
**REGULAR AGENDA (Items 2.7 to 2.30)**

**2.7 ANDY PARSONS Block 59A Parcels 60 & 92 (F03-0037) (P19-0156) (\$20,000) (CS)**  
Application for a 169 lot subdivision and 20' lake excavation.

**A.L. Thompson declared a conflict and left the meeting room. Robert Watler sat as Acting Chairman.**

**FACTS**

<i>Location</i>	Midland East
<i>Zoning</i>	<b>A/R</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	101 AC
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	residential

**BACKGROUND**

May 27, 2009 (CPA/15/09; Item 2.5) The Authority granted planning permission for a 252 lot residential subdivision and a 12' deep lake excavation.

January 30, 2019 – A house was administratively approved.

January 8, 2020 (CPA/01/20; Item 2.7) The Authority resolved to adjourn the subject application for the following reasons:

- 1) The applicant is required to submit a revised drawing showing LPP within the subdivision south of the future east-west bypass road.
- 2) The proposed subdivision shows two road connections to the subdivision that was approved on 59A 320. The applicant shall obtain registered 30' vehicular easements over 59A 320 that secure access over the approved subdivision roads on 59A 320 leading to Sea View Rd.

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

- 1) Prior to the commencement of any site works such as filling, grading and road construction, the applicant shall submit:
  - a) Specifications of any proposed underground utilities; including location, type of utilities, and trench dimensions.
  - b) A stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority. The plan shall be designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and should include, but not be limited to, the location of all drainage facilities and general grading details of the parcels (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess runoff directed to one central drainage facility or a series of facilities. ***The plan shall include proposed lot grading in order to facilitate the implementation of condition 2) b) below. Additionally, if the plan includes drainage swales then cross-sections of the swales must be provided.***
  - c) A quarry permit as required by Section 34 (1) of Water Authority Law (1996 revision).
  - d) The remaining application fee for the excavation.
  - e) An Operations Plan for the excavation of the lake that will address the following items at a minimum:
    - i. Site preparation works, including the end use of any peat material.
    - ii. Site rehabilitation, including details related to site grading and the planting of vegetation around the edge of the lake.
    - iii. Long term lake water quality maintenance plan.
- 2) Prior to the subdivision plan being finalized, the following conditions shall be satisfied:
  - a) All underground utilities shall be inspected and approved by the relevant agencies prior to the utilities being buried.
  - b) The property shall be filled in such a manner as to ensure that the subdivision road and a reasonable building envelope for each lot are filled to 4 feet above mean sea level, with the remaining subdivision land being filled and/or graded to a level that will assist in the drainage of the subdivision per the stormwater management plan required in condition 1) c) above. After filling the site, the applicant shall submit a plan prepared by a registered land surveyor indicating spot heights at regular intervals, including the finished grade of constructed access road (s), if any.

- c) The following conditions have been included as directed by the National Conservation Council per Section 41(4) of the National Conservation Law:
  - i. The lots and road separating the lake from the *Agalinis kingsii* Critical Habitat must be filled and constructed first (namely Lots 51 to 66 and 134 to 146), to prevent the lake from coming into hydrological continuity with the Critical Habitat.
  - ii. There shall be no modification of Lot 163. The existing road may be used until the road on the eastern side of the Critical Habitat has been constructed.
  - iii. At no time shall there be hydrological connectivity between *Agalinis kingsii* Critical Habitat and the proposed are of excavation.
  - iv. The provisions of the Interim Directive for the protection of *Agalinis kingsii*, or any NCC issued updates to the Directive, shall apply at all times.
- d) The approved stormwater management system shall be installed on site.
- e) The final subdivision plan shall indicate a vehicular easement over the subdivision access road in favour of each lot. The final plan must be accompanied with the requisite grant of easement forms detailing the easements to be registered.
- f) The access road (s) abutting the proposed lots shall have a minimum of a 30' demarcated road parcel and shall be constructed with asphalt and approved by the Central Planning Authority prior to the lots being registered. The applicant shall liaise with the Managing Director, National Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.
- g) The applicant shall provide water infrastructure for the entire sub-division. The applicant shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Water Authority's specifications, under the Water Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
- h) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
- i) No excavated material is allowed to leave the site.

- j) The excavation depth shall not exceed 20 feet and the amount of material excavated shall not exceed 423,000 cubic yards. To assist in implementing this condition, the applicant shall provide a survey every 6 months, prepared by a licensed land surveyor, demonstrating the depth of the lake at regular intervals and the amount of material that has been excavated.
- k) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reasons for the decision:

- 1) Pursuant to Regulation 21 of the Development and Planning Regulations (2018 Revision), the Authority has determined that the subject property is not situated over a water lens and is not particularly suited for agriculture and as such, the Low Density Residential zone density can be applied to the land.
- 2) The Authority is satisfied with the provision of Land for Public Purpose.
- 3) The Authority is satisfied with the proposed access to the property.
- 4) The Authority has taken into account Agency comments and has imposed conditions of approval as deemed necessary.

### **AGENCY COMMENTS**

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

#### **Department of Environment**

See Appendix 'A'

#### **Water Authority**

*“Please be advised that the water authority’s requirements for this development are as follows:*

#### **Water Supply**

*The proposed development site is located within the water authority’s piped water supply area.*

- *The developer shall contact water authority’s engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*



- *The developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. The guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

#### *Wastewater treatment*

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

#### *Requirement for quarry permit per water authority law*

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

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

*[Http://www.waterauthority.ky/upimages/pagebox/quarrypermitapplicationrevnov2018\\_1541708195.pdf](Http://www.waterauthority.ky/upimages/pagebox/quarrypermitapplicationrevnov2018_1541708195.pdf)*

*In the event the quarry permit is granted by the water authority, the developer is required to maintain the water quality of the proposed quarry lake with the following measures:*

- *No direct discharge of stormwater into the excavation;*
- *Shoreline grading to minimize, slow and filter stormwater flow into the excavation including a perimeter berm around the lake and a shallow, sloped shelf, at least 10 ft wide, extending into the lake for the establishment of native wetland plants;*
- *Provide a water quality management plan for long-term maintenance of the excavated lake to minimize future water quality problems. The property owner shall be responsible for the long-term water quality management, unless this responsibility is transferred via restrictive covenants or similar legal instrument;*
- *The water quality management plan shall include best management practices for long term maintenance of the lake upon completion of the excavation.*

*Please be advised that submitting a quarry permit application to the authority does not guarantee that the permit will be issued. If a quarry permit is issued the authority may*

*require modifications of plans and/or impose specific conditions to protect surface and groundwater and to ensure that the applicant complies with the conditions of the permit.”*

### **National Roads Authority**

*“As per your memo dated September 9<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **Section 25 Gazette**

*The proposed application recognises the Section 25 gazette and set aside an 80 foot corridor to accommodate the Section 25 gazette of May 2005.*

#### **Stormwater Management Issues**

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

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

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

#### **Infrastructure Issues**

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

*A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access.*

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is proposing a 169-lot subdivision, including:

- 160 residential lots (average 12,500 sq.ft.).
- 3 LPP parcels
- 1 remainder parcel to be purchased by Crown
- 1 lake parcel

### **Zoning**

The property is zoned Agriculture/Residential and Low Density Residential.

### **Specific Issues**

#### **a) Zoning**

Regulation 21 allows a density of up to two (2) houses per acre in the Ag/Res zone. However, if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, they may permit development which complies with the requirements for the Low Density Zone. The subdivision has been designed based on the LDR zone standards.

This site is not situated over a water lens and the Water Authority has not raised any concerns regarding the proposal. Regarding the agricultural potential of the site, a very similar subdivision was approved on the immediately adjoining lands to the east and that site appears to exhibit the same type of topographical and soil conditions as the subject site. As such, it would appear that the Authority has already deemed this area as not being particularly suited to agricultural purposes.

#### **b) Land for Public Purpose**

Up to 5% of the gross area of the land can be designated as Land for Public Purpose, which is to be set aside for public purposes such as active and passive recreation and public rights of way. The applicant has designated 6.1% of the gross land area for LPP, however it will be north of the proposed E-W bypass and inaccessible to the subdivision's residents.

Given the alignment of the E-W bypass, the remaining land to the north will be difficult to develop based on their resulting sizes and shapes. These areas could serve to retain storm water runoff from adjacent parties.

The Authority is advised that in addition to the LPP parcels, 22.4 acres has been classified as critical habitat by the National Conservation Council and will be left in its natural state. This area is not designated as LPP as the applicant and Crown are in negotiations for purchase.

**c) Road Access**

The subdivision has one direct connection to an arterial road. It appears, that at this time, the one access point is the only one available.

The applicant is providing a road connection to Parcel 91 and two connections to the adjacent subdivision to the east. There is also a connection proposed to the north, onto the E-W bypass.

**SUPPLEMENTARY COMMENTARY**

In response to the Authority reasons to adjourn the application, the applicant has provided a revised site plan showing a LPP parcel south of the future east-west bypass road. Lot 55 will be LPP, measuring at 23,790 s.f., being located adjacent to the protected area.

Regarding the two road connections to the subdivision that was approved on 59A 320, the applicant provided evidence that the adjacent owner is not supportive of providing such easements. Therefore the applicant states he is unable to obtain the easements.

**2. 8 K&B LTD. Block 23C Parcel 233 (F19-0678) (P19-1318) (CS)**

Application for after-the-fact land clearing, 5' fence and two 32 sq. ft. signs.

**FACTS**

<i>Location</i>	Hurley Merren Blvd., Prospect
<i>Zoning</i>	NC
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	2.58 AC
<i>Current Use</i>	Vacant

**BACKGROUND**

There is no planning history for this site.

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

- 1) The applicant shall submit a revised site plan showing the fence along Hurley Merren Blvd setback a minimum of 4' from the road side property boundary.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

*For the avoidance of doubt, there shall be no land clearing outside of the area shown on the submitted site plan.*

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 (2018 Revision).

### **AGENCY COMMENTS**

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

#### **Department of Environment**

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

*The site was partially man-modified and partially seasonally flooded mangroves. A site visit was undertaken on 24 January 2020 and it was found that the mangroves had been cleared from the interior of the site, using access off the former Prospect Point Road and out of view from the Hurley Merren Boulevard.*



*Figure 1. Aerial imagery showing the illegal clearing of the site.*



*Figure 2. Photo showing the heavy machinery tracks which cleared mangroves.*

*This continues the extremely worrying trend of illegally clearing mangroves which the Department of Environment has raised to the Department of Planning on a number of occasions. The most recent examples include P19-0841, P19-0909, P19-0460, P19-0878, P19-0938, P19-0868, P19-1019.*

*The mangroves here provide critical drainage for the surrounding area and an extremely important buffer for Hurley Merren Boulevard from the sea. There is vacant land within Grand Harbour that could be used for the storage of materials. There does not appear to be any consideration of stormwater management within the proposals, which include clearing and filling the entire parcel. The remaining mangroves within the site should be retained.*

*Illegal clearing removes the opportunity for reviewing agencies to provide constructive comments and feedback on best management practices and recommendations for retention of ecologically valuable flora to be retained, which may prove beneficial to the landowners and wider area. In this case, the mangroves provide important drainage for the area. Illegal clearing undermines the consultation process and the planning process. The Planning Department must take appropriate measures to avoid illegal clearing. In order for the Department of Environment's Conservation Officers to intervene in these situations, the Species Conservation Plan for Mangroves must be approved by Cabinet. It is currently awaiting their review.*

***We recommend refusal of this application. Clearing and filling important drainage areas prior to any imminent development is not a practical approach to stormwater management.***

### **National Roads Authority**

*As per your memo dated January 21<sup>st</sup> 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*The NRA has no objections or concerns regarding the above proposed land clearing. Please note, however, that access to the site will be limited to Prospect Point Road from the south. No access will be allowed from Hurley Merren Blvd.*

*The NRA does have some concerns in regards to the wall and fence along Hurley Merren Blvd in terms of site splay and visibility. The NRA, at this stage, has not determined what and or if a junction will be allowed at the north end of Prospect Point Rd onto Hurley Merren Blvd. Therefore, the NRA is asking that the wall/fence either be removed and only be allowed on Prospect Point Rd or setback about 1 to 2 ft off of the boundary line to help with site visibility and road side clearance.*

### **APPLICANT LETTER**

*Through this letter, we would like to justify the clearing of the land on Block 23C Parcel 233.*

*The application for the land clearing on the parcel was intended for the material storage and dump area of the dug-out soil from the construction of Grand Palmyra Development located on Block 22E Parcel 382 which was owned by the same developer.*

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

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is requesting planning permission for After-The-Fact land clearing, 5' fence and two 32 s.f. signs.

#### **Zoning**

The property is zoned Neighborhood Commercial.

#### **Specific Issues**

##### **a) Land Clearing**

As stated in the applicant's letter, they wish to use this site to store material and dug-out soil for a development they are constructing on Edgewater Way.

DOE has expressed concerns in utilizing this site play an important role in nearby drainage, which has now been impacted since a portion of the site has been cleared without Planning permission.

**b) Fence Height**

Any fence greater than 4’ requires CPA consideration. In their comments, NRA expresses concerns regarding the location of the fence along Hurley Merren Boulevard. The fence is proposed on the property line, whereas NRA and CPA typically require a 3’to 4’ setback. Given the high traffic volume and speeds in this area, a greater setback may be warranted.

**2. 9 RON HARGRAVE Block 74A Parcel 69 (F17-0122) (P19-1284) (\$650,000) (MW)**

Application for two story (4) apartments with swimming pool with lot size & HWM setback variances.

**FACTS**

<i>Location</i>	Austin Conolly Dr., East End
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	150’
<i>Parcel Size Proposed</i>	0.24 AC/10,454.4 sq. ft.
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Two Story (4) Apartments with Swimming Pool
<i>Building Size</i>	3,636 sq. ft.
<i>Density</i>	4 units (3.6 units allowed) 8 bedrooms (5.76 allowed)
<i>Building Coverage</i>	17.4%
<i>Proposed Parking</i>	8 spaces
<i>Required Parking</i>	6 spaces

**BACKGROUND**

December 20, 2017 (**CPA/26/17; item 2.4**) – approval granted for a mixed use building (Apartments with Gift Shop & Café below)



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

Conditions (1-6) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the **aerobic** wastewater treatment system (including the disposal system).
- 2) 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.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) 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](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 5) Construction drawings for the proposed **aerobic** wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 6) 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, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The construction drawings for the proposed swimming pool 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 is constructed in accordance with the submitted plans it will conform to public health requirements.
- 8) 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.

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

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **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.

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**.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman.**

Reasons for the decision:

1. Per Regulation 9(8) of the Development and Planning Regulations (2018 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
  - There are no physical constraints on the site that would prevent the development of apartments.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
2. The Authority accepts the high water mark survey submitted by the applicant as being sufficient to satisfy Regulation 6(3).
3. With the exception of the high water mark setback, lot size, number of bedrooms, front and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
4. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(b) of the Development and Planning Regulations (2018 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
  - a) the elevation of the property and its environs;
  - b) the geology of the property;
  - c) the storm/beach ridge;
  - d) the existence of a protective reef adjacent to the proposed development;

- e) the location of adjacent development; and
- f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that:

- The elevation of the property and its environs is high enough to assist in minimizing storm surge thus allowing the proposed development to be closer to the high water mark.
  - There are existing developments on adjacent properties with similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.
5. The proposed application does not comply with the minimum required lot size, maximum number of bedrooms and the minimum required front and side setbacks per Regulations 9(8)(c)(f),(i) and (j) of the Development and Planning Regulations (2018 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 size and setbacks and additional bedrooms 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

### **AGENCY COMMENTS**

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

#### **Department Of Environment**

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

*The application site is man-modified and is located on a rocky “cobble” beach with an iron-shore beach ridge as shown in Figures 1-3. The applicant received planning permission for a two-storey mixed-used building (retail at ground floor and 2 apartments*

above), Planning Reference P17-1153, in December 2017. The DoE previously recommended a wash through foundation for the building given its proximity to the sea (a setback of approximately 30 ft, yet the Planning Regulations prescribe 50-75 ft minimum setbacks), leaving the beach ridge in its natural state and re-positioning the seawall as close to the building as possible. However, the DOE notes that none of these recommendations were taken on board and planning permission was granted with reduced setbacks, no wash through ground floor and the seawall in the position originally proposed.



Figure 1: Photo showing coastline of Application Site (Source: DOE, 2017)



Figure 2: Showing frontal view of beach ridge (Source: DOE 2017)



Figure 3: Photo showing a side view of the beach ridge (Source: DOE 2017)

*The applicant is now applying for a change of use to modify their permission to use the ground floor units as additional residential apartments instead of for retail use. Given the characteristics of the site, the surrounding environs and climate change predictions for the region, the DOE does not support this change of use as having a residential development on the ground floor on this site increases the development's vulnerability.*

*Coastal setbacks are an important part of climate change adaptation. Whilst the setbacks were breached with the previous approval, the vulnerability of the use at ground floor was less (retail use). Now the risk of impacts from climate change will be greater given the increase in vulnerability of the use (residential).*

*We therefore do not support this change of use. Please do not hesitate to contact the Department should you require further assistance."*

***Fire Department***

*"Fire Approval granted 9th January 2020."*

***Water Authority***

***"PLEASE BE ADVISED THAT THE WATER AUTHORITY'S REQUIREMENTS FOR THIS DEVELOPMENT ARE AS FOLLOWS:***

***WASTEWATER TREATMENT & DISPOSAL***

- THE DEVELOPER SHALL PROVIDE A SEPTIC TANK WITH A CAPACITY OF AT LEAST (1,500) US GALLONS FOR THE PROPOSED. THE SEPTIC TANK SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. EACH COMPARTMENT SHALL HAVE A MANHOLE TO ALLOW FOR INSPECTION AND SERVICE. MANHOLES SHALL EXTEND TO OR ABOVE GRADE AND BE FITTED WITH COVERS THAT PROVIDE A WATER-TIGHT SEAL AND THAT CAN BE OPENED AND CLOSED BY ONE PERSON WITH STANDARD TOOLS. WHERE SEPTIC TANKS ARE LOCATED IN TRAFFIC AREAS, SPECIFICATIONS FOR A TRAFFIC-RATED TANK AND COVERS ARE REQUIRED.***
- TREATED EFFLUENT FROM THE SEPTIC TANK SHALL DISCHARGE TO AN EFFLUENT DISPOSAL WELL CONSTRUCTED BY A LICENCED DRILLER IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. LICENCED DRILLERS ARE REQUIRED TO OBTAIN THE SITE-SPECIFIC MINIMUM BOREHOLE AND GROUTED CASING DEPTHS FROM THE AUTHORITY PRIOR TO PRICING OR CONSTRUCTING AN EFFLUENT DISPOSAL WELL. Figure 4: Photo showing a side view of the beach ridge (Source: DOE 2017)***
- TO ACHIEVE GRAVITY FLOW, TREATED EFFLUENT FROM THE SEPTIC TANK SHALL ENTER THE DISPOSAL WELL AT A MINIMUM OF 1.5 METRES BELOW THE GROUND SURFACE.***

*OF 4'8" ABOVE MSL OR 5'11" IF INSTALLED LESS THAN 100FT FROM THE SEA. THE MINIMUM INVERT LEVEL IS THAT REQUIRED TO MAINTAIN AN AIR GAP BETWEEN THE INVERT LEVEL AND THE WATER LEVEL IN THE WELL, WHICH FLUCTUATES WITH TIDES AND PERCHING OF NON-SALINE EFFLUENT OVER SALINE GROUNDWATER.*

## **WATER SUPPLY**

*THE PROPOSED DEVELOPMENT SITE IS LOCATED WITHIN THE WATER AUTHORITY'S PIPED WATER SUPPLY AREA.*

- THE DEVELOPER SHALL CONTACT WATER AUTHORITY'S ENGINEERING SERVICES DEPARTMENT AT 949-2837, WITHOUT DELAY, TO BE ADVISED OF THE SITE-SPECIFIC REQUIREMENTS FOR CONNECTION TO THE PUBLIC WATER SUPPLY.*
- THE DEVELOPER SHALL SUBMIT PLANS FOR THE WATER SUPPLY INFRASTRUCTURE FOR THE DEVELOPMENT TO THE WATER AUTHORITY FOR REVIEW AND APPROVAL.*
- THE DEVELOPER SHALL INSTALL THE WATER SUPPLY INFRASTRUCTURE WITHIN THE SITE, UNDER THE WATER AUTHORITY'S SUPERVISION, AND IN STRICT COMPLIANCE WITH THE APPROVED PLANS AND WATER AUTHORITY GUIDELINES FOR CONSTRUCTING POTABLE WATER MAINS. THE GUIDELINES AND STANDARD DETAIL DRAWINGS FOR METER INSTALLATIONS ARE AVAILABLE VIA THE FOLLOWING LINK TO THE WATER AUTHORITY'S WEB PAGE: [HTTP://WWW.WATERAUTHORITY.KY/WATER-INFRASTRUCTURE](http://www.waterauthority.ky/water-infrastructure) .*

*THE AUTHORITY SHALL NOT BE HELD RESPONSIBLE FOR DELAYS AND/OR ADDITIONAL COSTS INCURRED BY THE DEVELOPER DUE TO THE DEVELOPER'S FAILURE TO PROVIDE SUFFICIENT NOTICE TO THE AUTHORITY.*

*IF THERE ARE QUESTIONS OR CONCERNS REGARDING THE ABOVE, PLEASE EMAIL THEM TO: [DEVELOPMENT.CONTROL@WATERAUTHORITY.KY](mailto:DEVELOPMENT.CONTROL@WATERAUTHORITY.KY) “*

## **National Roads Authority**

*“As per your memo dated December 27<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

## **Road Capacity Issues**

*The traffic demand to be generated by a residential development of a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Austin Conolly Drive is as follows:*

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
27	2	0	2	3	2	1

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

***Access and Traffic Management Issues***

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

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

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

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

***Stormwater Management Issues***

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Austin Conolly*



*Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*

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

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

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

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

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

### **APPLICANT'S LETTER**

*"Plot 74A Parcel 69 owned by Mr. Ron Hargrave received Planning Approval for 2 Apartments, Gift Shop and a café under **P17-1153**. The project has not been built and the Owner would like to respectfully apply for a modification to replace the approved Gift Shop and Café of the first floor with 2 apartments to total **4 units** and include a small swimming **pool** in the application.*

*We are respecting the permitted density of 15 units per acre and therefore proposing a number of 4 APARTMENTS with a total of 8 bedrooms.*

*In accordance with Planning Regulation in sections 8(11) and (13) we respectfully request consideration to grant of a **lot size variance** and **density variance** since the minimum size plot permitted for apartments is 25,000 sq. ft. and the plot in question is 10,454.40 Sq. Ft. and the maximum number of bedroom permitted is 6 and we are proposing 8. A **setback variance** from the shore line will be required to place the pool behind the approved seawall.*

*In our view this minor variances are of no detriment to the surrounding properties and on the contrary will bring value and quality to the neighborhood. Changing the commercial approved ground floor to residential is in our opinion positive. We hope CPA sees the same benefits to the proposal.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Two Story (4) Apartment building with Swimming Pool to be located Austin Conolly Dr., East End.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **a) Suitability**

Regulation 9(8) states that apartments may be permitted in suitable locations.

The surrounding area consists primarily of residential homes and vacant parcels. It must be noted that the Authority did consider the location suitable for apartments when the mixed use development was approved in 2017.

#### **b) Lot Size**

Section 9(8)(f) of the Development & Planning Regulations (2017) states the minimum lot size for Apartments is 25,000 sq. ft. The proposed parcel would only be 0.25 Ac. (10,890 sq. ft.) a difference of 14,110 sq. ft.

#### **c) Density (Units / Bedrooms)**

Regulation 9 (8)(c) states “the maximum number of apartments is fifteen per acre with a maximum of 24 bedrooms”. The proposed parcel Block 74A Parcel 69 allows a maximum of 3.6 Apartment units with a maximum of 5.76 bedrooms, the applicant has proposed 4 apartments with a total of 8 bedrooms a difference of 0.4 units & 2.24 units respectively.

#### **d) HWM Setback**

Section 8(10)(b) of the Development & Planning Regulations (2018) states in areas where the shoreline is beach or mangrove, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of 75’ from the high water mark. The proposed building & swimming pool would be 48’-0” & 25’-10” from the HWM a difference of 27’-0” & 22’-2” respectively.

#### **e) Authenticated HWM Survey**

The applicant has submitted a new HWM survey measured on January 22, 2020, however it has not been authenticated at this time. When compared to the previous Authenticated HWM measured 30-08-17 there is almost no change in the coastline, the Board should determine if it is necessary to require a new HWM survey.

**f) Road (Front) & Side Setbacks**

Section 9(8)(i)&(j) of the Development & Planning Regulations (2018) states the minimum front setbacks are 20'-0" the proposed septic tank would only be 10'-0" from the front boundary & 6'-0" from the side boundary a difference of 10'-0" & 4'-0" respectively.

**2. 10 TONY LALOR Block 25B Parcel 256 (FA91-0205) (P19-0891) (\$87,500) (CS)**

Application for after-the-fact addition to create a fourth apartment.

**FACTS**

<i>Location</i>	Mangrove Avenue, Prospect
<i>Zoning</i>	<b>LDR</b>
<i>Parcel Size</i>	10,001 sq. ft.
<i>Current Use</i>	Three (3) Apartments
<i>Proposed Use</i>	Apartments
<i>Proposed Floor Area</i>	+ 547 sq. ft.
<i>Building Footprint</i>	+ 547 sq. ft.
<i>Site Coverage</i>	27%

**BACKGROUND**

August 7, 1991 (CPA/18/91; Item 3.9) The Authority granted planning permission for three apartments.

October 17, 2007 CPA/30/07; Item 2.6) The Authority resolved to modify planning permission to modify building elevations and parking area.

October 8, 2008 (CPA/33/08; Item 2.12) The Authority granted planning permission for a shed.

March 4, 2009 (CPA/07/09; Item 2.20) The Authority resolved to grant planning permission for a shed subject to the following condition:

- 1) The applicant shall obtain a letter from the adjacent land owner consenting to the deficient side setback. The Certificate of Occupancy for the apartment building shall not be granted until this written consent is received.

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lot size, setbacks and parking layout.

## **AGENCY COMMENTS**

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

### **National Roads Authority**

*As per your memo dated September 27<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

***The NRA has no objections or concerns regarding the above after the fact addition.***

### **Department of Environmental Health**

*1. DEH has no objections to the proposed. This development requires a minimum of four (4) 33 gallon garbage bins.*

*a. The site plan must be revised to indicate the additional garbage bin and submitted to DEH.*

### **Fire Department**

*No concerns.*

### **Water Authority**

*Please be advised that the water authority's requirements for this development are as follows:*

#### *Wastewater treatment & disposal*

- The developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the existing and proposed addition. the septic tank shall be constructed in strict accordance with the authority's standards. each compartment shall have a manhole to allow for inspection and service. manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority's standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above msl. the minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

*Existing septic tank*

*If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the septic tank inspection form that can be downloaded from the water authority's website via the following link:*

*<https://bit.ly/2ro8mbb>*

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

*Water supply*

*The proposed development site is located within the water authority's piped water supply area.*

- the developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- the developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- the developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page:  
<http://www.waterauthority.ky/water-infrastructure> .*

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

**Department of Environment**

*Under delegated authority from the National Conservation Council (section 3 (13) of the national conservation law, 2013), the department of environment confirms that we have no comments.*

**APPLICANT'S LETTER**

*"I write on behalf of Tony Lalor who recently applied to the Department of Planning for approval of an already existing structure. The application requires a request for a few variances due to lot size, side and back setback encroachment and density. Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) states " (b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that –*

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

*(ii) unusual terrain characteristics limit the site's development potential; or (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare; or Development and Planning Regulations (2018 Revision)*

*To date the other approved structures have not been detrimental to the neighborhood or to public welfare. As such, the structure in question was constructed in order to provide additional income to assist Mr. Lalor with providing for his family and mortgage, as the adjacent lot was vacant no complaints or concerns were expected from the property owner.*

*It is further noted, that the adjoining property owners have been notified of the application.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission for an After-The-Fact addition to create a fourth apartment.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **a) Lot Size**

The minimum lot size required for apartments within the LDR zone is 25,000 s.f, however this site is 10,001 s.f. which is also deficient for a duplex.

#### **b) Side and Rear Setbacks**

The addition encroaches both the north side setback and rear setback, measuring 3'7" from the side and 10' from the rear.

#### **c) Parking**

The applicant has added additional parking to accommodate the third unit, however there is inadequate reversing space for stalls 3 & 6.

**2. 11 7 MILE BEACH RESORT Block 13B Parcel 102 (FA89-0271) (P16-0421) (P19-1322) (CS)**

Application for an after-the- fact modification to the site and floor plans of an approved resort renovation.

**FACTS**

<i>Location</i>	West Bay Road, West Bay Beach South
<i>Zoning</i>	<b>Hotel Tourism</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	3.2 AC
<i>Current Use</i>	<i>Resort</i>
<i>Parking Required</i>	26
<i>Parking Provided</i>	38

**BACKGROUND**

May 24, 2016 - An application to relocate an equipment/pump room and add a fire pump room was administratively approved.

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the proximity of the building to the road and the width of the sidewalk.

**AGENCY COMMENTS**

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

**National Roads Authority**

*As per your memo dated December 12<sup>th</sup> 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**Road Capacity Issues**

*The impact of the proposed modification onto Piper Way is considered to be minimal.*

**Access and Traffic Management Issues**

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

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

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

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

### ***Stormwater Management Issues***

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

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

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

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



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

### **Water Authority**

*Please be advised that the water authority's requirements for this development are as follows:*

#### *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](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 1,393 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.*

#### *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](mailto: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), associated piping, and dispensers. the monitoring wells shall comply with the standard detail of the water authority. all 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.*

*Lint interceptor required at commercial, institutional, coin-op laundries.*

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

*Water Supply:*

*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.*

## **Fire Department**

*Approved.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission for an After-The-Fact modification to the site and floor plan of an approved resort renovation that includes the following:

- Removal of a conference room.
- Adding two (2) guest suites
- Removal of two (2) street side parking spaces.
- 3'6" versus 6' sidewalk.

### **Zoning**

The property is zoned Hotel Tourism

**Specific Issues**

**a) Sidewalk width & design**

After a majority of the After-The-Fact works to the lobby building were constructed, the applicant chose to install a sidewalk. The sidewalk is 3'6" versus the standard 6'. Furthermore, the side walk is elevated to improve accessible access to the lobby entrance and therefore requires a railing.

When evaluating an appropriate sidewalk width, for two-way pedestrian traffic or for groups of people travelling in the same direction, a 6' minimum width is typically required. With the current design, persons will be required to step off the sidewalk into the adjacent road in order to allow others to pass and this will be exacerbated when considering persons with accessibility challenges.

**b) Piper Way encroachment**

The site is subject to a 20' vehicular easement to provide access to parcels 143, 193 & 194. Prior to the sidewalk being installed, the paved width was 20'7". With the sidewalk, it has been reduced to 17'6". If the CPA were to require a 6' sidewalk, the travel lane will be reduced to 15'.

NRA, Fire Department and DEH have not specifically stated any issues regarding the width. It should be noted, this portion of Piper Way is designed for 1-way traffic only.

**2. 12 BRUCE REYNOLDS Block 22D Parcel 230 (F19-0707) (P19-1371) (\$500,000) (CS)**

Application for five (5) apartments, pool and 18 sf monument sign.

**FACTS**

<i>Location</i>	Summit Cres, Prospect
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12,632 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Footprint</i>	2,100 sf
<i>Building Area</i>	2,100 sf
<i>Site Coverage</i>	17%
<i>Apartments Proposed</i>	5
<i>Apartments Allowed</i>	4
<i>Bedrooms Proposed</i>	5
<i>Bedrooms Allowed</i>	6

<i>Parking Required</i>	8
<i>Parking Proposed</i>	10

## **BACKGROUND**

There is no Planning history for this site.

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

Conditions (1-6) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the **aerobic** wastewater treatment system (including the disposal system).
- 2) 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.
- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) 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](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 5) Construction drawings for the proposed **aerobic** wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 6) 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, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The construction drawings for the proposed swimming pool 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 is constructed in accordance with the submitted plans it will conform to public health requirements.
- 8) 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.
- 9) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **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.

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**.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman**.

Reasons for the decision:

- 1) Per Regulation 9(8) of the Development and Planning Regulations (2018 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
  - There are no physical constraints on the site that would prevent the development of apartments.
  - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2018 Revision).

- 3) The proposed application does not comply with the minimum required lot size per Regulations 9(8)(f) of the Development and Planning Regulations (2018 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 size 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.

**AGENCY COMMENTS**

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

**National Roads Authority**

*As per your email dated December 31<sup>st</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**Road Capacity Issues**

*The traffic demand to be generated by a residential development of a five (5) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Summit Crescent is as follows:*

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<b>33</b>	<b>2</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>

*Based on these estimates, the impact of the proposed development onto Summit Crescent is considered to be minimal.*

**Access and Traffic Management Issues**

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

*Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. – please ensure applicant revised final plan accordingly.*

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

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

### ***Stormwater Management Issues***

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

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

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

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

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

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

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

### **Water Authority**

*Please be advised that the water authority's requirements for this development are as follows:*

#### *Wastewater treatment & disposal*

- the developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the proposed. the septic tank shall be constructed in strict accordance with the authority's standards. each compartment shall have a manhole to allow for inspection and service. manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority's standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*
- to achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above msl. the minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

#### *Water supply*

*The proposed development site is located within the water authority's piped water supply area.*

- the developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- the developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*



- *the developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page:  
<http://www.waterauthority.ky/water-infrastructure> .*

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

## **Fire Department**

*Approved*

## **Department of Environment**

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

## **Department of Environmental Health**

- 1. DEH has no objections to the proposed in principle.
  - a. This development will require a minimum of (5) 33 gallon garbage bins within a 5ft W x 7.50ft L x 2.50ft H enclosure at the proposed location.**
- 2. A swimming pool application must be submitted for review and approval prior to constructing the pool.*

## **APPLICANT'S LETTER**

*“We write on behalf of our client Mr. Bruce Reynolds for the above application.*

*With the growth of the surrounding area and the growing demand for more accommodation the land owner has invested into the proposed property to meet some of the growing demands of the area and community.*

*The proposed single storey development includes five (5) one bedroom units, communal pool with ample parking, and green spaces.*

*We are seeking approval from the Central planning Authority for a five unit apartment development, pool, road side sign less than 30 sqft and a lot size variance.*

*Lot size variance*

*The proposed development is located in a Low Density Residential zone; the subject parcel is surrounded by some residential homes and apartment development the proposed development complies with all required setbacks for a LDR zoned development.*

*We are seeking a lot size variance under regulation 8(13) (b) & (d) of 12,632.4 sq. ft. vs 25,000 sq. ft. under the following conditions*

- 1. The characteristics of the proposed development are consistent with the character of the surrounding area.*
- 2. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
- 3. Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.*

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

5. The proposed development is located near to other apartment developments with similar or the same lot size condition along the same access road, (see appendix 1)

In general the overall development meets or exceeds the required setback conditions, given that this is the only variance being requested of the CPA.

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission for five (5) apartments, pool & a 18 sf monument sign.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **a) Suitability**

Regulation 9(8) allows apartments in the LDR zones in suitable locations provided they meet certain criteria. The site is located in a residential subdivision near several multi-family developments. It should be noted the nearby apartment communities are located on appropriately sized lots.

#### **c) Lot Size Variance**

Per Regulation 9(8)(f), the minimum lot size allowed for apartments is 25,000 sq. ft., however the site is sized to allow a duplex at 12,362 sq. ft.

The Authority is asked to consider whether the applicant has suitably demonstrated sufficient reason and exceptional circumstance to allow the lot size variance as explained in their letter, included in this report.

## **2. 13 JOHN GRAY HIGH SCHOOL (Ministry EYSAL) Block 15B Parcel 388 (FA87-0194) (P19-0647) (P19-1359) (CS)**

Application to modify planning permission for a high school expansion.

**FACTS**

<i>Location</i>	Walkers Road and Olympic Way, South Sound
<i>Zoning</i>	<b>Institutional</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	17.51 AC
<i>Current Use</i>	High School
<i>Proposed Use</i>	High School

**BACKGROUND**

June 13, 2007 (CPA/18/07; **Item 2.2**) - The Authority granted planning permission to rebuild the John Gray High School.

September 25, 2019 (CPA/20/19; **Item 2.18**) – The Authority granted planning permission for a high school expansion.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/20/19; item 2.18 be modified as shown on the architectural drawings submitted February 19, 2020.

All other conditions of CPA/20/19; item 2.18 remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2018 Revision).

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is requesting to modify planning permission of an approved high school expansion which includes:

- Modification to fence and gate locations
- Adding a bus parking area
- An additional LPG tank
- Shade structures at sports fields
- Covered walkways interior to site

- Floor plan changes
- Modification to parking area

**Zoning**

The property is zoned Institutional

**Specific Issues**

**a) Parking Layout**

At the September 25, 2019 hearing, the CPA approved the expansion application with 214 spaces.

Due to the addition of the bus parking area, revisions were made to the southwest parking area, resulting in a reduction of 4 spaces.

The redesign also creates long rows of parking with no breaks for landscaping, whereas canopy trees or future solar panel structures could be installed to offer shade.

The Department notes there is space available within this area to allow for at least 10 additional spaces, to reinstate the approved 214 spaces and to allow for some landscape medians.

**2. 14 MAEDAC HOUSE Block 22E Parcel 117 (F80-0278) (P19-1190) (\$12,000) (MW)**

Application for 500 gallon LPG above ground propane tank refill station.

**FACTS**

<i>Location</i>	Crewe Rd., George Town
<i>Zoning</i>	NC
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	1.502 AC/65,427.12 sq. ft.
<i>Parcel Size Required</i>	20,000 sq. ft.
<i>Current Use</i>	Existing Commercial Building
<i>Proposed Use</i>	500 Gallon LPG above ground propane refill station.

**BACKGROUND**

No history specific to this application.

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

Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit plans showing:
  - a) fencing/screening around the tank to the satisfaction of the Director of Planning
  - b) a demarcated parking and vehicle stacking area
- 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 Certificate of Completion **prior to the utilization of the LPG tank.**

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 (2018 Revision).

### **AGENCY COMMENTS**

Comments from the Director of National Conservation Council and Department of Environmental Health are noted below.

#### **Department Of Environment**

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

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

#### **Department of Environmental Health**

*“The Department has no objections to the proposed.*

#### **OfReg**

*The OfReg Fuels has reviewed the site plan for proposed location for a filling LP-Gas (Propane Station in accordance with NFPA 58 and the Dangerous Substances (DS) Law and Regulations.*

*The Office will require the applicant to comply with the DS Regulation 62: Fuel Signs and Prices, provide an elevation drawings and Lighting (NFPA 58, 6.21.5), Fire Protection (NFPA 58, 6.29 & 8.5.2 & 4.7, and the Cayman Islands Fire Code/Law) of the proposed filling station.*

*All technical plans are required to be submitted at BCU stage for further plan review by the Chief Fuels Inspector or Fuels Inspectors.*

*The applicant is reminded that a Premises Operating Permit will be required from the Utility Regulation and Competition Office (“OfReg”) for the proposed fuel station.”*

### **APPICANT LETTER**

*All attendants and management staff are to be trained and pass a Certified Employee Training program (CETP) course on propane dispenser operation in order to become certified for the safe operation of the refill station. Continuing training will be performed annually, and all new staff is to be certified before they can operate the re-filling station. The attendant is also attached to Maedac warehouse and will be working either in the office or warehouse until a customer arrives. Re-filling times are short-one to two minutes per cylinder. There is a working shelve in the cabinet if the attendant needs to do paperwork at the refilling station. All payments are to be made at the counter of the Maedac house on the first floor. Customer’s can wait in the comfort of the climate-controlled environment and shop. The attendant will be out weather the majority of the day while engaged in his or hers regular duties.*

- 1. Attendant will be on Duty for refill station during operational hours. After Hours, dispenser will be locked, and the system will be locked out at the electrical Panel*
- 2. Customers will park in the designated area for the re-filling station and turn off ignition. No re-filling operations are to commence until vehicles engines have been turned off.*
- 3. Attendant will take the cylinder from the customer and inspect cylinder to ensure it is within its year for compliancy and that it is fit for and safe for re-filling. Any cylinder that is not fit for re-filling is not to be filled and the attendant is to dispose of the cylinder properly, by means of their propane supplier.*
- 4. Maedac House will have empty cylinders for sale in the event the customers tank is not fit for refiling.*
- 5. Attendant will weigh the cylinder and tare it. Only then can the cylinder refilling commence. All cylinders are to be filled by weight on the scale.*
- 6. Once cylinder has been filled, attendant will shut the service valve on the service valve, hit the stop button to shut the system down at the re-filling station and secure the cabinet.*

7. Attendant will lock the cabinet and at this time the re-filling operation will be over and re-filling station secured.
8. At no time is a customer allowed to self-fill a cylinder!

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 500 gallon above ground lpg refill station to be located on Crewe Rd., George Town.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **a) Visual appearance**

The proposed is for an exposed lpg tank surrounded by bollards and the Authority should determine if this provides an acceptable visual appearance along a main road corridor.

#### **b) Parking/Vehicle stacking**

The proposal is designed such that there is just an open area surrounding the tank. There is no demarcated parking or vehicle stacking/waiting areas. This scenario could lead to a very haphazard site with resulting traffic conflicts.

## **2. 15 TANJA SCOTT Block 28C Parcel 548 (F19-0657) (P19-1219) (\$550,000) (MW)**

Application for four (4) apartments.

### **FACTS**

<i>Location</i>	Roses Estate Dr., Bodden Town
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.3788 AC/16,500.528 sq. ft.
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	4 Unit Apartment Complex
<i>Building Size</i>	4,845 sq. ft.
<i>Building Coverage</i>	29.4%



<i>Apartments Proposed</i>	4
<i>Apartments Allowed</i>	5
<i>Bedrooms Proposed</i>	9 (10?)
<i>Bedrooms Allowed</i>	9
<i>Proposed Parking</i>	8 spaces
<i>Required Parking</i>	6 spaces

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to concerns regarding suitability, lot size and number of bedrooms.

**AGENCY COMMENTS**

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

**National Roads Authority**

*“As per your memo dated November 26<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**Road Capacity Issues**

*The traffic demand to be generated by a residential development of a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Roses Estate Drive is as follows:*

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 16% In</b>	<b>AM Peak 84% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 67% In</b>	<b>PM Peak 33% Out</b>
<b>27</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>

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

**Access and Traffic Management Issues**

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

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

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

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

### ***Stormwater Management Issues***

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

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

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

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

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

### **Water Authority**

*PLEASE BE ADVISED THAT THE WATER AUTHORITY'S REQUIREMENTS FOR THIS DEVELOPMENT ARE AS FOLLOWS:*

#### **WASTEWATER TREATMENT & DISPOSAL**

- *THE DEVELOPER SHALL PROVIDE A SEPTIC TANK WITH A CAPACITY OF AT LEAST (2,000) US GALLONS FOR THE PROPOSED. THE SEPTIC TANK SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. EACH COMPARTMENT SHALL HAVE A MANHOLE TO ALLOW FOR INSPECTION AND SERVICE. MANHOLES SHALL EXTEND TO OR ABOVE GRADE AND BE FITTED WITH COVERS THAT PROVIDE A WATER-TIGHT SEAL AND THAT CAN BE OPENED AND CLOSED BY ONE PERSON WITH STANDARD TOOLS. WHERE SEPTIC TANKS ARE LOCATED IN TRAFFIC AREAS, SPECIFICATIONS FOR A TRAFFIC-RATED TANK AND COVERS ARE REQUIRED.*
- *TREATED EFFLUENT FROM THE SEPTIC TANK SHALL DISCHARGE TO AN EFFLUENT DISPOSAL WELL CONSTRUCTED BY A LICENCED DRILLER IN STRICT ACCORDANCE WITH THE AUTHORITY'S STANDARDS. LICENCED DRILLERS ARE REQUIRED TO OBTAIN THE SITE-SPECIFIC MINIMUM BOREHOLE AND GROUTED CASING DEPTHS FROM THE AUTHORITY PRIOR TO PRICING OR CONSTRUCTING AN EFFLUENT DISPOSAL WELL.*

- *TO ACHIEVE GRAVITY FLOW, TREATED EFFLUENT FROM THE SEPTIC TANK SHALL ENTER THE DISPOSAL WELL AT A MINIMUM INVERT LEVEL OF 4'11" ABOVE MSL. THE MINIMUM INVERT LEVEL IS THAT REQUIRED TO MAINTAIN AN AIR GAP BETWEEN THE INVERT LEVEL AND THE WATER LEVEL IN THE WELL, WHICH FLUCTUATES WITH TIDES AND PERCHING OF NON-SALINE EFFLUENT OVER SALINE GROUNDWATER.*

## ***WATER SUPPLY***

*THE PROPOSED DEVELOPMENT SITE IS LOCATED WITHIN THE WATER AUTHORITY'S PIPED WATER SUPPLY AREA.*

- *THE DEVELOPER SHALL CONTACT WATER AUTHORITY'S ENGINEERING SERVICES DEPARTMENT AT 949-2837, WITHOUT DELAY, TO BE ADVISED OF THE SITE-SPECIFIC REQUIREMENTS FOR CONNECTION TO THE PUBLIC WATER SUPPLY.*
- *THE DEVELOPER SHALL SUBMIT PLANS FOR THE WATER SUPPLY INFRASTRUCTURE FOR THE DEVELOPMENT TO THE WATER AUTHORITY FOR REVIEW AND APPROVAL.*
- *THE DEVELOPER SHALL INSTALL THE WATER SUPPLY INFRASTRUCTURE WITHIN THE SITE, UNDER THE WATER AUTHORITY'S SUPERVISION, AND IN STRICT COMPLIANCE WITH THE APPROVED PLANS AND WATER AUTHORITY GUIDELINES FOR CONSTRUCTING POTABLE WATER MAINS. THE GUIDELINES AND STANDARD DETAIL DRAWINGS FOR METER INSTALLATIONS ARE AVAILABLE VIA THE FOLLOWING LINK TO THE WATER AUTHORITY'S WEB PAGE: [HTTP://WWW.WATERAUTHORITY.KY/WATER-INFRASTRUCTURE](http://www.waterauthority.ky/water-infrastructure) .*

*THE AUTHORITY SHALL NOT BE HELD RESPONSIBLE FOR DELAYS AND/OR ADDITIONAL COSTS INCURRED BY THE DEVELOPER DUE TO THE DEVELOPER'S FAILURE TO PROVIDE SUFFICIENT NOTICE TO THE AUTHORITY.*

**Department of Environmental Health**

- 1. *The Department has no objections to the proposed.*
- 2. *This development will require (4) 33 gallon garbage bins within a 5ft W x 5 ft L x 2.50 ft H enclosure.*

**Fire Department**

Fire Approval 8 Jan. 2020

**APPLICANT LETTER**

*We are applying for lot size & lot width variances to construct Savanna Gem Apartments on Block 28C Parcel 548 which have a square footage of 16,500.528 and width of 91.29 feet.*

*Based on the requirements to construct apartments we need additional 8,499.472 sq.ft. for lot size and 8.71 feet Lot width to meet regulation. The design is compliant with all other requirements.*

*The applicants are two young Caymanian hoping to construct apartments to help with their family finances for the future. However, they were not aware of the requirements when purchasing the land.*

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

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

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

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a four (4) unit apartment complex to be located on Roses Estate Dr., Bodden Town.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issue**

**a) Suitability**

Regulation 9(8) states that apartments may be permitted in suitable locations.

The surrounding area consists mainly of residential homes and vacant parcels with a few apartments within the nearby vicinity (28C 108 and 531).

**b) Lot Size**

Regulation 9(8)(f) of the Development & Planning Regulations (2018) states the minimum lot size for Apartments is 25,000 sq. ft. The proposed parcel would only be 16,500.528 sq. ft. (0.3788 Ac.) a difference of 8,499.472 sq. ft.

**c) Lot Width**

Regulation 9(8)(g) of the Development & Planning Regulations (2018) states the minimum lot width for apartments is 100'. The proposed parcel is currently only 91.29' a difference of 8.71'.

**d) Bedrooms**

Units 1 and 2 are designed with three bedrooms. Unit 3 is the same design as Units 1 and 2 with the exception that bedroom 2 is labelled as a dining room – the closet has been removed and there is a half wall opening into the kitchen. If this dining room is considered a bedroom then the applications would exceed the allowable number of bedrooms by one.

**2. 16 RUM POINT COTTAGE (Encompass Cayman) Block 40A Parcel 45 (F19-0702) (P19-1360) (\$480,000) (JP)**

Application for a house and pool with associated deck.

**FACTS**

<i>Location</i>	Rum Point Drive, North Side
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.26 AC/11,326 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the building design and the high water mark setback.

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The application site consists of coastal shrubland primary habitat, and is adjacent to a Marine Protected Area (No Dive Zone). The Department notes that from the plans submitted, it depicts the coastline as ironshore. This is inaccurate and it should be considered as a beach coastline. From the 2018 aerial imagery, the coastline can be mistaken for ironshore, however, what is shown is accumulated seagrass (see Figures 2 and 3), which is a common occurrence on beaches along Northside/Rum Point coastline.*



*Figure 1: LIS 2018 aerial imagery showing application site*



*Figure 2: Photo showing application site coastline (Source DOE, 6 Jan 2020)*



Figure 3 showing beach immediately in front of the application site (Source DOE, 6 Jan 2020)

*Given that this is a beach location and not ironshore, the minimum coastal setback for the property would be 75ft as per the Development and Planning Regulations (2018 Rev). It is imperative that minimum coastal setbacks are met for all structures including pool and pool decks, particularly given climate change predictions for the region and the increasing prevalence of coastal erosion associated with inappropriately sited development, either on the active beach or too close to the Mean High Water Mark.*

*In conclusion, the applicant should be encouraged to submit a revised plan where the development meets the minimum required coastal setbacks and to take into consideration the climate change impacts and incorporate climate change resilient features such as raised/wash through foundations for the deck and house. However, if the CPA is minded to grant planning permission for this application, we recommend the inclusion of the below conditions in any grant of planning approval:*

- *Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*
- *All construction materials shall be stockpiled away from the sea to prevent run-off and debris from entering the marine environment.”*

**APPLICANT’S LETTER**

*“We have been engaged by the property owner to develop a residential waterfront House at the address stated above.*

*The proposed House has been virtually positioned on the site plan to maximize considerations such as local climate, view, terrain, vegetation, street access and noise.*



*The Cayman Islands Development and Planning regulations states that the following setback provisions apply to waterfront property – “in areas where the shoreline is beach (except hotel and tourist related zones), all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of seventy five feet from the high water mark.”*

*We also understand that The Planning Authority may grant permission for setbacks to be located at a lesser distance than that prescribed. Against this background we are requesting a variance on the rear setback from 75 ft. to 41ft.*

*The site plan shows this 41 ft. distance as the rear setback from the pool deck stairs to water mark. This layout will allow the lot to be properly developed into a single family home.*

*If granted the variance will not change the character of the zoning district as the setback will be in line with the other houses and it will not adversely affect the health, safety or welfare of the neighboring adjacent developments. 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. Moreover, our client also owns the adjacent lots.*

*We thank you in advance for your consideration with this appeal for a setback variance.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located within the Rum Point area of North Side. The Caribbean Sea forms the northern boundary with Rum Point Drive providing access to from the south. Vacant neighbouring land is sited to the west and a vacant lot, owned by the applicant, forms the eastern boundary.

The application seeks planning permission for a house with pool and deck.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **a) High water mark setback 40’ 7” v 75’**

Regulation 8(10)(b) establishes a minimum setback on a beach shoreline in residential areas of 75 feet from the High Water Mark.

Regulation 8(11) enables the Authority to grant a lesser setback in certain situations. In this instance of relevance would be the existence of a protective reef adjacent to the proposed development site. For the avoidance of doubt, no protective reef exists adjacent to the application site.

Firstly, members are invited to note the applicant owns the adjoining lot to the east. This provides the opportunity to design a property which spans across two lots to prevent encroaching into the high water mark setback, thereby ensuring both life and property are protected from storm surges.

Secondly, it is recognised the 75' setback results in a narrow area of development. However, the design submitted utilises potential developable area for the provision of a parking area and siting of a septic tank. Members may consider the existing application site could be better executed in general conformity with the Regulations whereby parking and septic tank is sited in front of the house, thereby, providing site area to redesign a linear house whereby enabling enclosed accommodation to be sited adjacent outside of the 75'.

Members are invited to consider the agents letter seeking to justify the development.

**2. 17 CARMEL WEAVER Block 13B Parcel 39 (FA83-0154) (P19-1420) (\$90,000) (EJ)**  
Application for a house.

**FACTS**

<i>Location</i>	Park Lane
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.30 AC/13,068 sq. ft.
<i>Current Use</i>	House and Pool
<i>Proposed Use</i>	Additional House
<i>Parking required</i>	2
<i>Parking Proposed</i>	2
<i>Site Coverage Allowed</i>	30%
<i>Site Coverage Proposed</i>	25.99%

**BACKGROUND**

1994; House shown (existed) prior to 1994 aerial maps,  
1993 (no specified date in system) permission was granted for a house,  
30-Mar-2011 The Department granted permission for a swimming pool,

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lot size and front and rear setbacks.

**APPLICANT LETTER**

*Kindly accept this letter requesting a setback and lot size variance for a proposed guest house on Park Lane, located in a Low Density Residential zone.*

**FRONT SETBACK VARIANCE**

*After the neighboring parcel (now 13B 215) was granted planning permission to build apartments, Park Lane was terminated and there is no longer a functioning road in front of this proposed structure. It is 10' away from this property boundary and I ask that planning consider this front setback more like a side setback because*

*there's no longer a road used on this property boundary. I have enclosed a picture here showing the how Park Lane no longer has thru traffic.*

### ***SIDE SETBACK VARIANCE***

*The proposed building is setback 10'-9" from the side property boundary. Given the small footprint of it, please consider this variance where the required setback is 15' for a 2 story building.*

### ***LOT SIZE VARIANCE***

*For 2 houses, the lot is required to be 20,000sf. The size of the lot is 11,690sf or 0.27 acres. Given the very small footprint of the building (444sf) when compared to a typical house, I ask that you consider this variance.*

*Please note the following sections of the Development and Planning Law with this application:*

- This application is not 'materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare' as stated in section 8(13)(b)(iii), and*
- As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this setback variance and no objections have been made to date.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is seeking a lot size variance, a front and left-side setback variance for the proposed one (1) bedroom, 2-storey detached house located at Park Lane in George Town.

#### **Zoning**

The land is zoned Low Density Residential.

#### **Specific Issues**

##### **a) Lot size variance**

The applicant is seeking a lot size variance for the proposed two-storey detached house. Regulation 9)(8)(d) requires a minimum lot size of 10,000 square feet for each house; therefore, the parcel will be undersized by 6,932 square feet, giving that the existing parcel is only 13,068 square feet and already has a house.

**b) Front and side setback variance**

Per Regulation 9)(8)(i) and (j); the required front setback is 20’ the required side setback is 15’. The applicant is seeking two setback variances proposed at 10’ respectively from the front and left side boundary.

**c) Proposed parking layout**

Although the site is at the end of Park Lane, the applicant proposes to have two parking spaces directly off Park Lane. The Authority has traditionally discouraged reversing onto roads, but has shown some discretion when minor roads are involved. The Authority should determine if the proposed site design will result in any traffic safety problems.

**2. 18 PADDINGTON WAREHOUSES Block 13D Parcel 466 (F96-0101) (P19-0466) (\$143,000) (MW)**

Application for a 2,435 sq. ft. (17) unit warehouse.

**Fred Whittaker declared a conflict and left the meeting room.**

**FACTS**

<i>Location</i>	Paddington Ln., George Town
<i>Zoning</i>	<b>HDR/HI/GC</b>
<i>Notice Requirements</i>	No Objections
<i>Parcel Size</i>	1.841 AC/80,154.4 sq. ft.
<i>Current Use</i>	Existing Warehouses
<i>Proposed Use</i>	Warehouse
<i>Building Size</i>	2,435 sq. ft.
<i>Building Coverage</i>	33.7%
<i>Proposed Parking</i>	None proposed (Existing 42 spaces)
<i>Required Parking</i>	27 total

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

Conditions (1-3) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing the proposed 6’ wall setback a minimum of 6’ behind the existing guard rail.
- 2) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the

Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**

- 3) 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](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 4) 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.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **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.

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.**

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman.**

Reasons for the decision:

- 1) With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2018 Revision), including the proposal being suitable in the residential zone per Regulation 9(3).
- 2) The proposed application does not comply with the minimum required front (road) setback per Regulation 9(6)(i) of the Development and Planning Regulations (2018 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.

### **AGENCY COMMENTS**

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

#### **Water Authority**

*"PLEASE BE ADVISED THAT THE WATER AUTHORITY'S REQUIREMENTS FOR THIS DEVELOPMENT ARE AS FOLLOWS:*

#### *WASTEWATER TREATMENT & DISPOSAL FOR THE PROPOSED*

- *THE PLANS DO NOT INDICATE ANY WATER SOURCE OR SANITARY FIXTURES FOR THE PROPOSED WAREHOUSE; IF THIS IN FACT THE CASE, THE AUTHORITY HAS NO REQUIREMENTS FOR THIS PROPOSAL.*
- *EXISTING SEPTIC TANK*
- *THE DEVELOPER IS ADVISED THAT THE EXISTING SEPTIC TANK AND DISPOSAL WELL SERVING THE HAIR SALON SHALL BE INSPECTED AND SERVICED PER THE SEPTIC TANK INSPECTION FORM THAT CAN BE DOWNLOADED FROM THE WATER AUTHORITY'S WEBSITE VIA THE FOLLOWING LINK:  
[HTTP://WWW.WATERAUTHORITY.KY/UPIMAGES/PAGEBOX/FILLABLESEPTICTANKINSPECTIONREPORTFORM\\_REV2013\\_1441302814.PDF](http://www.waterauthority.ky/upimages/pagebox/fillableseptic_tank_inspection_report_form_rev2013_1441302814.pdf) THE COMPLETED INSPECTION FORM SHALL BE RETURNED TO THE WATER AUTHORITY FOR REVIEW AND DETERMINATION AS TO WHETHER THE EXISTING SYSTEM MEETS WATER AUTHORITY DESIGN SPECIFICATIONS. ANY DEFICIENCIES NOTED WILL REQUIRE REPAIR OR REPLACEMENT PRIOR TO FINAL APPROVAL FOR OCCUPANCY OF THE PROPOSED DEVELOPMENT.*
- *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](http://www.waterauthority.ky/water-infrastructure) .*

*THE AUTHORITY SHALL NOT BE HELD RESPONSIBLE FOR DELAYS AND/OR ADDITIONAL COSTS INCURRED BY THE DEVELOPER DUE TO THE DEVELOPER'S FAILURE TO PROVIDE SUFFICIENT NOTICE TO THE AUTHORITY.*

**National Roads Authority**

*“As per your memo dated June 13<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*General Issue*

*The proposed wall should be a minimum of 6 feet for the existing guardrail.*

**Road Capacity Issues**

*The traffic demand to be generated by the above proposed development of 2,435 sq. ft. has been assessed in accordance with ITE Code 151-Mini Warehouse. The anticipated traffic to be added on Godfrey Nixon way is as follows:*

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
<i>6</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>1</i>	<i>1</i>	<i>0</i>

*Based on these estimates, the impact of the proposed development onto Godfrey Nixon way is considered to be minimal.*



### ***Access and Traffic Management Issues***

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

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

### ***Storm Management Issues***

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development that effect, the following requirements should be observed:*

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the storm water management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area of onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

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

*Encroachment under section 16(g) of the Roads Law (2005 Revision). For the purpose of this Law Section 16(g) defines encroachment on a road as failure in meeting these requirements will require immediate remedial measures from the applicant."*

## **Department of Environmental Health**

*This development can utilize the existing container and increase the frequency of servicing to three times per week.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is requesting planning permission for a 2,435 sq. ft. (17) Unit Warehouse located on Paddington Ln, George Town

#### **Zoning**

The property is split zoned High Density Residential, Heavy Industrial & General Commercial.

#### **Specific Issues**

##### **a) Suitability**

Part of the building is situated in the HDR zone and regarding non-residential uses in that zone, Regulation 9(3) states *“other developments may be permitted in suitable locations and if the applicant has advertised details of his application (other than an application having relation to any temporary development) twice in a newspaper published and circulating in the Islands, with a period of not less than seven days or more than ten days between each successive publication of the advertisement, and there are no objections, from an adjacent owner as provided for in regulation 8(12A), (12B) and (12C) and lodged within 21 days of the final advertisement, which the Authority regards as raising grounds for refusing such permission.*

The surrounding parcels within this area are a mix of commercial and light industrial uses.

The Authority is recommended to determine whether the proposed use is appropriate for this area and zone.

##### **b) Road Setback**

Regulation 9(6)(i) states *“the minimum side setback is 10’ for a building of one story”*. However the proposed warehouse is bordered by a road which would require a minimum setback of 20’-0” from the physical boundary. The proposed would be 19’-0” from the road boundary a difference of 1’-0” respectively.

##### **c) Fence Height**

Section 4.3.1 states *“In a residential and tourism-related zones, no part of a solid wall or fence should not exceed 48 inches in height”*. However as the proposed parcel is split zoned a portion of the wall will be in the Heavy Industrial zone in which Section 4.4.1 of the Fence & Wall Guidelines would be applicable. Section 4.4.1. states *“ In commercial, industrial and institutional zones, no part of a solid wall or fence should*

exceed 48 inches in height. The proposed concrete wall would be 6'-0" in height a difference of 2'-0" respectively.

**2. 19 MAITLAND RESIDENCE Block 9A Parcel 854 (F20-0016) (P20-0021) (\$635,000) (JP)**

Application for a house and 4' wall.

**FACTS**

<i>Location</i>	Plumbago Way, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	0.2351 AC/10,241 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

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

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **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 site coverage and side setback, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage and the minimum required side setback per Regulations 9(8)(h) and (j) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional site coverage and 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.

### **AGENCY COMMENTS**

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

#### **National Roads Agency**

*“The National Roads Authority is in receipt of your email dated January 22<sup>nd</sup> 2020 for a new residence and a fence along Plumago Way.*

*The NRA has no concern with the proposed house and the perimeter fence for the subject property as this development is located on a road classified as Access Road.”*

#### **Department of Environment**

*“Under delegated authority from the National Conservation Council (Section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no objections at this time as the site is predominately man-modified and of limited ecological value. However, we recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.”*

### **APPLICANT’S LETTER**

*“Further to the application submitted in relation to the above referenced Project, we hereby request for a density variance which requires a maximum site coverage of 30 percent of the lot size per Planning regulation 9 (8)(h); a setback variance to a site plan which requires a minimum of 10 ft side setback per Planning Regulation 9 (8)(j);*

*We would appreciate your consideration for this variance request on the following basis:*

*(1) Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site’s development potential: While we have complied with the minimum required setback, we would like to request for a variance due to the odd shape/orientation of the lot. The proposed house itself is still within the required setback. Only portion of the garage outdoor steps are beyond the setback line and still approximately 6’-0” away from the nearest distance to the boundary. We hope that the CPA board will find this acceptable since there is no other place, we can fit this area on site other than its current proposed location. Also, the main house complied with the maximum site coverage allowed, but*

*due to the additional back patio/covered lanai and front entry porch with steps requested by the client, we exceeded by approximately 3.86% more. We hope that the board will find this to be acceptable.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in the West Bay area of the Island within a fairly recently established subdivision. Vacant neighbouring lots surround the site.

The application seeks planning permission for the construction of a house and boundary wall/fence.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **a) Site coverage variance 33.86% v 30%**

Regulation 9(8)(h) restricts site coverage to 30% for lots located in Low Density Residential areas. The application seeks planning permission for a site coverage of 33.86%.

Having regard to the variance letter submitted in support of the application, members are invited to consider whether adequate justification has been provided.

#### **b) Side setback variance 6' v 10'**

Regulation 9(8)(j) establishes a minimum side setback of 10'. The application seeks 6'

As part of their consideration of the application members are encouraged to reflect upon the content of the variance letter.

## **2. 20 SIDA RESIDENCE Block 64A Parcel 50 (F96-0383) (P19-0383) (P19-1230) (JP)**

Application for a 5ft high fence.

**Robert Watler declared a conflict and left the meeting room.**

### **FACTS**

<i>Location</i>	Sea View Road
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	0.47 AC/20,437 sq. ft.
<i>Current Use</i>	Residential
<i>Proposed Use</i>	Residential

## **BACKGROUND**

Various applications for residential development.

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

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

The applicant is advised that any future gate across the driveway must be setback a minimum of 20’.

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 (2018 Revision).

## **AGENCY COMMENTS**

Comments from the National Roads Authority are noted below.

### **National Roads Authority**

“The NRA has no objections or concerns’ regarding the above proposed wall as it is located 3 feet behind property as shown on site plan dated October 11, 2019(A1.1) and meets NRA sightline requirements.”

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in the East End with Sea View Road serving the site and forming the northern boundary. The Caribbean Sea forms the southern boundary. Vacant lots are located to the east and west.

The application seeks planning permission for the installation of a fence with columns along the side and road boundaries with an overall height of 5 ft.

### **Zoning**

The land is zoned Low Density Residential

### **Specific Issues**

The CPA draft Wall and Fence Guidelines restricts the height of boundary treatment to 5’ in section 4.3.3, addressing semi-transparent fences, and section 4.3.4 relates to semi-

transparent fence in combination with a block wall, such as that proposed on the roadside.

The application proposes to enclose the side and front boundaries with 5' high semi-transparent fencing. This appears to comply with the Regulations.

However, the front fence is only setback from the roadside edge by 3'. Members' attention is drawn to the National Roads Agency comments as part of their determination in the acceptability of the application.

**2. 21 EDWARD & EMMA FITZGERALD Block 24C Parcel 14 (F19-0296) (P20-0041) (AS)**

Application to modify planning permission to reduce the HWM setback for the pool.

**FACTS**

<i>Location</i>	Patrick's Avenue
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	.33 AC/ 14,378 sf
<i>Current Use</i>	Vacant

**BACKGROUND**

June 19, 2019 (CPA/12/19; item 2.19) – approval granted for a house and pool

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/12/19; item 2.19 be modified to reduce the HWM setback for the pool as shown on the architectural plans submitted February 20, 2020.

All other conditions of CPA/12/19; item 2.19 remain applicable.

Reasons for the decision:

1. With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
2. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(b) of the Development and Planning Regulations (2020 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
  - a) the elevation of the property and its environs;
  - b) the geology of the property;
  - c) the storm/beach ridge;
  - d) the existence of a protective reef adjacent to the proposed development;
  - e) the location of adjacent development; and
  - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that the existing seawall on this property and along adjoining properties is consider akin to ironshore. The Authority acknowledges that a setback variance was previously approved to allow a 30' setback and is of the view that a further reduction of that setback of 3' is negligible and is a material consideration per sub-regulation f) noted above.

### **AGENCY COMMENTS**

Comments from the National Conservation Council are noted below.

#### **National Conservation Council**

*“Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we have no objections at this time. However, the application site is located adjacent to the*



*North Sound Replenishment Zone therefore, we recommend a condition which requires the applicant to stockpile construction materials away from the water's edge to prevent run-off and debris from entering the marine environment."*

### **APPLICANT LETTER**

*We write on behalf of our client, Edward & Emma Fitzgerald with regards to the following variances:*

- *A high water mark setback variance- to allow the proposed swimming pool to be constructed 27ft from the high water mark instead of the required 50ft.*

*We request permission for the proposed development as shown on the drawings provided and humbly render the following reasons:*

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail;*
- 2. Per section 8 (13) (b) (iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*
- 3. A similar request was granted for parcel 24C15.*
- 4. The location of the pool is most suitable in the immediate environment. Its proximity will offer convenience from recreational rooms of the house.*
- 5. The site layout of the proposed structures has been designed to make the most efficient use and safest environment possible for the applicants.*
- 6. The application complies with all other relevant planning requirements.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

When the house and pool were approved in 2019, the Authority allowed a HWM setback for 30' for the pool. The site is bounded by a seawall and the Authority considered the seawall to be akin to ironshore and thus granted a variance from the required 50' HWM setback. The application now is to modify the location of the pool from the approved HWM setback of 30' to 27'.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **a) High Water Mark setback Variance, Regulation 8 (10)(c)**

The applicant is seeking to modify the setback back variance for the swimming pool, proposed at 27' to the high water mark. The proposed pool is setback from the existing seawall facing North Sound; the Authority has traditionally accepted any

development with a seawall facing the North Sound as ironshore, meaning a 50' setback is required.

**b) Previous Decision of the CPA**

On the 11<sup>th</sup> December 2013 (CPA/26/13), the CPA granted a setback variance of 23' for a pool at Block 24C Parcel 15, adjacent to the subject parcel.

**2. 22 MARCUS HUGGINS Block 27D Parcel 430H1 (F14-0130) (P19-1268) (\$8,000) (BES)**

Application for an after-the-fact storage room (58-sq ft)

**FACTS**

<i>Location</i>	Saddlewood Drive, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	6,534-sq ft
<i>Current Use</i>	House
<i>Proposed Use</i>	After-the-fact storage room (58-sq ft)
<i>Building Size Area</i>	58 sq ft.
<i>Total Site Coverage</i>	21.6%

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

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

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 (2018 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 (2018 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 LETTER**

*“We write on behalf of the applicant, Marcus Huggins, with regards to the following;*

- *A rear setback variance - to allow the proposed to be built with a lesser setback of 14ft Din instead of the required 20ft from the lot line.*

*We request permission for the subject matter per the drawings provided and humblythe following reasons:*

- 1. Per section 8(13)(d) of the Planning Regulations, the adjoining property ownershave been notified of the lesser setback.*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not materially detrimental to persons residing or working in the vicinity, to theadjacent property, to the neighborhood, or to the public welfare;*
- 3. The structure in question is actually 24ft from the boundary line of the subdivision. There is a 10ft swale between the lot line and the subdivision.*
- 4. The application complies with all other relevant planning requirements.*

*We look forward to your favorable response to this variance.”*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for an after-the-fact storage room (58-sq ft) at the above-captioned property. The site is located on Saddlewood Drive, Savannah.

#### **Zoning**

The land is zoned Low Density Residential.

#### **Specific Issues**

##### **a) Rear Setback Variance**

Regulation 9(8)(i) requires a minimum rear setback of 20’, whereas the proposed rear setback is 14’.

The adjoining parcels were notified, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) to warrant granting a rear setback variance.

**2. 23 PIONEER CONSTRUCTION Block 15E Parcel 267 (F10-0231) (P19-1023) (P19-1112) (\$60,000) (BES)**

Application for garage/attic storage area (499- sq. ft.) and den addition (216-sq. ft.)

**FACTS**

<i>Location</i>	Lakefront Drive
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12,702.1-sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	Addition to garage
<i>Building Size Area</i>	715-sq.ft
<i>Total Site Coverage</i>	23.1%

**BACKGROUND**

Nov. 27, 2018 – a dwelling house was granted admin approval with conditions.

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

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

Reasons for the decision:

- 1) With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
- 2) The proposed application does not comply with the minimum required side setback per Regulation 9(8)(j) of the Development and Planning Regulations (2018 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**

*“Kindly requesting to consider the variance application to increase the garage from 1 car size to a 2-car size. The 1 car garage with attic storage was approved in the Planning application. However during construction of the house we decided to want a 2 car garage.*

*The new application shows the proposed 2 car garage, the front and side elevation match the Red card approved elevations, the front elevation now shows a 2 car garage door.*

*A side setback of 10’-0” is maintained as required for single story to the garage wall from the adjacent property line.*

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

- 1. *Per section 8(13)(b)(ii) of the planning regulations, the usual terrain characteristics limiting the site potential due to subject parcel being adjacent to Lake Front Drive.*
- 2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood or to the public welfare.*
- 3. *Per section 8(13)(d) of the planning regulations, the adjoining property owners have been notified of the garage extension associated with the application and they have not objected.”*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for addition to garage/attic storage area (499-sq ft) and den addition (216-sq ft) at the above-captioned property. The site is located on Lakefront Drive.

**Zoning**

The land is zoned Low Density Residential.

**Specific Issues**

**a) Side Setback Variance**

Regulation 9(8)(j) requires a minimum side setback of 15’, whereas the proposed side setback is 10’ or a variance of 5’.

The adjoining parcels were notified, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) to warrant granting a side setback variance.

**2. 24 DAVID WALKER Block 15D Parcel 166 (FA92-0272) (P19-1294) (\$5,000) (CS)**

Application for a generator with LPG tank.

**FACTS**

<i>Location</i>	South Sound Road, South Sound
<i>Zoning</i>	<b>BRR</b>
<i>Parcel Size</i>	0.47 AC
<i>Current Use</i>	House
<i>Proposed Use</i>	Generator

**BACKGROUND**

January 6, 2016 (CPA/01/16; Item 2.11) A house was approved

February 19, 2020 (CPA/04/20; Item 5.2) The Authority determined that a current High Water Mark Survey would not be required for this application.

**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) The applicant is required to obtain the necessary approvals from the Chief Petroleum Inspector.
- 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 Certificate of Completion **prior to the utilization of the generator and/or lpg tank.**

Reasons for the decision:

- 1) With the exception of the side setbacks, which is addressed below, the application complies with the Development and Planning Regulations (2018 Revision).

- 2) The proposed application does not comply with the minimum required side setback per Regulation 15(4)(b)(i) of the Development and Planning Regulations (2018 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**

*Please note that this location was already submitted and approved under Corporate Electric (B16-0547).*

*They no longer are the electrical contractor for this project.*

*This letter is to request and substantiate the grant of a variance for a residence at Block no. 15D Parcel no. 166 with postal box no. 1043, KY1-1102 owned by David Walker. The generator installation has a maximum 21 feet to the nearest neighbor building, and a 5 feet 4 inches from the property line, with respect to the Department of Planning (DoP) requirement of 20 feet side setback. We are unable to comply for the 20 feet setback due to the limited space between properties and pad and conduit location as shown below.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is requesting planning permission for a 24.5 gallon propane generator.

#### **Zoning**

The property is zoned Beach Resort Residential.

#### **Specific Issue**

##### **a) Side Setback**

The minimum side setback allowed in the BRR zone is 20'. The applicant is proposing to locate the generator 5'4" from the side boundary for the reasons stated in their letter. The generator will be located on an existing concrete pad that was approved for use for A/C units.

The Authority is advised the existing house is setback 8'11" from the same boundary.

**2. 25 GRAND ISLAND DEVELOPMENT Block 15B Parcel 38 (F18-0521) (P20-0085) (\$900,000) (JP)**

Application for two duplexes.

**FACTS**

<i>Location</i>	Bebee Close, George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	0.48 AC/20,676 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

**BACKGROUND**

P18-1235 Application approved for subdivision of land into two lots. Leaving original house on one lot and the remaining site forming the basis of this application.

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

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **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 lot size, which is addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulation 9(8)(e) of the Development and Planning Regulations (2020 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 size 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.

### **APPLICANT'S LETTER**

*"The property owner is currently seeking planning permission for a development comprising of two duplex buildings in a LDR area on a property size of 20,676 sqft (code 24,000 sqft).*

*The owner has been granted planning permission to sub-divide 15B-38 from a lot size of 39,060 sqft into two lots, one lot with the existing home being 18,384 sqft and another lot for new development being 20,676 sqft.*

*The duplex dwellings planned for the project have a site coverage of 22.27% over the 20,676 sqft lot, leaving considerable area around the development for recreational yard space and driveway parking.*

*We believe the development would fit in with the existing mixed dwelling area, where there are single family homes, unit complex's (15E-172) and kindergartens all within a short distance from the property.*

*We would appreciate your positive consideration with our variance request"*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located within the George Town area. Neighbouring properties are located in all directions around the site with Bebee Close, serving the site, located to the north. The application seeks planning permission for the construction of two duplexes on one lot.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **a) Lot size variance**

Regulation 9(8)(e) establishes a minimum lot size of 12,500 sq ft. The application seeks planning permission for 2 duplexes therefore a minimum of 25,000 sq ft. The application site measures 20,676 sq ft.

Members are invited to consider the agents letter seeking to justify the development.

**2. 26 SPB CONTRACTORS AND DEVELOPERS Block 24E Parcel 545 (F07-0492) (P19-1129) (BES)**

Application for swimming pool, clubhouse, gazebo and 4; high boundary wall/fence in association with approved apartments that are under construction.

**FACTS**

<i>Location</i>	Barrettsville CL
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	47,567.5- sq. ft.
<i>Current Use</i>	Apartments started construction
<i>Proposed Use</i>	clubhouse, pool and 4' Wall/Fence
<i>Building Size Area</i>	1,840 sq. ft.
<i>Building Footprint</i>	6,178 sq. ft.
<i>Total Site Coverage</i>	13%

**BACKGROUND**

Dec. 19, 2007 (CPA/38/07; Item 2.13) - CPA granted planning permission for 7-apartments with conditions. A Building Permit was issued and there have been inspections recently as 2018 for the roof.

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

In addition to Building Permit requirements, condition (3) listed below shall be met before a Building Permit can be issued.

- 3) The construction drawings for the proposed swimming pool 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 is constructed in accordance with the submitted plans it will conform to public health requirements.

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

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 (2018 Revision).

### **AGENCY COMMENTS**

Comments from the Water Authority, Cayman Islands Fire Service and National Roads Authority are noted below.

#### **Water Authority**

*“Please be advised that the water authority’s requirements for this development are as follows:*

#### ***Wastewater Treatment & Disposal***

- *The developer shall provide a septic tank with a capacity of at least (2,000) us gallons for both the existing and proposed buildings. the septic tank shall be constructed in strict accordance with the authority’s standards. each compartment shall have a manhole to allow for inspection and service. manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority’s standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’8” above msl. the minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

#### **Water Supply**

*The proposed development site is located within the water authority’s piped water supply area.*

- *The developer shall contact water authority’s engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*

- *The developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page: <http://www.waterauthority.ky/water-infrastructure> .*
- *The authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority."*

### **National Roads Authority**

*"As per your memo dated October 18<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### **Road Capacity Issues**

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

### **Stormwater Management Issues**

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

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

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

### **Cayman Islands Fire Service**

The CIFS approved the site layout.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a swimming pool, clubhouse (1,600-sq ft), gazebo (240-sq ft) and 4' high concrete boundary wall at the above-captioned property. The site is located on Barrettsville CL.

#### **Zoning**

The property is zoned Low Density Residential. The application complies with regulations in respect of setbacks, site coverage and building height and the Department has no specific concerns with the application.

### **2. 27 CAYMAN SHORES DEVELOPMENT LTD. Block 12D Parcel 95 Block 3 (F03-0517) (P20-0079) (CS)**

Application for two (2) monument signs.

#### **FACTS**

<i>Location</i>	Northeast corner of forum Land & Artemis Drive, Camana Bay
<i>Zoning</i>	<b>PAD- Cayman Shores Transect T-6</b>
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	200 AC
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Signs

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

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

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 (2020 Revision).

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission for a 20.25 s.f. monument sign and a 4.5 s.f freestanding sign.

### **Zoning**

The property is zoned is located within the Cayman Shores PAD Transect T-6

### **Specific Issue**

#### **a) Compliance to Sign Guidelines**

Section 5.2 of the Sign Guidelines allows freestanding signs up to 32 s.f. with a maximum 12' height and a 12' setback from the road.

The proposed signage is in keeping with existing freestanding signs located throughout Camana Bay and complies with the Guidelines recommendations for size and setbacks.

## **2. 28 DONOVAN GODET Block 22D Parcel 11 (F19-0324) (P20-0093) (\$4,999) (MW)**

Application for (4) four raw land strata subdivision.

### **FACTS**

<i>Location</i>	Abbey Way, George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.44 AC/19,166.4 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	(4) Raw Land Strata Subdivision

## **BACKGROUND**

December 18, 2019 (CPA/26/19; Item 2.22) - approval granted for two duplexes

**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 lot size, lot width, site coverage and all setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage and the minimum required lot size, lot width and all setbacks per Regulations 9(8) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional site coverage and lesser lot size, lot width and all setbacks as follows:
  - a) The lots are being created simply to effect the registration of a strata and are not lots for the purpose of development and would therefore be 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.

## **APPLICANT'S LETTER**

*“Enclosed please find the relevant documents relating to a 4 lot raw land strata subdivision. The purpose of the subdivision is to create 4 raw land strata lots in the footprint of the approved duplexes. We are asking for a variance on the lots size and width under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

*Please do not hesitate to contact me if you have any questions or require additional information.”*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a (4) four lot land strata subdivision located on Abbey Way, George Town.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**a) Lot size, lot width, site coverage, setbacks**

The intent of the subdivision is to create land strata lots for the approved duplexes. As a result, the proposed lots do not meet minimum requirements, which is typical of all such land strata subdivisions.

**2. 29 YASMINI CASTILLO Block 48C Parcel 95 (F19-0718) (P19-1387) (JP)**

Application for clearing of land.

**FACTS**

<i>Location</i>	Midland Drive
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.29 AC/12,632.4 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Planting trees

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

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

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 (2018 Revision).

**AGENCY COMMENTS**

Comments from the National Conservation Council are noted below.



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

**APPLICANT’S LETTER**

*“I refer to your online notification requesting a letter explaining why my permission is being sought to clear my property bearing registration Block 48C Parcel 95 and hereby advise that the reason I seek permission to clear this property and the ultimate intention of the land is none other than to: a. Get a thorough visual of the property void of trees and shrubbery b. Plant some plantain sucker trees and on the property after its clearing.”*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application seeks planning permission for the clearing of land in Midland Acres, an established residential area. The site is bound to the north and east by vacant vegetated land and residential building to the west and Midland Drive, serving the site, located to the south.

**Zoning**

The land is zoned Low Density Residential.

**2. 30 PALM GROVE (Former Solution Centre) (Mitzi Callan) Block 14D Parcel 65 (FA85-0154) (P19-1433) (\$80,000) (JP)**

Application to enclose existing walkway balconies.

**FACTS**

<i>Location</i>	Smith Road
<i>Zoning</i>	N/C
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.3512 AC/15,298.3 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Commercial
<i>Parking Required</i>	6
<i>Parking Proposed</i>	14

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

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

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 (2018 Revision).

### **AGENCY COMMENTS**

Comments from the Chief Environmental Health Officer, Water Authority, National Roads Authority, Department of Environment, Cayman Islands Airports Authority and Department of Tourism are noted below.

#### **Water Authority**

*“Please be advised that the water authority’s requirements for this development are as follows:*

#### ***Wastewater treatment & disposal***

- *The developer shall provide a septic tank with a capacity of at least (1,500) us gallons for the proposed. The septic tank shall be constructed in strict accordance with the authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the authority’s standards. licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” above msl. the minimum invert level is that*

*required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

### ***Existing septic tank***

*If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the septic tank inspection form that can be downloaded from the water authority's website via the following link:*

<https://bit.ly/2ro8mbb>

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

### ***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](mailto:development.control@waterauthority.ky) for review and approval.*

*Requirements based on minimal water use – change of use to high water use will require upgrades.*

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

### ***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), associated piping, and dispensers. The monitoring wells shall comply with the standard detail of the water authority. All 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.*

### **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.*
- *he developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- *he developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. The guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page:*

*<http://www.waterauthority.ky/water-infrastructure>*

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

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

### **National Roads Authority**

*"The NRA has no objections or concerns regarding the above proposed development.*

### **Cayman Islands Aviation Authority**

*"CIAA has no objections to the proposed plans provided at this time."*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located within the Georgetown area of Grand Cayman. The site occupies a corner lot with Huldah Avenue forming the eastern boundary and Smith Road running along the southern boundary. Vacant land is sited to the north and a dwelling is located to the west.

The application seeks planning permission to enclose existing balconies which are used as walkways.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **3.0 DEVELOPMENT PLAN MATTERS**

### **4.0 PLANNING APPEAL MATTERS**

### **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

#### **5.1 DEVELOPMENT INQUIRY Block 1E Parcel 14 (P20-0094)(CS)**

The Authority was advised that an application for a generator has been submitted and it will be located beside the building and setback behind the pool and the seaward edge of the building. The Authority determined that based on the proposed location of the generator that a new high water mark survey would not be required per Regulation 6(3).

#### **5.2 DEVELOPMENT INQUIRY Block OPY Parcel 18 (HP)**

The Authority was advised that an application for some after-the-fact works would soon be submitted and that these works are minor extensions of the approved deck, the change of a part of the deck area to a bar and some minor building g additions. All of the works are behind the existing sheet piled seawall. The Authority determined that a new high water mark survey would not be required per Regulation 6(3).

#### **5.3 VISTA DEVELOPMENT (Elvis Ltd.) Block 2C Parcel 198 (F19-0537) (P19-1029) (\$18M) (CS)**

The Authority was reminded of the application for eighteen (18) apartments, pool, sea wall, and a modification of the shoreline that was adjourned on January 22, 2020 (CPA/02/20; item 4.2). The Authority was advised that the plans had been revised to depict only 4 storeys when viewed from the road and this is consistent with the approved design for Dolphin Point. On this basis, the Authority determined that approval could be granted.

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

Conditions (1-6) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the **aerobic** wastewater treatment system (including the disposal system).
- 2) 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.

- 3) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) 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](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 5) Construction drawings for the proposed **aerobic** wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 6) 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, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The construction drawings for the proposed swimming pool 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 is constructed in accordance with the submitted plans it will conform to public health requirements.
- 8) 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.
- 9) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **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.

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.**

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman.**

Reasons for the decision:

1. With the exception of the building height, high water mark setback and side setback for the garbage enclosure, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
2. The proposed application does not comply with the maximum allowable building height of 55' and the minimum required side setback per Regulations 8(2)(f) and 15(4)(b)(i) of the Development and Planning Regulations (2018 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional building height and 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.
3. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(f) of the Development and Planning Regulations (2018 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
  - a) the elevation of the property and its environs;
  - b) the geology of the property;
  - c) the storm/beach ridge;
  - d) the existence of a protective reef adjacent to the proposed development;
  - e) the location of adjacent development; and
  - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that:

- The elevation of the property and its environs is high enough to assist in minimizing storm surge thus allowing the proposed development to be closer to the high water mark.

- There are existing developments on adjacent properties with similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.
4. The Authority considers the parking layout and driveway design as being acceptable.
  5. The Authority has taken into account agency comments and have addressed them where necessary through conditions of approval.

**5.4 APACHE YEARLING LTD Block 33B Parcel 28 (CE20-0047) (YR)**

The Authority viewed photographs of the site and determined that due to the ruinous condition of the land and the dilapidated structure 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 Law (2017 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5.5 REYNA SCOTT, RENERI CMACHO, ISMAEL CMACHO & MARIA ANDERSON Block 7C Parcel 106 (CE20-0045) (YR)**

The Authority viewed photographs of the site and determined that due to the storage of derelict vehicles 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 Law (2017 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5.6 UMMI & SONIA KAPOOR Block 7C Parcel 93 (CE20-0045A) (YR)**

The Authority viewed photographs of the site and determined that due to the storage of derelict vehicles 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 Law (2017 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the



service and compliance with the Maintenance of Land Notice to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5. 7 ROBERT O. THOMPSON Block 14D Parcel 56 (CE20-0046) (YR)**

The Authority viewed photographs of the site and determined that due to the storage of derelict vehicles and the placement of a dilapidated wooden structure 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 Law (2017 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5. 8 JENESHA & MARLON SIMPSON Block 14D Parcel 63 (CE20-0044) (YR)**

The Authority viewed photographs of the site and determined that due to the ruinous condition of the land due to the deposit of refuse 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 Law (2017 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5. 9 GEORGE TOWN LANDFILL REMEDIATION Block 13C Parcel 1 and Block 13D Parcel 1 (HP)**


The Authority was advised that Phase 1 works were planned to be undertaken in the near future and the Authority determined that planning permission would not be required for these works.

**6.0 CPA MEMBERS INFORMATION/DISCUSSIONS**

The meeting adjourned at 1:55 pm. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday, March 18, 2020 at 10:00 a.m.* in Conference Room 1038, 1<sup>st</sup> floor, Government Administration Building.



A. L. Thompson  
Chairman



Haroon Pandohie  
Executive Secretary

c.c. All members of the Central Planning Authority

## Appendix A

## Sanderson, Ron

---

**From:** Tricia McDoom [REDACTED]  
**Sent:** Wednesday, March 4, 2020 9:51 AM  
**To:** Peacey, Jessica; Sanderson, Ron  
**Subject:** [EXTERNAL] Re: URGENT - Heritage Holdings Application - 5B 125 - Elizabeth St Apts

The Applicant should extend sidewalk along W Church St through to Centennial Towers. There will be a much higher level of pedestrian traffic on W Church Street, the Applicant already owns several properties on W Church Street including Centennial Towers and therefore should take responsibility for this. I am surprised that the NRA has not pointed this out - it only underlined the conflict of interest mentioned below. Let's make the road safe for all anticipated users please, not just cars. We can't sit back and wait for a terrible accident or loss of life before the simple measure is implemented. With This development the Applicant has a perfect opportunity, and it has the financing, to do so.

Thank you

On 4 Mar 2020, at 09:39, Tricia McDoom [REDACTED] wrote:

>

Final comment:

The Applicant cites high property demand in its request for CPA approval. This reason is not sufficient to excuse CPA from overlooking the many concerns raised by two objectors (so far) AND Planning Department itself. Let's not hide behind market demand here. If the Applicant were providing social, community or low cost housing, perhaps their proposed reasoning would have more legitimacy. In contrast, the proposed development appears to be targeted at the high end of the market. Demand for property is high at all levels but gravely so at the lower and budget ends of the market. There is nothing about the proposed development that speaks "budget".

Furthermore as mentioned below: I believe, if all the other adjacent are properly contacted, there will more likely than not be other objections raised.

Given the size, unusual nature and concerns raised this far, it is reasonable and proportionate to ensure that all adjacent property owners are contacted and given a fair and equal opportunity to put forward their views. This includes the National Trust.

About to lift off now. I would be happy to speak with CPA members should they require further information and/or input.

Finally, I repeat my urge to CPA and government administration to facilitate online meetings. The current COVID-19 scare is forcing organisations and governments to operate that way and, as it happens, it is often more efficient to do so.

Regards

Tricia

[REDACTED]  
(Sent from my iPhone)

> On 4 Mar 2020, at 09:13, Tricia McDoom [REDACTED] wrote:

>

Dear CPA

## Sanderson, Ron

---

**From:** Tricia McDoom [REDACTED]  
**Sent:** Wednesday, March 4, 2020 9:14 AM  
**To:** Peacey, Jessica; Sanderson, Ron  
**Subject:** [EXTERNAL] URGENT - Heritage Holdings Application - 5B 125 - Elizabeth St Apts

Dear CPA

Upon review of the Agenda, I write in lieu of attendance in person for reasons outlined to Mr Sanderson yesterday:

NRA Road Capacity - The figures appear low in comparison to the number of bedrooms (33) plus retail units. Please consider (independent) re-assessment. NRA Conflict of interest noted due to the Applicant's offer to widen the public main roads seemingly in exchange for their approval.

Environment - Request to preserve the mature trees including mahogany wherever possible, perhaps through re-location.

Page 10 - to the extent that the Agenda is made public, please remove my name to preserve my privacy. It is acceptable to simply state "address both objections in turn". Otherwise put the objectors' letters and Applicant's responses in order as - as it stands - it looks like objector 1 is my letter, which it is not.

### 1. Addresses for notice.

This is an issue about Planning vs Lands & Survey records. This matter suggests that the Lands & Survey Records are inconsistent with the Land Registers. Has CPA / Planning Dept checked the discrepancies in records? Recent copies of my Land Register has, and has had for many years, my UK address; I only found out about this Application by chance. There is therefore most certainly incorrect information on L&S records. The fact that only 2 objections were delivered when there are 8 adjacent properties, including one with National Trust / public interest, suggests something gone awry. It would be extremely surprising to have no comment made by the National Trust with its interest in a property that is completely enveloped by 5B 125 and will most certainly be impacted by the proposed development. Therefore requesting that adjacent land owners are contacted by CPA for verification of receipt of notices. Requesting that the L&S records be checked & updated. To the extent that there are discrepancies, the notice process needs to be repeated; this time, to the correct addresses. Alternatively, notices to be gazetted.

### 2. Zoning.

Planning Department has itself recognised that the proposed application does not satisfy the statutory tests of Regulation 10 (p. 15). The Applicant's response letter fails to address this significant point.

### 3. Boundary walls.

Could you identify any other comparable residential development (in spread or volume) within the West Bay Area that does not have border walls.

It is most fitting and appropriate for this type of development to have border walls.

Consider the higher risks to the National Trust / public interest property embedded in the middle of this development without said walls for greater security purposes, particularly with the traffic involved.

Urging the CPA to request border walls be erected of 6' height.

Even if there are no walls erected, we need to ascertain and agree legal responsibility and cooperation as to ongoing maintenance of the boundary fences and/or walls between all of the affect property owners, and the Applicant.

The Applicant has provided no details as to height or composition of proposed hedge.

Requesting my approval for the landscaping plan in so far as it is adjunct to 5B 291/2 parcels.

4. Parking/Driveway/Asphalt.

Planning Department has itself recognised that the significant asphalt area proposed is unsuitable for a residential area (p. 15).

See NRA comments above.

5. Hedge. See above at 3. and 4. I will be happy with the numerous parking spaces, driveway and high traffic, only if a mutually agreed boundary wall is erected instead.

6. Construction.

Requesting my approval and/or input to the construction plan including hours of operation. The Applicant is vague and non-specific as to hours of operation and/or construction plan including noise and traffic levels.

7. Mixed zone. See 2. above and Planning Department's own concerns set out at pp.14-15.

8. Design/Aesthetics.

The proposed development is unlike anything not just on this street but in the entire West Bay district.

We need a slight re-design so that the development is contemporary yet complementary to the surrounding area.

There are multiple forms of HVAC systems and indeed other zoned cooling systems that could be incorporated with a pitched roof.

Usually flat roof designs are most suitable to high rise commercial and/or high rise residential complexes. This development is neither of those.

Regards

Tricia