

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on June 23, 2021 at 10:00am, in Conference Room 1038, 1st Floor, Government Administration Building, Elgin Avenue.

13th Meeting of the Year

CPA/13/21

Mr. A. L. Thompson (Chairman)

Mr. Robert Walter Jr. (Deputy Chairman) (apologies)

Mr. Kris Bergstrom (Acting Chairman 5.4)

Mr. Peterkin Berry (left 2:45)

Mr. Edgar Ashton Bodden (apologies)

Mr. Roland Bodden

Mr. Ray Hydes (apologies)

Mr. Trent McCoy

Mr. Jaron Leslie (arrived 12:10)

Ms. Christina McTaggart-Pineda (apologies)

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary)

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

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

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APPLICANTS ATTENDING THE AUTHORITY'S MEETING

APPLICANT NAME	TIME	ITEM	PAGE
Anna Washburn	10:30	2.1	5
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Lookout Holdings	11:30	2.3	21
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Heritage Holdings	1:30	2.5	38
Pam Development Co. Ltd.	2:00	2.6	44

1. 1 Confirmation of Minutes of CPA/12/21 held on June 09, 2021.

Moved: Kris Bergstrom

Seconded: Selvin Richardson

Confirmed

1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER
2.6	Peterkin Berry, Fred Whittaker
2.9	Kris Bergstrom
2.11	Fred Whittaker
5.3	Fred Whittaker
5.4	A.L. Thompson, Fred Whittaker
5.5	Kris Bergstrom

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to 2.6)

2.1 ANNA WASHBURN (MKS International) Block 22E Parcel 321 (P21-0346) (\$60,000) (MW)

Application for swimming pool with rear setback variance.

An appearance was scheduled for 10:30am, but the applicant chose not to attend the meeting.

FACTS

<i>Location</i>	Bimini Dr., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.3432 ac. (14,949.792 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	approved residence under construction

BACKGROUND

June 3, 2019 – Four Bedroom House; 4,403.80 sq. ft. - the application was considered and it was resolved to grant planning permission.

October 30, 2019 – LPG; 96 Gallons – the application was considered and it was resolved to grant planning permission.

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) 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
- 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) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool.**

Reasons for the decision:

- 1) With the exception of the canal setback, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed development does not comply with the minimum required canal setback per Regulation 8(10)(ea) of the Development and Planning Regulations (2021 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 main house complies with the required setback and it is only the ancillary features that do not. The Authority is of the view that the canal wall provides sufficient protection for the ancillary features and the lesser setback will not detract from that protection. Per sub-regulation f) above, the Authority views these reasons as a material consideration that allows for the lesser setback.

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The site is man-modified and of low ecological value. Any stockpiled materials should be kept away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal.

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

APPLICANT'S LETTER

We are seeking Planning approval for a proposed pool as per site plan submitted, on the basis that the proposed structure meets the Development and Planning Regulations (2017 Revisions) Section 8 (11) criteria. We are also seeking a setback variance of 12' from the canal (vs. 20').

Attached with this application is the site plan showing proposed pool along with a consent letter from adjoining property 22E 320 owned by [REDACTED], Engineer's report, email correspondence from [REDACTED] and [REDACTED] Owner of 22E 343.

[REDACTED] is not in agreement with signing the consent letter due to the fact that he is concerned that constructing the pool 12' from the canal wall could cause damages to his wall even though Miss Washburn hired SEL Consulting Engineers to provide a report which states 'the pool construction will have little to no effect on the neighbors' canal walls on either side of the property'.

[REDACTED] has written an Indemnity Agreement which states any future damages to his wall will need to be repaired by Anna Washburn owner of 22E 321. Miss Washburn does not want to sign this Agreement because she feels that in the future, if anything was to happen to [REDACTED] wall then he will automatically say the damage was caused by the pool construction which is highly unlikely according to the Engineer's report.

We feel that having the Department grant the requested setback variance will not be materially detrimental as noted under section 8 (13) in the Development and Planning Regulations:

8. (13))) (b) (i) the characteristic of the proposed development are consistent with the character of the surrounding area;

8. (13) (b) (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 thank you for your kind consideration, and please let us know if you require any additional information.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Swimming Pool with a canal setback variance to be located on Bimini Dr., George Town.

Zoning

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

Specific Issues

1) Canal setback

Regulation 8(10)(ea) states "in areas where the shoreline is a canal, all structures

and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of 20' from the physical edge of the canal". The proposed swimming pool would be approximately 12'-0" from the canal edge a difference of 8'-0" respectively.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the rear setback variance.

2.2 HPW INVESTMENTS LTD. (TRIO Architecture) Block 14BH Parcel 167 (P21-0363) (\$80,000,000) (MW)

Application for a 10 storey hotel, pools, propane generator and underground lpg storage tanks.

Appearance at 11:00

FACTS

<i>Location</i>	Goring Ave., George Town
<i>Zoning</i>	General Commercial
<i>Notification result</i>	Objection
<i>Parcel size proposed</i>	1.159 ac. (50,486.04 sq. ft.)
<i>Parcel size required</i>	0.50 ac
<i>Current use</i>	Vacant
<i>Proposed bedrooms</i>	219
<i>Required parking</i>	162
<i>Proposed parking</i>	85

BACKGROUND

April 15, 2009 – Four Storey Office Building; - the application was considered and it was resolved to grant planning permission.

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

Conditions (1-8) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit revised site plan showing the building with a maximum height of 10 storeys and 130 feet. In this regard, the Authority has determined that the signature restaurant, kitchen, gym and spa areas constitute a storey per the Development and Planning Regulations (2021 Revision).
- 2) The applicant shall submit a final Parking Management Strategy that provides for 162 parking spaces to the satisfaction of the Authority. The Strategy must include leases for off-site parking that extend for the duration of the operation of the hotel.

- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 4) 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.
- 5) 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.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) Construction drawings for the proposed 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.
- 8) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (9-10) listed below shall be met before a Building Permit can be issued.

- 9) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 10) The construction drawings for the proposed swimming pools 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 pools are constructed in accordance with the submitted plans they will conform to public health requirements.
- 11) 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.
- 12) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 13) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.

14) 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) Regarding The Development Plan 1997, the application is consistent with the objectives of Section 1.2 and the strategies of Section 1.3 (b) and (c).
- 2) The application complies with the Development and Planning Regulations (2021 Revision). This determination includes the specific assessments that:
 - a) The proposed development complies with Regulation 13(6) of the Development and Planning Regulations (2021 Revision) as the hotel includes uses specifically anticipated in the General Commercial zone such as retail, restaurants and bars, therefore the hotel does not fundamentally change the primary commercial use of the zone.
 - b) The Authority is satisfied that the applicant can provide off-site parking in compliance with Regulation 8(1)(b) and will impose a condition of approval to require a final Parking Management Strategy.
- 3) The Authority will impose a condition of approval to ensure that revised plans are submitted clearly depicting the building with a maximum height of 10 storeys and 130'.
- 4) The Authority is of the view that the objector did not raise sufficient grounds for refusing permission. More specifically:
 - a) The proposed hotel is in keeping with the existing commercial character of the area which includes many multi-storey commercial buildings.
 - b) The Cayman Islands Parliament recently amended the Development and Planning Regulations to allow buildings with a height of 10' storeys/130' in the General Commercial zone 1 and the proposed building is located in that zone.
 - c) There is no historic overlay in George Town therefore the provisions of Regulation 16 of the Development and Planning Regulation (2021 Revision) do not apply.
 - d) There was no evidence provided to demonstrate that the proposal would have a materially detrimental effect on the ability of the objector to enjoy the amenity of her property.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 36,828 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Retail Units	4 x Retail Units (1,528sqft)	0.15gpd/sqft Retail Space	229gpd	229gpd
Restaurant & Cafe	1,972sqft Dining Area	1.8gpd/sqft Dining Area	3,550gpd	3,550gpd
Rooftop Bar & Club	981sqft Bar Area	1gpd/sqft Bar Area	981gpd	981gpd
Signature Restaurant	899sqft dining area	1.8gpd/sqft Dining Area	1,618gpd	1,618gpd
Hotel Units	131 x 1-Bed Hotel Units (with Kitchen) 40 x 2-Bed Hotel Units (with Kitchen) 6 x 3-Bed Hotel Units (with Kitchen)	150gpd/1-Bed Hotel Unit (with Kitchen) 225gpd/2-Bed Hotel Unit (with Kitchen) 300gpd/3-Bed Hotel Unit (with Kitchen)	30,450gpd	30,450gpd
TOTAL				36,828gpd

- ***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 4'10" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well,***

which fluctuates with tides and perching of non-saline effluent over saline groundwater.

Grease Interceptor(s) Required:

Grease interceptors with a minimum combined capacity of 3,000 US gallons is required to pre-treat flows from the Restaurant's kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. This may be achieved by installing two 1,500 (US) gallon grease interceptors in-series. The outlet of the grease interceptor(s) shall be plumbed to the sanitary sewage line leading to the ATU.

Elevator Installation:

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

Generator and Fuel Storage Tank(s) Installation:

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

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

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

Geothermal Cooling System:

Proposals for geothermal cooling systems require that the developer first complete a Geothermal Installation Notification Form which provides outline information on the scale and type of system proposed. This information is needed to determine requirements under sections 22 and 34 of the Water Authority Law (2011 Revision) for groundwater abstraction licences and discharge permits, respectively.

Retail requirements based on Minimal Water Use – Change of Use to High Water Use may require upgrades.

In the absence of detail on prospective retail tenants, the requirements set out are based on basic retail/office use; i.e., low-water use tenants. Any change-of-use to allow for a high-water use tenant; e.g., food service, or hairdresser, will require an upgrade of the wastewater treatment system. Required upgrades depend on the type of tenant and may include the installation of an in-the-ground grease or hair interceptor and/or an increase

*in the capacity and/or type of treatment system installed. **Given that after-the-fact upgrades can be disruptive and costly, the developer is advised to build in the flexibility for their range of desired tenants at this stage. Contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.***

Water Supply:

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

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

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

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

National Roads Authority

None received at this time.

Department of Environmental Health

This application is not recommended for approval until the following is submitted for review and approval:

1. *Solid waste management plan.*
2. *Detailed floor plan of the kitchen, showing the layout of all equipment.*
3. *Specifications and the approved BCU drawings for the commercial kitchen hood.*
4. *Specifications for the hot water heater.*

This development will require (2) 26 cubic yard compactors serviced a minimum of twice weekly.

Swimming Pool:

The applicant is also advised that a swimming pool application must be submitted for review and approval prior to constructing the pool.

Department of Environment (NCC)

None received at this time.

Department of Tourism

1. Project at a Glance

*The Cayman Islands Department of Tourism (CIDOT) has been asked to provide feedback on the above-named permit application for the proposed **Hotel & Amenities** located at Block 14BH Parcel 167- George Town. The **ONE GT** overview is outlined below.*

Purpose: *to set out the development parameters and guidelines*

Location: *Goring Avenue, George Town*

Use: *General Commercial & Mixed-Use Development*

2. Policies Considered in Reviewing the Application

The CIDOT manages the sector under the Tourism Law (1995) and Tourism Regulations (2002). The CIDOT reviewed this application in the context of the Cayman Islands National Tourism Plan (NTP) (2019-2023) which has the following National Tourism Vision:

“to promote a sustainable, inclusive, consistently balanced, and vibrant tourism industry to diversify the Cayman Islands visitor experience, attract new markets, reduce seasonality, celebrate the islands’ rich cultural heritage, protect its fragile environmental resources, and spread the benefits of tourism development broadly and equitably.”

Additionally, amongst the NTP strategies and sustainable tourism development goals ([Ref:e32b4905-39fb-4575-8762-0144676f068a.pdf](#) (visitcaymanislands.com), the following are highlighted:

1.6 Encourage sustainable design and construction of the new tourism developments (e.g. LEED certification, Travelife sustainability certification)

1.7 Establish Sustainable Development Plans for Priority Investment areas

5.2 Position the industry as an attractive career and employment choice for young people and adults

3. Other Sustainability Considerations

Sociocultural

Traffic Flow and Parking

The proposed development is located in the busy Central Business District of George Town. The hotel will offer multi-level parking to the rear and lower floors. The main lobby will be accessed through a turning circle under the building as a separate entrance for owners and long-term residences. We would like further information on the number of parking spots allocated for residents, guests and the public accessing commercial aspects of the development. If not addressed, there may be potentially negative impacts on the commute in that part of George Town (traffic congestion) and surrounding residential developments. We expect that the developer will expand on how this will be mitigated.

Public Infrastructure

Reference was made to linkages with the George Town Revitalisation Plan (GTRP) in an effort to align the proposed hotel development with that Plan. This is commendable and should continue as the GTRP evolves given the potential positive contribution of One GT to the quality of life of residents, visitors and surrounding businesses in the Central Business District. The GTRP includes making George Town more pedestrian, persons with disabilities and entertainment friendly and its traffic flow better managed

Environmental

The proposal mentions that the developers are considering a range of green solutions for the overall building and making the project environmentally friendly from both a construction and an operational perspective. With this in mind, we are seeking further details and clarifications. However, here are some interim recommendations:

Landscaping, Vegetation and Building Materials – *The roof top terrace which includes a swimming pool, bar and lounge area which are open to the elements require more vegetation and shaded areas. We recommend that the materials procured should be environmentally sensitive, weather-proof and hurricane resistant.*

Waste Management and Recycling – *Given the increasing pressure on the landfill and the growth of residential and commercial developments in the Cayman Islands, waste management will become increasingly critical. The proposal does not specify what sewage and other waste management mechanisms, including recycling facilities will be installed. Sensitivity and management of the impact surrounding development.*

Water and Energy Management – *Water use management for the roof-top and ground level swimming pools and any other water-consuming amenities e.g. fountains should be considered. One of the most significant operating costs for hotels and other tourism-related businesses is energy. Energy management, including the use of renewable energy is therefore another key aspect of sustainability. The proposal mentions use of green solutions, but does not specify what form those will take e.g. solar panels, water-*

saving devices. Sensitivity and management of the impact of lighting and water usage to neighbouring developments.

Economic

Room stock growth is a critical tourism performance indicator for tourism industry growth as the expansion of rooms within the Cayman Islands is a driver of increased visitor arrivals to our shores. The intention of the proposed developments is to have a total of 213 hotel rooms, of which 177 are assigned for guest use.

The CIDOT also recognizes the importance of attracting investment in a range of luxury branded and a diverse range of properties targeting different clientele, including business visitors. The CIDOT is committed to supporting such opportunities to increase stayover visitor arrivals within the destination's capacity and this new development will assist with supplying the type of differentiated product mix needed to achieve this.

Additionally, the CIDOT recognizes that this hotel will provide stayover visitors with an alternative location away from the more densely built and populated areas of Seven Mile Beach. The proposed development could act as an economic stimulus to George Town given the pause in cruise tourism due to the threat of COVID-19 and the impact this has had on businesses reliant on cruise passenger clientele.

4. CIDOT Overall Conclusion

The ability to provide a high quality, sustainable tourism product is of great importance to the future of the tourism industry of the Cayman Islands. The CIDOT is supportive of sustainable tourism product development and prudent decision making in the best interest of the Cayman Islands and encourages stakeholder consultation with neighbouring residents and developments regard to the proposed development. Based on our review, CIDOT does not object to One GT as long as the above-mentioned recommendations are taken into consideration. The Department of Tourism is available to discuss the position outlined or answer any questions regarding these comments.

Fire Department

Approved for Planning Permit Only 18 May 21

OfReg (Petroleum Inspectorate)

I. under this application.

Advisory Comments:

I. NA

Please note that this is the first review of the Project by OfReg Fuels Inspectorate.

CIAA

Approved on current design to 147ft AGL (24-May 2021)

OBJECTION LETTER

I have just received the notice for Planning permission for a 10 storey building with Rooftop amenities and underground parking to include a hotel, retail and restaurants, two pools and a propane generator.

*As the owner of 14BH/77, on which sits my family home “Merrendale” built in 1865, I **strongly object** to this project as it would be out of character for this area. Additionally, the overcrowding would be detrimental. I would not object to a 4 storey structure, but nothing above that. George Town is a historic district, especially in this area, and to build something of this magnitude would ruin its nature and character.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 268,173 sq. ft. 10 Storey Hotel; Mixed Use with (2) Restaurants/Bars; (2) Pools; Propane Generator; (2) Underground LPG Storage Tanks. The overall unit & bedroom count is 177 units & 213 bedrooms.

Zoning

The property is zoned General Commercial.

Specific Issues

1) General Commercial zone

Regulation 13(1)(a) states that permitted uses in this zone include, but are not limited to –

- (i) Banks and other financial institutions;
- (ii) shops for selling of groceries, books, souvenirs, and pharmaceutical goods and for the selling or repair of jewellery, furniture, hardware, wearing apparel, and radio, television and electrical goods;
- (iii) restaurants, bars and other catering facilities;
- (iv) chambers, rooms and offices where professional services are provided including legal, accountancy and real estate offices;

- (v) the premises of cobblers and seamstresses;
- (vi) supermarkets;
- (vii) petrol stations;
- (viii) motor vehicle, motor cycle and cycle sale rooms and rental offices;
- (ix) professional premises used by doctors, dentists and other health care providers and medical laboratories;
- (x) parking facilities provided on a commercial basis; and
- (xi) recreational facilities including theaters, night clubs, miniature golf links, bowling alleys, dance halls and amusement arcades;

Regulation 13(6) states that uses other than commercial uses may be permitted in a Commercial zone if that can be done without changing the primary commercial use of that zone.

In this instance, the proposed hotel includes other uses specifically anticipated in the General Commercial zone such as retail, restaurants and bars, therefore it could be argued that the hotel does not fundamentally change the primary commercial use of the zone.

It should also be noted that the proposed development will contribute to the Government initiated George Town Revitalization Plan to enhance the capital area of the Cayman Islands.

Finally, the issue of allowing a hotel in the General Commercial zone has previously been accepted by the Authority for the hotel on North Church Street currently under construction.

2) Building height

In reviewing the plans it appears that the building is 11 storeys /133' in height, which exceeds the maximum allowable height of 10 storeys/130'. In more detail:

- The proposed structure has a basement level which is below grade and does not count towards building height.
- Floor 1 includes the lobbies, retail, parking and back of house areas.
- Floor 2 includes a lobby area, business centre, restaurant and parking.
- Floors 3 through 10 include hotel rooms.
- Floor 11 includes a restaurant, rooftop bar, gym and restrooms.

Should the Authority concur that there are 11 stories, then the proposal will have to be revised as the Authority has no legal discretion to allow more than 10 stories.

Additionally, when the building is measured using the following definition from the Regulations, ***“height of a building”*** means the vertical distance measured from the highest point on a proposed or existing building to the proposed finished grade directly below that point; and, for the purposes of this definition, ***“finished grade”*** means the highest grade within five feet of the building and includes natural grade when no

terrain alteration is proposed, the height appears to be 133' to the rooftop sail structure which exceeds the allowable 130'.

3) Parking

The proposal includes a total of **85** parking spaces: 37 basement parking stalls, 19 ground level parking stalls (including 2 accessible parking spaces) and 29 second level parking stalls (including 2 accessible parking spaces).

Per Regulation 8(1), the required number of parking spaces is as follows:

- Hotel Rooms (1 space per 2 guest rooms) = 229 rooms / 2 = **115 spaces**
- Commercial (1 per 300 sq. ft.) = 6,394 sq. ft. /300 = **21 spaces**
- Restaurant/Bar (1 per 200 sq. ft.) =5,364 sq. ft./200 = **26 spaces**

Total required spaces = **162 spaces**

Given these calculation, it would appear that the proposal is deficient in parking by 77 spaces.

At 11:00am, Kristen Mandish, Jeremy Hurst, Trevor Watkins and Carolyn Maguire appeared on behalf of the applicant. Cathy Frazier appeared as an objector. Summary notes are provided as follows:

- The Authority noted that the objector has asked that she be able to refer to the National Trust's website regarding historic properties and Mr. Hurst noted that they don't object to that proposal.
- Mr. Hurst advised that he has a package of material including a parking management strategy (see Appendix A). Ms. Frazier noted that she doesn't object to it being introduced and she and the members were provided with copies.
- Ms. Mandish proceed to read her presentation (see Appendix B)
- Mr. Hurst provided several comments:
 - He believes this project will be a catalyst for George Town revitalization
 - They have been working with the GT Revitalization team and with the Ministry of Tourism
 - They have met with the neighbours in the area and have received positive feedback
 - This will help the local economy
 - This is not a hotel for short term tourists, but medium and long term guests
 - They can drop the shade structure by 3' to comply with 130' height
 - They don't feel the roof structures should be considered an 11th storey as they are not habitable
 - He referred to the renderings on the projection screen
 - They will widen Miss Keppie Lane

- He summarized the parking management strategy
- The Authority noted that hotels often are short for staff parking and Mr. Hurst explained that they would allocate on-site parking for staff while using valet parking and electric shuttles for guests
- The Authority asked if there would be long term leases for the proposed off-site parking and Mr. Hurst replied there would be and they would be happy for that to be a condition.
- Mr. Hurst noted that service trucks will use the loading area in the basement and there is also a layby near the side entrance and they can also use the traffic circle temporarily.
- Ms. Mandish noted that they will be using a private solid waste disposal service.
- The Authority asked for Ms. Frazier's input.
- Ms. Frazier provided several comments:
 - this is a lovely project, but not for this area
 - the project will destroy the cultural heritage of the area
 - her family built a house here in 1865 and she still lives in it
 - others in the area are not happy with the project, but they were outside the notification radius
 - this is contrary to the CI Tourism Plan as it does not celebrate cultural heritage
 - 4 storeys are okay, but not 10
 - anything over 10 storeys is not acceptable
 - she views this as destruction, not revitalization
 - she strongly objects to this project in this location
- The Authority asked if the applicant has prepared any overshadowing studies and Mr. Hurst replied that they haven't done one specifically so he can't say for sure if the building would shadow her property
- Mr. Watkin referred to an exhibit that showed how the building fits within the area
- Mr. Hurst noted that he feels this will be a quality project and will revitalize George Town and return it as the nation's capital
- Mr. Watkin noted that this will allow people to live and work in George Town and will open the door for other businesses and restaurants in George Town
- Ms. Frazier noted that there are lots of restaurants in George Town and she doesn't buy the argument that there is nothing there now and this project will bring new ones

2.3 LOOKOUT HOLDINGS LTD. (Abernethy & Associates) Block 43A Parcels 54 and 409 Rem2 and Block 37A Parcel 15 (P20-0630) (\$272,257) (BES)

Application for a 441 lot subdivision with 437 house lots, 1 LPP, and 3 road parcels.

Appearance at 11:30

FACTS

<i>Location</i>	Harvey Stephenson Drive, Bodden Town
<i>Zoning</i>	A/R
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	154.04 ac (6,710,099 sq. ft.)
<i>Current use</i>	Vacant

BACKGROUND

April 28, 2021 (**CPA/09/21; Item 2.4**) – CPA adjourned the application for the following reasons:

- 1) The applicant must submit a phasing plan for the subdivision and any subsequent consideration of the application will be based on the phasing plan.
- 2) The applicant must submit a revised plan showing:
 - a) The LPP parcel relocated to the northerly portion of 43A 54 with the affected areas of the subdivision redesigned accordingly.
 - b) The area of the subdivision on 43A 409 Rem 2 with the long north/south subdivision roads revised such that there are cross roads linking the north/south roads approximately half way along their length.

The applicant is directed to liaise with the Department regarding these two items.

March 31, 2021 (**CPA/07/21; Item 2.1**) – CPA adjourned the application and re-invite the applicant and objector to appear before the Authority to discuss details of the application.

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

- 1) Land clearing shall be restricted to the phasing plan. Specifically, Phase 2 cannot to be cleared until Phase 1 has been completed, Phase 3 cannot be cleared until Phase 2 has been completed and Phase 4 cannot be cleared until Phase 3 has been completed. For clarity, completeness of a phase means all final survey plans for that phase have been signed by the Director.
- 2) Prior to the commencement of any site works in each phase such as filling, grading and road construction (with the exception of minor land clearing needed to establish site levels for the preparation of a stormwater management plan), 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.***
- 3) 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 (s) and a reasonable building envelope for each lot, and the entirety of all lots designated as Land for Public Purposes, are filled to four (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 approved stormwater management system shall be installed on site.
 - d) 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.
 - e) The access road (s) abutting the proposed lots shall have a minimum of a 30' wide 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.
 - f) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
 - g) 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.

- h) 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) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision). This determination includes the specific assessments that:
 - a) the lot sizes and lot width comply;
 - b) the road network is acceptable;
 - c) sufficient Land for Public Purposes has been provided; and
 - d) the provision of schools is the responsibility of Government or the private school sector.
- 2) Land clearing/filling will be tied to the phasing plan.
- 3) The applicant will be required to submit a stormwater management plan.
- 4) The Authority is of the view that the objectors did not raise sufficient grounds for refusing permission.

AGENCY COMMENTS

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

Department of Environment/NCC

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

The application site is partially man-modified with areas of primary habitat (seasonally flooded mangrove forest) as shown in Figure 1. The vegetation in the man-modified areas has regrown somewhat and continues to provide an ecological benefit, such as drainage and habitat for native flora and fauna. The application site is also located immediately south of the Boundary of Central Mangrove Wetlands (see Figure 2). Therefore given the size and location of the subdivision, the Department would like highlight the following concerns.

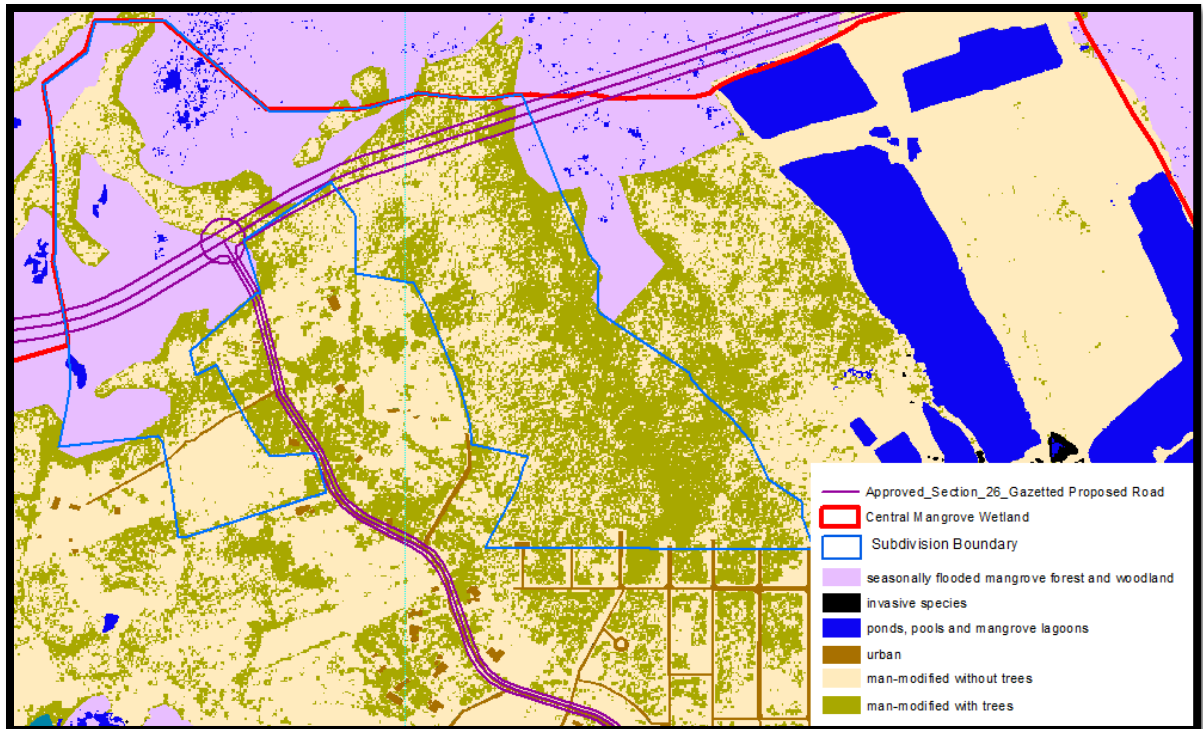


Figure 1: The site (outlined in blue) is mostly man-modified (beige/brown) with some areas of seasonally flooded mangrove forest (pink).

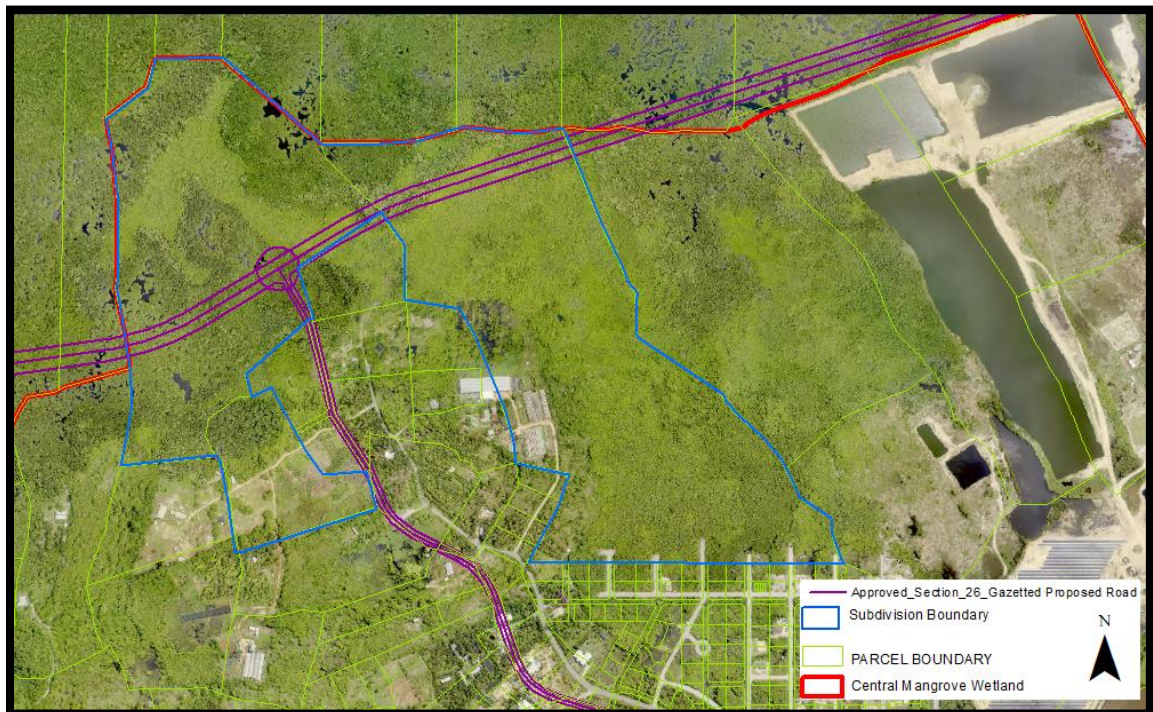


Figure 2: LIS 2018 aerial imagery showing the application site (outlined in blue) and the proposed East-West Arterial road (purple).

Scale of Subdivision

This subdivision would contain 437 residential lots with one LPP and 3 road lots, and would eventually have an impact on the existing social infrastructure such as schools, clinics, supermarkets and roads (traffic) in the area. The Department is concerned that existing infrastructure will not be able to accommodate a full build-out of the subdivision. The subdivision divides the lands into small residential lots suitable only for single family homes, duplexes or potentially small apartment buildings. There is little provision for a variety of housing and uses. Therefore this should be taken into consideration when reviewing this application. In addition, the Department has concerns in regards to the demand for such a subdivision at this time, as there have been other large scale subdivisions that have been recently granted approval and remain under-developed. There are often adverse effects on the environment now, but yet homes are not constructed for years (sometimes decades).

The Development Plan is severely outdated. It does not reflect accurately how the island should be developed moving forward taking into consideration the population size, projected population growth, the environment and climate change. Therefore, without an updated development plan for the islands, there is no vision on how the island should progress in terms of development. This can result in unnecessary fragmentation of pristine habitats and loss of valuable limited resources (such as land and associated ecosystem services). It is recommended that prior to approval of this subdivision, the supply and demand of residential lots should be determined. The current Lookout Gardens Subdivision is approximately 40% built out, which raises the question of the need for the proposed subdivision development when more than 50% of the existing subdivision remains undeveloped and within the ownership of the original developer.

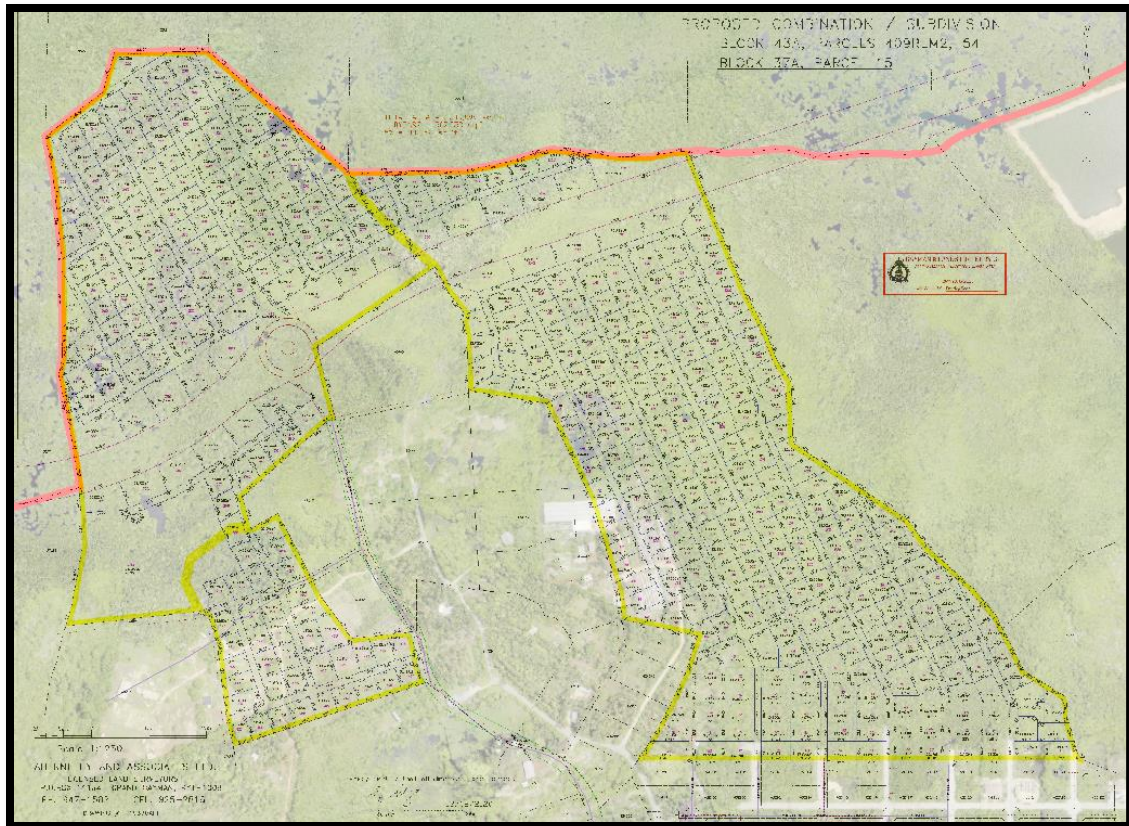


Figure 3: An extract of the Plan over the LIS 2018 aerial image, with the Central Mangrove Wetland boundary (orange red line).

East-West Arterial Road It is noted that the subdivision layout incorporates the proposed East-West Arterial road. The East-West Arterial road is currently the subject of an Environmental Impact Assessment (EIA), due to the potential effects on flooding and drainage of nearby communities and the hydrology of the Central Mangrove Wetland. The road has the potential to act as a dam, and deprive the Central Mangrove Wetland of water (affecting its ecology but also the ecosystem services it provides to people) and flood neighbouring communities (such as Lookout Gardens). The EIA will determine the best location to put the road and will determine the design required to maintain a suitable hydrological regime. This may include changing the road layout.

The East-West Arterial from Woodland Drive to Harvey Stephenson Road has been through the EIA screening stage and the EIA scoping stage. The next step in the EIA process is the preparation of the Terms of Reference. However, at the request of the Ministry of Commerce, Planning and Infrastructure (CPI) the scope of the EIA only covers the portion of the road from Woodland Dr to Harvey Stephenson Rd, and not further east. Based on a decision reached at the National Conservation Council's Special General Meeting on 26 October 2016, the section east of Lookout Gardens will require an EIA when the Ministry of CPI/the National Roads Authority chooses to pursue that section of the road.

The outcome of the EIA could impact the subdivision, and the subdivision may also impact the outcome of the EIA. The applicant may have to redesign parts of the subdivision should the location of the road change. Therefore, in the Department's opinion, it is considered that approving the subdivision application without knowing the outcome of the EIA is premature, and would recommend that the application be held in abeyance until the EIA is finalised. A phased approach could also be undertaken, starting with a phase in the south which is not likely to be directly impacted by the final layout and design of the road.

Primary Habitat and LPP

The application site consists of primary mangrove wetland forest in the north western section and therefore we strongly recommend retention of the primary habitat, especially along the boundary of the Central Mangrove Wetland. We recommend that the LPP is relocated north of the proposed arterial road especially along the northern boundary. Relocating the LPP would keep the area of primary habitat and would create a vegetated buffer adjacent to the Central Mangrove Wetland. The retention of the primary habitat would assist in the maintaining some of the drainage capacity of the site for storm water and surface sheet flow runoff. It could also be used as an amenity area with access by a boardwalk, meaning the preservation of ecosystem services.

Stormwater Management

Given that the site was once part of a mangrove wetland, which has now been modified, the drainage capacity of the site has diminished, therefore a stormwater management plan should be designed for the entire subdivision and not just the individual lots when they are being developed. The stormwater management plan could incorporate retention of remaining mangrove vegetation on site which could be retained to assist with stormwater runoff and storage along with swales etc. The stormwater management plan should ensure that the site-derived runoff can be handled on site without impacting the surrounding parcels especially any nutrient-loaded runoff from entering the central mangrove wetland.

Conclusion

It is strongly recommended that the application be held in abeyance until the outcome of the EIA for the East-West Arterial road. However, should the CPA be minded to grant planning permission, the following points should be considered:

- The subdivision should be carried out in phases starting from the southern end and working north. This will allow the development to proceed alongside the EIA process, although if the outcome of the EIA shows that the arterial road would be better suited in a different location, the Applicant would be required to adjust the subdivision layout accordingly.*
- The LPP Lot should be redesigned in a manner that would incorporate as much primary vegetation as possible. The LPP should be relocated north of the proposed East-West Arterial Road, along the boundary of the Central Mangrove Wetland to assist in mitigating any edge effects from the subdivision once built out.*
- A stormwater management plan should be designed and implemented for the entire subdivision to ensure that any stormwater and surface flow runoff can be handled*

within the subdivision and not negatively impacting the surrounding properties.

- *Clearing and filling of the application site except for road and utility infrastructure should not be allowed until development of the individual lots is imminent to prevent unnecessary loss of habitat and ecological services if the subdivision does not get completely sold/built out.*

Fire Services

Subdivision reviewed. fire access roads 30' wide with 360 degree access. fire wells and hydrants will be require as per code and AHJ.

National Roads Authority

Comments have not been received to date.

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.*

OBJECTIONS

The National Trust for the Cayman Islands (NTCI) is writing to register our recommendations for the development of the above-referenced parcel. As an adjacent landowner, the National Trust has concerns regarding the plans and is grateful for the opportunity to register suggestions that we hope will benefit all parties.

Parcels 43A 409REM2, 43A54, and 37A15 are in Bodden Town. The proposed East West Arterial Road will cut across the northern part of those parcels. The proposed road runs along the southern boundary of the Central Mangrove Wetland (see attached map). The NTCI strongly suggests that the developer set aside the northern portions of his properties that will be left cut off by the road as undeveloped Land for Public Purpose (LPP) to preserve the mangroves.

The Central Mangrove Wetland (CMW) is the largest contiguous mangrove wetland in the Caribbean. Unfortunately, mangroves are one of the Cayman Islands' most undervalued and severely impacted habitats. The CMW is an internationally recognized Important Bird Area (IBA) and a biodiversity hotspot. As well as being a critical ecosystem for wildlife of all kinds, the CMW performs many services for the people of the Cayman Islands. Mangroves are known to provide storm protection, act as a sponge during heavy rainfall events to reduce flooding, keep our ocean clean and clear, recharge the groundwater for nearby farms, maintain rainfall patterns for the western side of Grand Cayman, act as a nursery area for commercially important species of seafood, and sequester large amounts of carbon thereby slowing climate change. This critical ecosystem must be protected.

It is clear that the National Roads Authority planned for the new EW Arterial to pass just south of the CMW, avoiding it whenever possible. Therefore the placement of the road seems an obvious marker of where to draw the line between the residential lots planned by the developer on previously disturbed land to the south, and the LPP across the major road to the north that would be left in its natural wetland state.

The NTCI therefore asks that the landowner set aside the portion of their property north of the road as their LPP so that it remains undisturbed and continues to perform the services which are so important to the people of the Cayman Islands. This would truly be "land for public purpose" as the entire island benefits from the protection of the CMW. The National Trust's interest in this matter stems from a desire to conserve our unique natural heritage, and we hope these proposed conditions are considered at the highest level by the Development Control Board.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a for a 441-lots subdivision. The site is located on Harvey Stephenson Drive, Bodden Town.

Zoning

The property is zoned Agricultural/Residential.

Specific Issues

1) Minimum Lot Size

Per Regulation 21 of the Development and Planning Regulations (20 Revision), *Two houses per acre may be built on agricultural/residential land but if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, it may permit any development which complies with the requirements for low density residential areas.*

The lot sizes range from 10,070-s/f to 34,560-s/f, whereas the minimum lot size is 21,780-s/f in A/R zone. Under Regulation 9(8)(d), the minimum lot size is 10,000-s/f which lot sizes could comply with LDR zones if the Authority addresses the two criteria in Regulation 21.

2) Land for Public Purpose

Regulation 28 outlines the instances when the Authority may request an area designated for Land for Public Purpose within a subdivision. The Authority may ask for up to 5% of the gross area to be dedicated as LPP (335,504.9-sq ft). The applicant is proposing (309,760) sq ft LPP lot and By-pass Road (507,053-sq ft). It should be pointed that a 4-ft wide landscape buffer is provided along with the lots fronting of the By-pass Roads.

DoE has suggested that the LPP Lot should be redesigned in a manner that would incorporate as much primary vegetation as possible. The LPP should be relocated north of the proposed East-West Arterial Road, along the boundary of the Central Mangrove Wetland to assist in mitigating any edge effects from the subdivision once built out.

The Authority is to determine whether to LPP lot should be relocated in the Central Mangrove Wetland area.

3) Road design

In the easterly portion of the subdivision, there are 3 very long roads, approximately 1750' in length. Regulation 25(b) states that roads without through access should not typically exceed 800' in length. The Authority should determine if an additional east/west connector should be provided midway along these roads.

4) Provision for schools

Regulation 30 requires one primary school on 3 acres for every 400 families and one secondary school on 7 acres for every 2000 families.

The application is silent regarding this provision.

Members are invited to consider this requirement.

SUPPLEMENTAL ANALYSIS

The applicant has submitted a revised subdivision plan to address the CPA's decision as noted above.

At 11:30 an appearance was scheduled. Mr. and Mrs. Stephenson were present as the applicants and Greg Abernethy appeared as their agent. The objectors had been emailed an invitation to the meeting, but were not in attendance. Staff contacted Ms. Catherine Childs of the National Trust and she advised that she had not seen the email. After some discussion, Ms. Childs confirmed that the Trust was agreeable to the application being considered in their absence provided the Authority was advised that they are in negotiations with the owner to purchase all of the land north of the by-pass road and that they would like to see a condition that restricts clearing of that area until the other phases of the subdivision are completed. Her comments were relayed to the members and the applicants. Summary notes of the application consideration are provided as follows:

- The Authority viewed the proposed phasing plan.
- Mr. Stephenson advised that the land would not be mass cleared as the development will be phased as was the original Lookout Holdings.
- The Authority asked how long it took to complete that development and Mr. Stephenson replied about 25 years.
- There was a general discussion on the conditions typically imposed regarding the filling of the lots.
- Mr. Abernethy explained the revisions to the plan and pointed out the existing LPP in the original subdivision.

2.4 VIRTUE CONSTRUCTION (Paradise Drafting Ltd) Block 27D Parcel 511 (P21-0298) (\$2M) (JP)

Application for six townhouses and cabana.

Appearance at 1:00pm

FACTS

<i>Location</i>	Hirst Road, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.6005 ac. (26,157.78 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	9,106 sq. ft.
<i>Total building site coverage</i>	14.6%
<i>Allowable units</i>	9
<i>Proposed units</i>	6
<i>Allowable bedrooms</i>	14
<i>Proposed bedrooms</i>	14
<i>Required parking</i>	9
<i>Proposed parking</i>	12

BACKGROUND

26 May 2012 (**CPA/11/21; item 2.20**) – Members resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the site location being suitable for apartments.

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

- 1) The applicant is required to submit revised plans showing:
 - a) the building with a pitched roof with the third storey within the roof;
 - b) the building shifted a minimum of 20' further away from the road; and
 - c) the garbage enclosure relocated nearer the road.
- 2) The immediately adjoining owners must be re-notified of the application and the revised plans.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Apartments	4 x 2-Bed Units	225gpd/2-Bed Unit	900gpd	900gpd
-	2 x 3-Bed Units	300gpd/2-Bed Unit	600gpd	600gpd
TOTAL				1,500gpd

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

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*

4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

Water Supply

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

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

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

National Roads Authority

No comments received.

Department of Environmental Health

1. *DEH has no objections to the proposed in principle.*
 - a. *This development will require (1) 4 cubic yard container with once per week servicing*
2. *The application states that there is a pool; however there is no pool shown on the drawing.*
 - a. *The applicant is advised that a swimming pool application must be submitted to DEH for review and approval prior to constructing the pool*

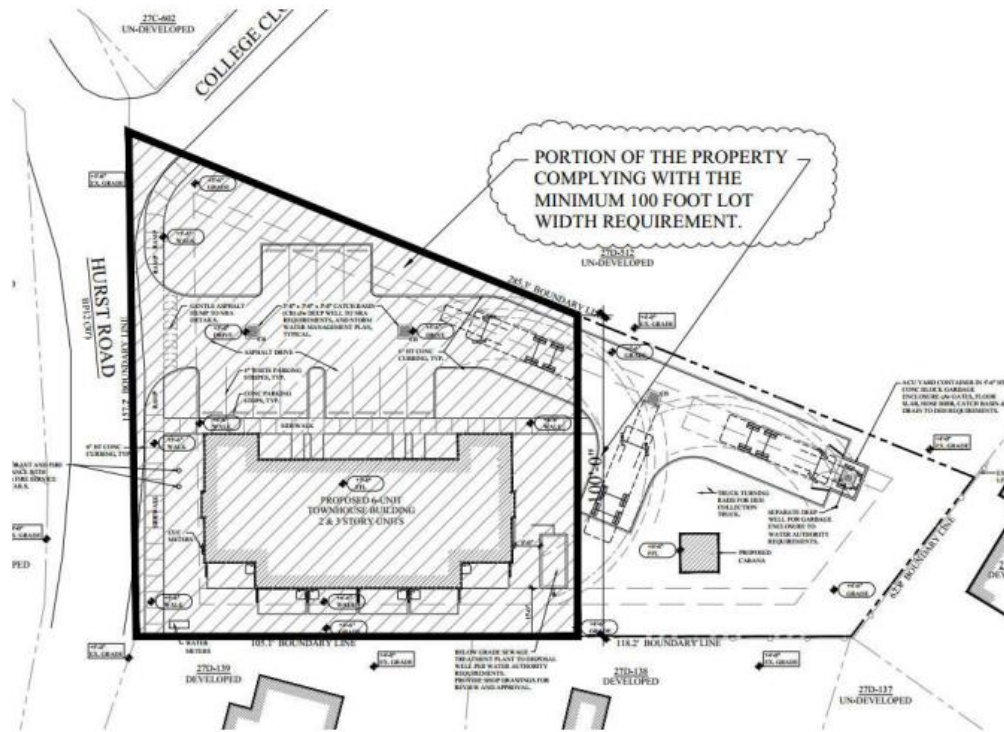
Department of Environment (NCC)

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

The application site is man-modified, however it is still recommended to incorporate native vegetation in the landscaping scheme for the development. The site is low laying and is prone to rainwater inundation, therefore, a storm water management plan should be developed for the apartment complex to ensure that all site derived run off can be handled on site without impacting the surrounding properties and the road.

APPLICANT'S LETTER

We are writing on behalf of our client who kindly requests a lot width variance be considered for this project. The Planning Regulations section 9 (8) (g) require a minimum lot width of 100 feet for an apartment project. The irregular shaped parcel has a rear lot width of 62.8 feet while the street lot width complies with a width of 157.2 feet.



The site plan above indicates the portion of the parcel that complies with the Planning Regulations. The proposed apartment project is set out within this area. We feel that the law is too strict for parts of the island that have evolved over time with street patterns and lot shapes of a more organic nature. The law seems to assume that the island was set out in a 90 degree grid, but this is not the reality. For these reasons we hope that the Planning Board will approve the variance with regards to this section of the Planning Regulations. We also do not believe that this variance will be materially detrimental to the adjacent neighbours.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Savannah area of Grand Cayman. The area comprises of sizeable lots predominantly for houses and duplexes, however, the occasional apartment/townhouse is noted. An apartment complex is located 725ft to the west.

The application seeks Planning Permission for 6 townhouses and a cabana.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(8) permits apartments in suitable locations.

Members are invited to consider the surrounding context in determining whether townhouses/apartments are suitable in this location.

2) Lot width variance (62.8' v 100')

Regulation 9(8)(g) requires a minimum lot width of 100'.

The proposed development site is tapered in shape with the eastern section reducing down to 62.8'.

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

SUPPLEMENTARY ANALYSIS

The agent provided an additional letter justifying the proposed development:

We are writing on behalf of our client in response to the application having been adjourned to review its suitability in the neighbourhood.

We would like to express our client's view that the project is suitable based on the following reasons:

- 1. There were no objections received from any of the property owners required to be notified.*
- 2. There were no serious concerns presented by any of the other agencies that have not been resolved to their satisfaction.*
- 3. There already exists a 6-plex apartment complex within 700 linear feet of this project on Leonce Drive and a 4-plex apartment complex within 1,200 linear feet of this project on Rackley Boulevard.*
- 4. The project is not located in the quieter back streets of the neighbourhood, but on the main road of Hurst Road and as such will not be adding any additional traffic to these back streets.*
- 5. The project is not a high-density proposal with only 14.6% site coverage when 30% is allowed. We therefore kindly request that the Planning Board review that above points and hopefully agree that this project presents no negative or un-suitable aspects to the existing neighbourhood.*

At 1:00pm, Steadman Patrick Roach and John Yeo appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority explained there is a concern with the building being 3 storeys as it is out of character with the area as most of the houses are 1 storey
- Mr. Yeo explained that there are no objections from the neighbours, the proposal is within the Planning Laws, it is low density and the traffic will be on the main road, not the local road. He noted that there are other apartments down the road and to reduce the building to 2 storeys would throw off the economics of the project. He explained that the Regulations allow more apartments on the site, but it would be hard to get the necessary parking while providing a functional garbage area.
- The Authority noted that it does appear that they could get more units on the site and Mr. Yeo replied they could probably fit 1 more.
- The Authority asked if the building could be shifted further from the road and Mr. Yeo replied they could do that.
- The Authority noted that shifting the building would give room for the garbage at front and more space for landscaping in the back.
- The Authority noted that it would be best to reduce the building to 2 storeys.
- Mr. Yeo asked if it would be better to move the 3 storeys units to the middle and the Authority replied it would be better, but that would still be bringing 3 storeys into a neighbourhood where it isn't now.
- The Authority suggested that the third unit could be incorporated into the roof and Mr. Yeo replied that since the building is now a flat roof it would have to be made taller. He asked that if they did redesign the building would they have to re-notify and the Authority advised that would depend on the changes, but likely the immediately adjoining owners would have to be notified.

2.5 HERITAGE HOLDINGS LTD. Block 9A Parcels 51 Rem1 and 582 (P21-0139) (\$680,000) (BES)

Application for apartments, gym, cabana and pool.

Appearance at 1:30pm

FACTS

<i>Location</i>	Bay Shore Dr, The Shores Subdivision
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.0 ac. (87,120 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	49,505 sq. ft.
<i>Total building site coverage</i>	17.8%
<i>Allowable units</i>	30
<i>Proposed units</i>	18
<i>Allowable bedrooms</i>	48
<i>Proposed bedrooms</i>	48 + 15 (Dens/Offices)
<i>Required parking</i>	27
<i>Proposed parking</i>	39

BACKGROUND

May 26, 2021 (CPA/11/21; Item 2.4) – CPA adjourned the application for the following reason:

- 1) The applicant is invited to appear before the Authority to discuss concerns regarding the use of LPP for a driveway access to the proposed development; the deficient septic tank setback; and the labelling of some rooms as dens when they are exactly the same as other rooms labelled bedrooms as this could result in the need for a bedroom density variance.

Sept 2, 2020 (CPA/14/20; Item 2.5) - the Authority modified the subdivision plan to 4-lots subdivision.

Feb. 5, 2020 (CPA/03/20; Item 2.5) - CPA approved a subdivision with 11-lots.

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

Conditions (1-8) 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 driveway redesigned to follow the alignment shown by the two red lines on the attached key plan.
- 2) The applicant shall provide a copy of the submission made to the Lands and Survey Department to grant a vehicular right-of-way in favour of 9A 51 Rem 1 over 9A 582.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 4) 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.
- 5) 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.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) Construction drawings for the proposed 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.
- 8) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (9-10) listed below shall be met before a Building Permit can be issued.

- 9) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 10) 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.

- 11) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 12) 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.
- 13) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (14-15) shall be complied with before a final Certificate of Occupancy can be issued.

- 14) If the development includes access gates, the applicant shall provide written confirmation from the Department of Public Safety Communications (DPSC) that the access gate(s) includes acceptable measures to allow access for emergency service vehicles and personnel.
- 15) The vehicular right-of-way required in condition 2) above shall be registered.
- 16) 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:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision). This determination includes the specific assessment that per Regulation 9(8) of the Development and Planning Regulations (2021 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.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 6,175 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building A	3 x 3-Bed Units	300gpd/3-Bed Unit	2,025gpd	2,025gpd
	3 x 4-Bed Units	375gpd/4-Bed Unit		
Building B	3 x 3-Bed Units	300gpd/3-Bed Unit	2,025gpd	2,025gpd
	3 x 4-Bed Units	375gpd/4-Bed Unit		
Building C	3 x 3-Bed Units	300gpd/3-Bed Unit	2,025gpd	2,025gpd
	3 x 4-Bed Units	375gpd/4-Bed Unit		
Gym	1 x WC	100gpd	100gpd	100gpd
TOTAL				6,175gpd

- **Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards.** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

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

Water Supply:

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

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

National Roads Authority

No comments received.

Department of Environmental Health

DEH has no objections to the proposed in principle.

1.1. Solid Waste Facility:

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

1.2. Swimming Pool:

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

Fire Department

The CFO has approved the site layout

Department of Environment (NCC)

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

The site was previously cleared without planning permission in October 2019. At that time, the Mangrove Conservation Plan had not been adopted by the National Conservation Law, however as of April 2020, the Mangrove Conservation Plan is in effect. The Mangrove Conservation Plan makes it an offence to clear mangroves without the necessary planning permission in place. Mangroves are a protected species, listed under Schedule 1, Part of the National Conservation Law (2013).

The landowner then applied for after-the-fact planning permission for land clearing by mechanical means (P19-0938). The after-the-fact permission was granted by the CPA on 5 February 2020 (CPA/03/20; Item 2.5 and 2.6). The site is man-modified now, and of low ecological value. Native planting should be used where possible, as this is cost-effective and low maintenance.

PLANNING DEPARTMENT ANALYSIS

General

The application seeks planning permission for 18-apartments with 48 bedrooms (48,285 sq.ft.), gym (610 sq.ft.), cabana (610 sq. ft.), and swimming pool at the above captioned property. The site is located off Bay Shore Dr, The Shores Subdivision, West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Per regulation 9(8) of the Development and Planning Regulations (2021 Revision), in suitable locations apartments/townhouses are permissible. The surrounding land uses in the area are apartments (Uncle Bob Road), single-family dwelling houses and vacant properties based on Cayman Land Info Map.

2) Access over LPP

In a previous subdivision, the applicant proposed to offer access to Lot 9 (which is subject parcel) via a 30' easement over Parcel 582 which is designated as LPP. Land for Public Purpose is land to be set aside within a subdivision to provide active and passive recreation opportunities or to be used for public rights of way (Regulation 28 (1)).

With regards to this proposal, the applicant is not proposing to remove the LPP designation, but is proposing to use the parcel for private use – to provide private access for the proposed apartments as indicated on the site plan.

For the Authority's information, at a meeting of the CPA on Feb. 5, 2020 (CPA/03/20; Item 2.5), the CPA approved a subdivision (11-lots) that a 30' vehicular right-of-way over 9A 582 extended to the east and behind the existing stand of coconut trees before it then connects to Bayshore Dr. Additionally, a LPP Improvement Plan to the satisfaction of the Director of Planning which must include the proposed LPP (lot 10) as well as the existing LPP on 9A 582. On Sept 2, 2020 (CPA/14/20; Item 2.5) (P20-0314) the Authority modified the subdivision plan, subject to 4-lots subdivision as submitted by the applicant.

3) Waste Water Treatment Plant

The treatment plant is setback 3'-3" from the boundary, whereas the minimum setback is 10' per regulation 9(8) (j). There is space on the site to comply with the minimum required setback.

4) Bedroom Density

Per Regulation 9(8) (c), the maximum allowable bedrooms are 48 based on the lot size. The application seeks planning permission for a total of 48 bedrooms plus 15 (den/offices) with closets. The Authority is to determine whether the den/offices are considered as bedrooms.

SUPPLEMENTARY ANALYSIS

The applicant has submitted a revised site plan relocating the sewage treatment plant such that it now complies with setback requirements.

At 1:30pm, Troy Burke and Craig Burke appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority noted that the concern is using the LPP as a driveway as it is supposed to be for the public. The Authority noted that it would be better if the driveway was shifted further south while keeping the same access point on the road.
- Mr. T. Burke noted that they have already provided over 9% LPP in the subdivision which is almost double the required 5%. He explained that if they shift the driveway they would not want to create an odd turning movements at the road.
- The Authority explained that they can keep the access point, but shift the rest of the driveway about 30' south to then enter into the apartments. Mr. T. Burke replied that they could do that if that is what the Authority wants.

2.6 PAM DEVELOPMENT LTD. (Island Drafting Ltd.) Block 22C Parcel 98 (P20-0953) (\$1.7M) (BES)

Application for seven apartments.

Appearance 2:00

Peterkin Berry and Fred Whittaker declared conflicts and left the meeting room.

FACTS

<i>Location</i>	Abbey Way, Red Bay Estates Subdivision
<i>Zoning</i>	LDR
<i>Notification result</i>	Objectors
<i>Parcel Size Proposed</i>	0.46 ac. (20,037.6 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	10,762.8 sq. ft.
<i>Building Site Coverage</i>	29.2%
<i>Allowable Units</i>	6
<i>Proposed Units</i>	7
<i>Allowable bedrooms</i>	11
<i>Proposed bedrooms</i>	14
<i>Required Parking</i>	11
<i>Proposed Parking</i>	13

BACKGROUND

No previous CPA history

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) The applicant shall submit a revised site plan showing a 6' sidewalk along the property boundary next to Abbey Way.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) 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.
- 4) 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.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 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 applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 8) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.

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

Additionally, once construction has started, condition (11) shall be complied with before a final Certificate of Occupancy can be issued.

- 11) The access road (22D 141 Rem 2) between Abbey Way and Selkirk Dr 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.
- 12) 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 (2020 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) With the exception of the lot size and density, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 3) The proposed application does not comply with the maximum allowable apartment and bedroom density and the minimum required lot size per Regulations 9(8)(c) and (f) 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 density and 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.
- 4) The Authority is of the view that the objectors did not raise sufficient grounds for refusing permission. More specifically, no evidence was provided to demonstrate that the proposal would cause traffic problems or cause noise or other disturbances. Finally, no evidence was provided to demonstrate that the proposed development would be out of character with other developments in the area.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/ BLDG</i>	<i>GPD</i>
<i>Building 1</i>	<i>3 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>675gpd</i>	<i>675gpd</i>
<i>Building 2</i>	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>450gpd</i>	<i>450gpd</i>
<i>-</i>	<i>2 x 3-Bed Units</i>	<i>300gpd/3-Bed Unit</i>	<i>600gpd</i>	<i>600gpd</i>
<i>TOTAL</i>				<i>1,725gpd</i>

National Roads Authority

No comments received from the agency

Department of Environmental Health

This development will require a maximum of (8) 33 gallon garbage bins and an enclosure built to the department's requirements. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Table 1: Minimum Enclosure dimensions for Manual Collections

<i>Number of Containers</i>	<i>Minimum Dimensions (ft)</i>		
	<i>Width</i>	<i> Length</i>	<i>Height</i>
8	5.00	10.00	2.50

Fire Service

Please depict proposed/existing Fire hydrant and Fire well.

Department of Environment (NCC)

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

The application site consists of a mixture of tidally flooded mangrove habitat and man-modified areas with some regrowth. The Department does not object to the proposed apartments. However, we note that there is a significant amount of standing water within the site. The DoE has increasingly stressed the potential adverse impacts associated with the filling of wetlands and assumes that the necessary drainage precautions have been taken into consideration to manage stormwater on site and avoid the flooding of adjacent properties. We recommend that the applicant plants and incorporates native vegetation in the landscaping scheme for the apartments. 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

We have submitted an application on behalf of Pam Development Co. Ltd. on the above-mentioned block and parcel who is desirous of constructing 7 two storey Apartments which consist of 2 #3 bedrooms, with 3 V₂ bathrooms and 5 # 2 bedrooms, with 2 ½ bathrooms.

The parcel has a registered area of approximately 20,038.00 sq. ft. which will fall short of the minimum required area by 4,962.00 sq. ft., the minimum parcel size required is (25000.00 sq. ft.) under the development and planning regulations section 8 (f) which allows for the approval of the proposed application as submitted to allow the building of the proposed apartments.

Notwithstanding regulation 8 (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, nor to the public welfare;

And notwithstanding regulation 8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.

As submitted, we would therefore like to request a density and lot size variance to be granted so as to allow the proposed apartments to be fully approved as submitted.

We look forward to the Board's favorable decision to this request and await response at your earliest convenience.

OBJECTIONS

We have received notification from PAM Development Co Ltd, Block and Parcel 22C/ 98 that a seven (7) unit apartment complex has applied for planning permission.

As home owners for over 20 years and in close proximity to the proposed build we hereby object to this construction for the following reasons.

- 1. Potential of this complex having one, two cars or more each, it could equate to a significantly higher number of cars in the area. This would impact traffic congestion and air quality.*
- 2. Adequacy of parking and turning.*
- 3. Noise and disturbance resulting from use*
- 4. The complex will be out of place for the single home dwellings in the area*

We were under the impression that no apartment complexes could be built north of the Red Bay Church. Has the zoning for this area been amended? I know of two other individuals who tried to get planning permission for apartment buildings in the past and were denied. Please advise why this has been allowed.

PLANNING DEPARTMENT ANALYSIS

General

The application is for seven (7) apartments at the above-captioned property. The property is located on Abbey Way, Red Bay Estates Subdivision.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

In the LDR zone, detached and semi-detached houses, duplexes and, in suitable locations, guest houses and apartments are permissible according to regulation 9(8) of the Development and Planning Regulations (2020 Revision).

The surrounding land uses are duplexes (22D88, 22C34, & 22C30), single-family dwelling houses and vacant properties.

2) Lot Size

The proposed lot size is 20,037.6 sq ft, whereas the minimum required lot size is 25,000 sq ft per regulation 9(8)(f) of the Development and Planning Regulation (2020

Revision). According to Regulation 8(13), the Authority needs to determine if the applicant has demonstrated sufficient reason and an exceptional circumstance to warrant the lot size variance.

3) Density Requirements

Under Regulation 9(8)(c), the maximum number of allowable apartments is six (6), whereas the applicant proposes seven (7) units.

Similarly, the maximum number of allowable bedrooms is 11, however, the applicant proposes 14. According to Regulation 8(13), the Authority needs to determine if the applicant has demonstrated sufficient reason and an exceptional circumstance to warrant the apartments/bedrooms density variance.

4) Sidewalk

The applicant has not provided a sidewalk along Abbey Way and the Authority should determine if one is required.

5) Access Road

Based on Cayman Land Info, the access road is not constructed. Should approval be granted then a condition of approval would have to be included to ensure that the road is built to NRA standards.

At 2:00pm, Arnold Berry and his client appeared on behalf of the applicant. Susan Conolly and Everton Malcolm appeared as objectors. Summary notes are provided as follows:

- The Authority summarized the application and noted the written objections are on record.
- Ms. Conolly explained that she owns 22D 90 and she pointed it out on the aerials and she noted the type of development in the area.
- The Authority noted that there is no road next to the property and Mr. Berry agreed and noted that the reserve was gazetted. The Authority asked if his client intends to build the road and Mr. Berry replied that is the intention.
- The Authority noted that it appears there is a duplex on 22D 88 and Mr. Berry said he thinks it might be 3 apartments as he saw 3 meters.
- The Authority noted that it does appear there are some multi-family developments in the area and Ms. Conolly noted that there no more than duplexes or triplexes.
- The Authority noted that 6 apartments are allowed and they are proposing 7. Mr. Berry noted that the allowable number is 6.9 so they thought 7 would be okay.
- Mr. Berry explained that the site is less than 25,000 sq ft so they are asking for a variance to which the Authority noted that the lot is too small and they are also asking for an additional unit. Mr. Berry agreed and noted that the Law gives the Authority the provisions to allow it.
- Mr. Berry noted that they can building a sidewalk on Abbey Way and build the access road.
- Ms. Conolly explained that 6 or 7 apartments are too many for the area, it will stand

out and create too much traffic. She noted that she thought that apartments couldn't be allowed north of the Red Bay church and the Authority explained that was an old policy and was challenged in Court.

- The Authority asked if there were similar developments to this north of the church and Ms. Conolly replied this would be the first.
- The Authority asked if the applicant would build the road from Abbey Way to Selkirk and Mr. Berry answered that they would build it to the end of his client's property. His client interjected and advised that he would building the entire portion of road from Abbey Way to Selkirk Dr.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.7 to 2.24)

2.7 OSCAR & MERIAM JENNINGS (Architectural Designs) Block 56C Parcel 19 (P20-1180) (\$780,000) (MW)

Application for 7 apartments.

FACTS

<i>Location</i>	Bodden Town Rd., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.5 ac. (21,780 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	5,136 sq. ft.
<i>Total building site coverage</i>	23.6%
<i>Allowable units</i>	7
<i>Proposed units</i>	7
<i>Allowable bedrooms</i>	12
<i>Proposed bedrooms</i>	11
<i>Required parking</i>	11
<i>Proposed parking</i>	12

BACKGROUND

December 18, 2019 (CPA/26/19; Item 2.18) –the application was considered and it was resolved to grant approval.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the aesthetic appearance of the buildings.

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building 1	1 x 1-Bed Unit 2 x 2-Bed Units 1 x 96sqft Office	150gpd/1-Bed Unit 225gpd/2-Bed Unit 0.15gpd/sqft office space	614.4gpd	614.4gpd
Building 2	2 x 1-Bed Unit 2 x 2-Bed Units	150gpd/1-Bed Unit 225gpd/2-Bed Unit	750gpd	750gpd
TOTAL				1,364.4gpd

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

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

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

- connection specified above. (Alternatively details of proposed lift station shall be required)
6. The Water Authorities updated 2020 effluent disposal well specifications.
 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

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.

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

National Roads Authority

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

General Issue

Bodden Town Road is gazette under BP09 as a 50 foot wide public road. Please have applicant revised site plan to respect the Boundary Plan a 25 feet offset from the road centreline will satisfy.

Road Capacity Issues

The traffic demand to be generated by a residential development of a seven (7) 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 Bodden Town Road is as follows:

Expect ed 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
47	4	1	3	5	3	2

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

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of twenty-four (24) ft. wide.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-two (22) ft.

A six (6) foot sidewalk shall be constructed on Bodden Town Road, 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. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)

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

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

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

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

Department of Environmental Health

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

1. DEH has no objections to the proposed in principle.
2. This development will require a minimum of (7) 33 gallon bins within a 5ft W x 10ft L x 2.50ft H enclosure at the proposed location.
 - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.
 - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Chief Environmental Health Officer (Jan 29 2021)

Department of Environment (NCC)

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

The site is a small fragment of primary habitat consisting of dry shrubland and dry forest.

We recommend that native habitat is retained where possible. Retaining native habitat offers a cost-effective solution to landscaping because it is particularly suited to its current environment and therefore requires less maintenance.

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

Fire Department

Please note, this project requires a fire Hydrant (20-Jan-21)

APPLICANT'S LETTER

On behalf of our client, we wish to apply for a variance, in regards to proposed Apartments on Block:56C Parcel:19 . We would note that the parcel does not meet the minimum lot size of 25,000 sq ft for apartments in LDR area. Nevertheless, we have met all set back requirements and still maintain a site coverage of less than 30% as required. Please further note that at the present, there are currently apartments in the area on lots of a similar size, that do not meet the 25,000 sq ft. required. Also we have an approval of apartments on this parcel which is still valid.

In reference to section 8(13) of the Development and Planning Regulations. Our proposal characteristics are consistent with that of the surrounding area. Based on the variances we are applying for, all the surrounding neighbours have been notified, and have no objections to our proposal. Which is clearly an enhancement to the area.

We hope that the CPA will favourably consider our proposal.

PLANNING DEPARTMENT ANALYSIS

General

The application is for 7 apartments with lot size variance to be located on Bodden Town Rd., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

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

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

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

- 56C 18:- P13-0819 (Duplex) Approved CPA/02/14; Item 2.13
- 56C 106:- Duplex
- 56C 17:- Proposed Two by Three Bedroom Duplex (Approved 10-16-09)

2) Lot Size

Regulation 9(8)(f) of the Development & Planning Regulations (2021) states the minimum lot size for Apartments is 25,000 sq. ft. The proposed parcel would only be 21,780 sq. ft. (0.5 Ac.) a difference of 3,220 sq. ft.

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

2.8 RUBIS CAYMAN ISLANDS (Marnus Ehle) Block 4D Parcels 515 (P21-0460) (\$50,000) (MW)

Application for 8' chain link fence with 1'-6" barbed wire top (9'-6" total height).

FACTS

<i>Location</i>	Batabano Rd., West Bay
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.932 ac. (84,157.92 sq. ft.)
<i>Current use</i>	Vacant

BACKGROUND

October 28, 2020 – Gas Station with Canopy, Restaurant, Generator, Sign & Underground LPG Tank – the application was considered and it was resolved to grant planning permission. (CPA/18/20; Item 2.5)

January 15, 2021 – Modification to Remove Condition #3 – the application was forwarded to CPA.

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

- 1) The applicant shall submit revised plans showing the fence with a maximum height of 6' and no barbed wire.
- 2) The portion of the fence along the road shall be removed prior to issuance of a Certificate of Occupancy for the gas station.
- 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.

Reasons for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision). Further, the Authority is of the view that the visual appearance of an 8' fence is not in keeping with the character of the area and that it must be reduced to a maximum height of 6', which will still provide adequate security for the site. Also, the Authority is of the view that barbed wire does not provide a visual appearance in keeping with the character of the area and must be removed.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an 8' chain link fence with 1'-6" barbed wire top (9'-6" total height) to be located on Batabano Rd., West Bay.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Fence Height

The CPA fence guideline 4.4.2 stipulates that *"In commercial, industrial and institutional zones, no part of a semi-transparent wall or fence should exceed 72 inches in height, except for where provided within these regulations. The height of a semi-transparent wall or fence should be measured vertically from the base of the wall or fence to the top of the wall or fence in a line perpendicular to the ground plane"* - The proposed chain link fence would be 8' in height with an additional 1'-6" barbed wire top the fence height total would be 9'-6" difference of 3'-6" respectively, in addition the Department has concerns in regards to the proposed barbed wire top of the fence.

2.9 ALESSANDRO MORRIS (LSG Designs) Block 27C Parcel 493 (P21-0270) (\$155,000) (AS)

Applications for atf house addition to create a duplex, atf pool & atf cabana.

Kris Bergstrom declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Dugan Street
<i>Zoning</i>	LDR
<i>Notification result</i>	no objections
<i>Parcel Size Proposed</i>	.2224 acres (9,687 sq ft)
<i>Parcel Size Required</i>	12,500 sq ft
<i>Current Use</i>	residential
<i>Building size (existing)</i>	1,383 sq ft existing house & 992 sq ft atf addition to create duplex & 214 sq ft atf cabana
<i>Building Coverage</i>	21.3%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2

BACKGROUND

n/a

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 **within 6 months of the date of this decision.**
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 3) The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **within 12 months of the date of this decision.**

Reasons for the decision:

- 1) With the exception of the lot size, rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required lot size and the minimum required rear and side setbacks per Regulations 9(8)(e)(i) and (j) of the Development and Planning Regulations (2021 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 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 LETTERS

Letter #1

"I write on behalf of Alessandro Morris who has obtained a recent approval from the Department of Planning for after the fact 778 sq.ft. addition to create a duplex; after the fact 214 sq.ft. cabana; after the fact pool. The application requires a request for variances due to one of the side and also the back setback encroachment. 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) Regulation 9(8)(e) of the Development and Planning Regulations (2018 Revision) states "the minimum lot size for duplex is 12,500 sq. ft." Therefore, a minimum of 12,500 square feet would be required for duplex (existing residence & proposed 1 bedroom unit). The property in question has a size of 9,687.74 sq. ft., as such we would also like that regulation to be waived. To date the other approved structure have not been detrimental to the neighborhood or to public welfare. As such, the structure in question was constructed in order to provide additional space for a family member to have somewhere to stay and later on some additional income to assist Mr. Morris with providing for his family It is further noted that the adjoining property owners have been notified of the application."

Letter #2

"We are writing with the full understanding that we are at fault to be in this position. We are respectfully trying to make amends for what was a small personal project that got out of hand. Watching the parliament debate in 2020 with Minister Hew, we became aware of what the law said, and we have now come forward on our own to bring our home in accordance with the planning law. We now have approved plans, and we are on the way to correcting our decision.

We bought the house in 2008 and at the time there was a wooden structure that was unsafe as a back porch. We were incredibly young at the time and with the help of some friends, we tore the wooden structure down and rebuilt the area with concrete. Two years later in

2010 our son was born, and we needed a family member to live with us to help with taking care of him.

Completely ignorant of the law we went about to construct this area as a home project to accommodate this new plan.

Over the years we kept on trying to upkeep the property by making additional changes to improve the overall image of the house. We tried to give the home as much convenience to improve the property and maintain the value of our home. This project has helped with some additional income now that our son is 11 years old, and we are profoundly grateful to have this. Some changes are difficult to explain but we are happy that we now understand the law and we have come forward on our own to be in compliance.

We have made the property tasteful and with much consideration to the community. We believe that the changes we made have positively affected the surrounding homes baring the encroachments that we are now aware of.

We are asking for your kind consideration while we make amends and respectfully ask for a favorable Review.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two (2) storey atf addition to an existing, single storey house, an atf pool and an atf cabana. The two (2) storey addition results in the structure becoming a duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum Lot Size

Regulation 9 (8) (e) states that the minimum lot size for a duplex is 12,500 sq. ft in a low density residential area. The subject parcel is 9,687 sq ft in size.

2) Rear Setback

Regulation 9 (8) (i) states that the minimum rear setback in a low density residential area shall be 20 ft. The rear setback is 10 ft to the back wall of the duplex and 6 ft 7 in to the landing.

3) Side Setback

Regulation 9 (8) (j) states that the minimum side setback shall be 10 ft. in low density residential zones. The atf pool is 8 ft from the side boundary. The pool decking is 1 ft 5 in. to the side boundary.

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

Application for 2-duplexes.

FACTS

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

BACKGROUND

May 12, 2021 (**CPA/10/21; Item 2.15**) – It was resolved to adjourn the application for the following reason:

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

Decision: It was resolved to adhere to the Planning Permission granted at CPA/10/21; item 2.15.

Reasons for the decision:

The Authority is of the view that the subdivision was designed such that the subject parcel would gain access from the internal subdivision road thereby reducing the number of access points onto Harvey Stephenson Drive which decreases the likelihood of traffic conflicts on the busy spine road. This is especially important given the proximity of the parcel to the intersection of Harvey Stephenson Dr and Anton Bodden Dr., two busy roads. This principle is supported by the indication on the Registry Extract Map that the right-of-way to the property is from the local subdivision road. Finally, the Authority does not agree with the applicant's assessment that the local internal subdivision road is substandard and not fit for purpose as an access road for the subject parcel.

APPLICANT'S LETTER

Letter # 1

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

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

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

Letter # 2

See Appendix C

PLANNING DEPARTMENT ANALYSIS

General

The application is for 2-duplexes with 16-bedrooms at the above-captioned property. The site is located on Harvey Stephenson Drive and Boysberry Drive, Bodden Town.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Access

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

2) Front setback

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

SUPPLEMENTARY ANALYSIS

As noted above, May 12, 2021 (**CPA/10/21; Item 2.15**) the Central Planning Authority at its meeting considered the above application and it was resolved to adjourn the application for the following reason:

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

The applicant wishes not to revise the access location and has submitted a letter for the Authority's consideration regarding this matter.

2.11 NATIONAL ROADS AUTHORITY (Whittaker & Watler) Block 22E Parcels 91 & 137 (P21-0075) (\$30,000) (BES)

Application for 7'-4" chain link fence and 6' wide sidewalk.

Fred Whittaker declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Crewe Road, George Town
<i>Zoning</i>	N.COM
<i>Notice requirements</i>	No objectors
<i>Parcel size proposed</i>	3.0 ac (130,680 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Community Centre

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

- 1) The applicant shall submit revised plans showing the fence with green plastic screening strips interwoven through the chain link.
- 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.

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 (2021 Revision).

AGENCY COMMENTS

Comments from the National Roads Authority are noted below.

NRA

As per your memo dated March 17th 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the above proposed fence.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 7'- 4" high chain link fence and 6' concrete sidewalk at the above-captioned property. The site is located at the Lion's Centre on Crewe Road, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Fence Height

As indicated on the plans, the proposed fence is a 6' high chain link fence on 1'- 4" high concrete blocks or 7'- 4" in total height. The Authority needs to determine if the proposed fence provides an appropriate visual appearance along a busy public road.

2.12 BATTA APARTMENTS (Architectural Designs & Cayman Contemporary Style) Block 24E Parcel 185 (P21-0098) (\$985,000) (BES)

Application for 4 apartments.

FACTS

<i>Location</i>	Morningside Drive
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size proposed</i>	0.25 ac. (10,890 sq. ft.)
<i>Parcel Size required</i>	25,000 sq. ft.
<i>Current Use</i>	Apartments
<i>Proposed Use</i>	4-apartments
<i>Proposed building Size</i>	5,332 sq. ft.
<i>Total building site coverage</i>	26.1%
<i>Allowable units</i>	3
<i>Proposed units</i>	4
<i>Allowable bedrooms</i>	6
<i>Proposed bedrooms</i>	6
<i>Required Parking</i>	6
<i>Proposed Parking</i>	6

BACKGROUND

No previous CPA history

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding suitability, lot size and density.

AGENCY COMMENTS

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

Department of Environment (NCC)

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

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

National Roads Authority

As per your memo dated February 11th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of 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 Morningside 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>
27	2	0	2	3	2	1

Based on these estimates, the impact of the proposed development onto Morningside 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 Morningside Drive, 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 Morningside Drive. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of*

such wells along with details of depth and diameter prior to the issuance of any Building Permits.

- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)

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

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

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

Department of Environmental Health

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

- 1. DEH has no objections to the proposed in principle.*
- 2. This development requires (4) 33-gallon garbage bins.*
- 3. The enclosure must be constructed to comply with the department's requirements.*
- 4. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
- 5. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(1,750) US gallons** for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Batta Apartments	2 x 2-Bed Unit's	225gpd/2-Bed Unit	1,050	1,050

	2 x 3-Bed Unit's	300gpd/3-Bed Unit		
TOTAL				1,050

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

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

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

Water Supply

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

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

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

Fire Service

The CFO approved the site layout.

APPLICANT'S LETTER

On behalf of our client, we wish to apply for a variance, in regards to proposed Apartments on Block 24E Parcel 185.

This request for a variance pertains to the density, lot size and width of the parcel. The proposed apartments consist of 4 units and 6 bedrooms, where the allowable is 3.75 units and 6 bedrooms (as the lot size is 0.25 acre). Therefore, we are asking for 4 units versus the allowed 3.75 units. Which we have provided the required parking spaces for.

We would note that the parcel does not meet the minimum width and lot size of 25,000 sq ft for apartments in LDR area. Nevertheless, we have met all set back requirements and still maintain a site coverage of less than 30% as required.

Please further note that at present, there are currently apartments in the area on lots of a similar size, that do not meet the 25,000 sq ft. required. With one such example existing on the lot (24E 191) ,two lots away from our proposal.

In reference to section 8(13) of the Development and Planning Regulations. Our proposal characteristics are consistent with that of the surrounding area. Based on the variances we are applying for, all the surrounding neighbours have been notified, and have no objections to our proposal. Which is clearly an enhancement to the area.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is for four (4) apartments (5,332 sq ft) at the above-caption property. The site is located on Morningside Drive, Spotts.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

In Low-Density areas, detached and semi-detached houses, duplexes and, in suitable locations, guest houses and apartments are permissible per regulation 9(8) of the Development and Planning Regulations (2020 Revision).

The surrounding land uses are apartments (24E190, 191, 618,), duplexes (24E184, 525), single-family dwelling houses and vacant properties on Holly Drive and Morningside Drive.

2) Density Requirements

Per Regulations 9(8)(c), the maximum allowable apartments is 3, whereas the applicant is proposing 4-units.

3) Lot Size

The proposed lot size is 10,890 sq. ft. or a shortfall of 14,110 sq ft, whereas the minimum required lots is 25,000 sq ft under regulation 9(8)(f). It should be pointed out that 3-apartments (24E190) were granted planning permission with the same lot size of the subject property.

4) Lot Width

The proposed lot width is 98', and the minimum required lot width is 100' according to regulation 9(8)(g).

2.13 DREAM BIG HOLDINGS LTD (Design Cayman Ltd) Block 1E Parcel 17 (P21-0340) (\$20,000) (JP)

Application for modification to site design to create a pathway over the ironshore to the sea.

FACTS

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.83 ac. (36,154.8 sq. ft.)
<i>Current use</i>	Vacant/under construction

BACKGROUND

April 13, 2016 (**CPA/09/16; Item 2.3**) – Planning Permission granted for a dive resort

May 8, 2019 (**CPA/09/19; item 2.5**) –application to modify buildings and relocated was approved

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the necessity for pouring a concrete pathway over the ironshore.

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The application site is predominately man-modified and is not located adjacent to a Marine Protected Area. It is however located on a high energy coastline, which has very deep water close to shore with no fringing reef. As a result, the site offers little natural protection from wave action during inclement weather (both during storms and hurricanes) with damage to some structures along this coastline experienced on a relatively regular basis. These effects will be only exacerbated in future years by a changing climate resulting in increased incidents of higher intensity storms.

The DoE prefers that ironshore is left in its natural state and not altered. Besides forming an important habitat, ironshore represents a unique and visually appealing vista. The placement of large concrete platforms or pads along the shoreline removes much of these important aesthetic characteristics.

On 04 May 2021, DoE representatives met with the applicant on-site to discuss the proposal. The Department understands that the intention of the concrete path is to gain

water access and that the applicant is no longer pursuing a dock on the site for which they had previously been granted Coastal Works approval for in October 2016. The applicant confirmed that they intend to use a removable ladder at the terminal end of the proposed concrete pathway to gain water access and that **no excavation or smoothing of the ironshore outside of their property boundary** would be required to gain entry. The DoE advised the applicant during our meeting that any works seaward of the High Water Mark would require a Coastal Works Permit.

The DoE does not object to the walkway provided that the concrete pathway is confined to the ironshore areas identified in the applicant's site plan. However, the Department does query the feasibility and safety of the area proposed for water entry, particularly for guests equipped with dive gear, given the rock formations present in the proposed area for the ladder (see Figure 1 below). Should the applicant need to modify the coastline beyond its property boundary or install a ladder that extends into the sea, these works must be the subject of a Coastal Works Permit (section 21 of the National Conservation Law, 2013). Any works carried out seaward of the applicant's property boundary, without the necessary Coastal Works Permit, would be in breach of the National Conservation Law (2013).



Figure 1: DoE site visit photo from meeting with the applicant on 04 May 2021 showing the proposed location of the ladder at the terminal end of the proposed concrete pathway and the intended point of water entry.

We are encouraged to see that the applicant has also indicated on their plans their intention to carefully remove any sea urchins within the footprint of the works and relocate them outside of the footprint of the works. All sea urchins species are protected under Schedule 1 Part 1 of the National Conservation Law, 2013.

Should the Central Planning Authority be minded to grant planning permission for the proposal we recommend the inclusion of the following conditions.

- *A walkover survey shall be conducted, as agreed by the DoE, prior to the commencement of works on-site to check whether there are any sea urchins within the proposed footprint of the works. If there are urchins present, a Section 20 Permit issued by the National Conservation Council is required to relocate these Part 1 protected species under the National Conservation Law.*
- *All construction materials shall be stockpiled away from the water's edge to prevent run-off and debris from entering the marine environment.*
- *There shall be no excavation, filling, modification or concreting of the shoreline outside of the parcel boundary.*
- *Any works proposed seaward of the High Water Mark shall be the subject of a Coastal Works application.*

Should the applicant wish to pursue works seaward of the High Water Mark, they should contact the Ministry of Sustainability and Climate Resiliency to obtain the relevant application forms.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in West Bay and served by North West Point Road from the east and bound to the west by the Caribbean Sea. Vacant land is sited to the north and south.

Zoning

The property is zoned Beach Bay Residential.

2.14 R.C. ESTATES LTD. (Eric Cronier) Block 21C Parcels 104 (P18-1017) (BES)

Application to modify Planning Permission to revise/delete conditions 1(a) and 2)(b) and (e).

FACTS

<i>Location</i>	South Sound Road East of Bel Air Drive, South Sound
<i>Zoning</i>	LDR
<i>Parcel Size</i>	87.7 acres

BACKGROUND

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

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

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

Decision: It was resolved to adjourn the application at the applicant's request.

APPLICANT'S LETTER

"With regards to the approval letter dated June 15, 2018 (CPA/13/18; Item 2.1) (attached for ease of reference) we had a few conditions we would like modified to align with our discussions with the board.

1)a) We had understood the centrally located Land for Public Purpose was meant to be the 21,000sft of LPP relocated from the small area of land abutting Old Crewe Road (just South of Elizabeth Villas). Therefore we would request this figure be changed from 36,000 to 21,000 with a note that the existing LPP can be removed. This LPP is in addition to the large amount (4.38 acres) we are providing which under lays the future South Sound bypass.

2)b) While we will be filling in the subdivision road we had discussed with the board that the large development sites would be filled in as they are developed. Similarly each site will have its own SMWP. As such, we would request that this condition be with regards to the subdivision roads only.

2)e) We do not have any canals in this project, so we request that this condition be removed completely.

Lastly, we would like to request that the restrictions be removed on parcel 1 as this has 700+' of road frontage and is already serviced by all utilities. Ultimately the plan is to access this parcel from our subdivision road, but we would like to use this property to assist with financing and infrastructure expenses, and the restriction on it will be problematic."

PLANNING DEPARTMENT ANALYSIS

General

The application is for reconsideration of conditions 1)(a), and 2)(b) of CPA/13/18; Item 2.1 regarding the above captioned application. The site is located on South Sound Road East of Bel Air Drive, South Sound.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Conditions for Reconsideration

Determine if the applicant's requests can be granted.

2.15 JOHNNY EBANKS (Caribbean Home Planners) Block 57E Parcel 100 (P21-0391) (BES)

Application to land clearing/filling

FACTS

<i>Location</i>	Sailors Way, North Side
<i>Zoning</i>	MDR
<i>Notification result</i>	No objections
<i>Parcel Size</i>	0.37 ac (16,117.2 sq ft)

BACKGROUND

No previous planning history of the property.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding clearing the land in the absence of an application to develop the site.

AGENCY COMMENTS

Comments from the Department of Environment/NCC are noted below.

DOE/NCC

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

*The subject parcel consists of primary habitat classified as seasonally flooded mangrove forest on the Department's habitat mapping layer. We note that the applicant is proposing to clear and fill the entire 0.37-acre lot. The Department does **not** support the speculative clearing of land and we encourage applicants to submit proposals for land clearing along with their proposals for development as there may be varying recommendations for vegetation retention depending on the form and nature of the development being proposed. For example, we often recommend the retention of any wetland vegetation located outside of the development footprint to assist with on-site drainage.*

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

storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

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

For these reasons, the DoE recommends that the application is held in abeyance until planning permission is granted for development on the site to allow this primary habitat to provide its ecosystem functions until development is imminent.

PLANNING DEPARTMENT ANALYSIS

General

The application is for land clearing/filling at the above-captioned property. The site is located on Sailors Way, North Side. The property is 0.37 acre, and is approximately 2' above mean sea level according to Cayman Land Info Map.

As indicated on the site plan, the applicant is proposing to clear the property for future residential development.

Zoning

The property is zoned Medium Density Residential.

Specific Issue

1) Land Clearing

As noted above, the applicant would be clearing/filling the above mentioned parcel. The Authority needs to determine if the proposes clearing the property land (mangrove) is premature until an associated application to develop the site has been determined.

2.16 J. LAURENSEN Block 27C Parcel 662 (P21-0095) (\$8,000) (AS)

Application for a 4' wall.

FACTS

<i>Location</i>	Tarpon Island Drive
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.6032 ac (26,275 sq. ft.)
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Wall
<i>Proposed Height:</i>	4 ft with 5 ft columns

BACKGROUND

Administrative approval was granted on 9th April 2021 for a dock.

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

- 1) The applicant shall submit a revised site plan showing the wall with a minimum 4' setback 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.

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 (2021 Revision).

AGENCY COMMENTS

National Roads Authority (NRA):

"The NRA has no objections or concerns' regarding the above proposed wall as it is located on a road classified as an Access Road. However, the NRA requests that the CPA require the applicant to set back the wall 3 feet to allow for a pedestrian foot path and slightly improve the sightline from Royal Close."

APPLICANT'S LETTER

"Pursuant to the planning Regulation Section 13 (3) (e) of the Development and Planning Act (2021) pertaining to fence or wall at road side boundaries to be setback a minimum of 4'. We would like to ask for a variance, and locate our road side wall on our boundary line.

We are making this request for a variance to the setbacks for the following reason: the property is located within a private development, the road adjacent to the lot is a private

*road, and adjacent properties have wall/fence up to the road side boundary line.
Please refer to the detailed drawing initially issued with the wall/fence application.”*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 4 ft concrete block wall with 5 ft columns. The wall will be constructed along the front and side boundaries.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Wall location along road

Pursuant to Section 13(3)(e) of the Development and Planning Law (2017 Revision) the erection of walls and fences with setback adjacent to the road requires Planning Permission. This application was submitted prior to the gazetting of the recent package of amendments to the Development and Planning Regulations which would now require that the wall be setback 4’ from the road. Prior to the new Regulation, the Authority had, on a case by case basis, required walls to be setback 2’ to 4’ from the road side boundary. The Authority needs to determine if a setback is required in this instance.

2.17 NEIL AND SANDY BURROWES (Tropical Architectural Group Ltd) Block 15E Parcel 320 (P21-0213) (BES)

Application to modify planning permission to extend the back porch (55 s/f), revised trellis to roofed carport, 2’-3”retaining boundary wall and LPG

FACTS

<i>Location</i>	Edgemere CIR, South Sound
<i>Zoning</i>	LDR
<i>Notice results</i>	No Objectors
<i>Parcel size</i>	0.3747 acre (16,321.9-sq ft)
<i>Current use</i>	Residential
<i>Proposed use</i>	Same as above
<i>Building size area</i>	55-sq. ft.
<i>Site coverage</i>	29.6% vs 30%

BACKGROUND

September 16, 2020 (**CPA/15/20; Item 2.33**) – CPA granted planning permission for a dwelling house, pool and detached trellis with conditions.

January 18, 2021, Building Permits were issued for the dwelling house, pool and trellis.

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 Act (2021 Revision) hereby orders that planning permission CPA/15/20; item 2.33 be modified to extend the back porch (55 s/f), revise the trellis carport to a roofed carport, include a 2'-3" retaining boundary wall and LPG.

All other conditions of CPA/15/20; item 2.33 remain applicable.

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 (2021 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 (2021 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

Further to the application submitted to build Four (4) Bedroom-One Storey House on Block 15E Parcel 320, we hereby request for a setback at rear side.

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

A. Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We'd like to present the following points for consideration:

(1) The parcel was an irregular shaped, inner parcel, a portion of which was dedicated to the driveway. This leaves the proposed structure a limited area for the house footprint. We hereby request for a 9'-6" rear setback variance that requires 20' for a total of 244 sqft.

(2) The application have an approval for a 12' and a 199 sqft setback variance from the first application P20-0435.

(3) The application met the other planning regulations for a House.

(4) See letter from applicant explaining the reason for the proposed house layout.

PLANNING DEPARTMENT ANALYSIS

General

The application is to modify planning permission to extend the back porch (55 s/f), revised trellis to roofed carport, 2'-3" retaining boundary wall and LPG at the above-captioned property. The site is located on Edgemere CIR, South Sound.

Zoning

The property is zoned Low Density Residential.

Specific issue

1) Rear Setback

The proposed rear setback is 9.5-ft, whereas the minimum required setback is 20-ft under Regulation 9(8)(i).

2.18 COCONUT VILLAGE (TA Group) Block 25B Parcel 575 H37 (P21-0387) (\$185,000) (NP)

Application for modification to increase floor area of a house.

FACTS

<i>Location</i>	Poindexter Dr., George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1104 ac. (4,809.02 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,550 sq. ft.
<i>Total building site coverage</i>	32.2% vs 30% permitted

BACKGGROUND

August 5, 2020 (CPA/12/20; item 2.15) – approval granted for the house

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 Act (2021 Revision) hereby orders that planning permission CPA/12/20; item 2.15 be modified to increase the size of the house.

All other conditions of CPA/12/20; item 2.15 remain applicable.

Reasons for the decision:

- 1) With the exception of the site coverage, rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage and the minimum required rear and side setbacks per Regulations 9(8)(h)(i) and (j) of the Development and Planning Regulations (2021 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 the lesser setbacks 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

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located in the Coconut Village subdivision in George Town. The subdivision is a small lot strata subdivision that was approved several years ago. The majority of the lots do not meet the minimum lot area and lot width requirements of the Development and Planning Regulations, which has resulted in numerous requests for site coverage and setback variances over the years.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Site coverage

The maximum allowable site coverage per Regulation 9(8)(h) is 30% and the applicant is proposing 32.3%. The applicant has no provided any justification to warrant allowing the additional site coverage.

2) Rear setback

The minimum required rear setback per Regulation 9(8)(i) is 20' and the applicant is proposing 12.3" The applicant has no provided any justification to warrant allowing the lesser setback.

3) Side setbacks

The minimum required side setbacks per Regulation 9(8)(j) are 10' and the applicant is proposing 3'6" and 3'7"/ The applicant has no provided any justification to warrant allowing the lesser setbacks.

2.19 ROMEO & MONIQUE FREDERICK (Frederick & McCrae) Block 28E Parcel 126 (P21-0508) (\$50,000) (NP)

Application for pool and pool deck.

FACTS

<i>Location</i>	Bodden Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3022 ac. (13,163.8 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	detached dwelling
<i>Rear setback to pool edge</i>	11'3" proposed vs 20' required
<i>Rear setback to pool deck</i>	4'8" proposed vs 10' required

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) 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
- 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) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool.**

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 (2021 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 (2021 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

On behalf of our client Mr. & Mrs. Romeo Frederick, we are requesting a setback variance to the boundary between the edge of the proposed pool and deck and the Rear Property boundary line. We note that the deck approximately 16 inches above grade will not obstruction or impede view to the adjoining properties. We confirm that we are of the opinion that there are various houses, some completed and some currently under construction in the vicinity, which appears to have been granted variances as related to the proximity structures to the boundary. We would also note that the application conforms with the Development and Planning Regulations (2015 Revisions) Regulation 8 (13) (b) (i) and (iii) which state that (i) the characteristics of the proposed development are consistent with the character of the surrounding area and (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. Given the above, we trust that you will review our requests and decide favorably to grant the variances.

PLANNING DEPARTMENT ANALYSIS

General

A review of aerial photography reveals that the majority of lots within this area of Bodden Town are developed with detached dwellings. Most houses do not have pools.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setbacks

The minimum required rear setback per Regulation 9(8)(i) is 20' and the applicant is proposing 11'3" to the pool and 4'8" to the pool deck. The applicant has provided their justification for the lesser setbacks in the letter above.

2.20 TREVOR CARMOLA (Tropical Architectural Group) Block 4B Parcel 562 (P21-0480) (\$155,000) (MW)

Application for a house.

FACTS

<i>Location</i>	Velma Banks Dr., West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No objection
<i>Parcel size proposed</i>	0.1500ac. (6,534 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,240 sq. ft.
<i>Total building site coverage</i>	18.98% (19%)
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

August 22, 2019 – approval granted for a house and a permit was issued, but the applicant never pursued construction of the house

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reasons for the decision:

- 1) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required rear setback per Regulation 9(6)(h) of the Development and Planning Regulations (2021 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

Further to the application submitted to build Three (3) Bedroom- One Storey House on Block 4B Parcel 562, we hereby request for a setback variance of which requires a 20ft rear setback.

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

- A. *Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare. We'd like to present the following points for consideration:*
 1. *We would like to request for a setback of 18'-3" for the main house and 15'-9" for the step-down slab on the rear side of the lot. The client's lot is a bit narrow and wide that is situated a High Residential Zone. Only a small portion of the kitchen and step-down slab encroached the setback line but still 18'-3" away from the nearest boundary. The proposed application complies with all other requirements for a Single-Family Dwelling.*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 1,240 sq. ft. three bedroom house with rear setback variance to be located on Velma Banks Dr., West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Rear Setback

Regulation 9(6)(h) states “*the minimum rear setback is 20 feet*”. The proposed residence will be 15’-9 ½” (rear step) & 18’-3” (house) from the rear boundary a difference of 4’-2 1/2” (rear step) & 1’-9” (house) respectively. The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with Section 8(13) to warrant granting the rear setback variance.

2.21 BARAUD DEVELOPMENT LTD. (Tropical Architectural Group Ltd.) Block 21C Parcel 164 (P20-1087) (BES)

Application to modify planning permission for buildings #2, 3, 5 floor plans from 3-bedrm units to 2-bedrm units and modify building elevation.

FACTS

<i>Location</i>	South Sound Road, East of Bel Air Drive
<i>Zoning</i>	LDR
<i>Notification requirements</i>	No Objectors
<i>Parcel size proposed</i>	6.19ac (269,636.4 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	128,647 sq. ft.
<i>Total building site coverage</i>	25.2%

BACKGROUND

October 28, 2020 (**CPA18/20; Item 2.8**) - CPA granted planning permission for 36- two-storey apartments, 8-two-storey duplexes, cabana, pool and sign with conditions.

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 Act (2021

Revision) hereby orders that planning permission CPA/18/20; item 2.8 be modified to revise the floor plans and elevations of Buildings 2, 3 and 5.

All other conditions of CPA/18/20; item 2.8 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 (2021 Revision).

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 15,450 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Duplex 1	2 x 4-Bed Units	375	750	750
Duplex 2	2 x 4-Bed Units	375	750	750
Duplex 3	2 x 4-Bed Units	375	750	750
Duplex 4	2 x 4-Bed Units	375	750	750
Duplex 5	2 x 4-Bed Units	375	750	750
Duplex 6	2 x 4-Bed Units	375	750	750
Duplex 7	2 x 4-Bed Units	375	750	750

<i>Duplex 8</i>	<i>2 x 4-Bed Units</i>	<i>375</i>	<i>750</i>	<i>750</i>
<i>Townhouse 1</i>	<i>6 x 3-Bed Units</i>	<i>300</i>	<i>1,800</i>	<i>1,800</i>
<i>Townhouse 2</i>	<i>6 x 2-Bed Units</i>	<i>225</i>	<i>1,350</i>	<i>1,350</i>
<i>Townhouse 3</i>	<i>6 x 2-Bed Units</i>	<i>225</i>	<i>1,350</i>	<i>1,350</i>
<i>Townhouse 4</i>	<i>6 x 3-Bed Units</i>	<i>300</i>	<i>1,800</i>	<i>1,800</i>
<i>Townhouse 5</i>	<i>6 x 2-Bed Units</i>	<i>225</i>	<i>1,350</i>	<i>1,350</i>
<i>Townhouse 6</i>	<i>6 x 3-Bed Units</i>	<i>300</i>	<i>1,800</i>	<i>1,800</i>
<i>TOTAL</i>				<i>15,450 GPD</i>

- ***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 5'0" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

Water Supply:

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

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

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

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. It is the policy of the*

Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.

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

National Roads Authority

As per your email dated January 5th 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns regarding the above proposed modification. All other previous comments still apply.

PLANNING DEPARTMENT ANALYSIS

General

The application is to modify planning permission for buildings #2, 3, 5 floor plans from 3-bedrooms units to 2-bedrooms units and modify building elevation at the above-captioned application. The site is located off South Sound Road.

Zoning

The property is zoned Low Density Residential.

**2.22 CAYMAN WATER COMPANY (APEC Consulting Engineers Ltd) Block 9A
Parcel 8 (P21-0268) (\$2.2 million) (BES)**

Application for 4,566 sq ft reverse osmosis desalination plant and standby generator with a 4,000 gal diesel tank.

FACTS

<i>Location</i>	Powery Road, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No Objectors
<i>Parcel Size proposed</i>	5.32 ac. (231,739.2 sq. ft.)
<i>Parcel Size required</i>	25,000 sq. ft.
<i>Current Use</i>	Water Plant
<i>Proposed Use</i>	Same as above
<i>Proposed building Size</i>	4,566 sq. ft.
<i>Total building site coverage</i>	13.3%
<i>Required Parking</i>	10
<i>Proposed Parking</i>	10

BACKGROUND

May 8, 2019 (CPA/09/19; Item 2.11) – CPA granted planning permission for a storage building with conditions.

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

Conditions (1-5) 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 location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 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) under Policy Development, Policy Drafts.

- 4) Construction drawings for the proposed 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.
- 5) 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.
- 6) 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.
- 7) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 8) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

The applicant must obtain all necessary licences and approval from the Water Authority per the requirements of the Water Authority Law (2018 Revision).

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.**

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 (2021 Revision).

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The site is man-modified and of low ecological value, therefore we have no objections to the proposed facility. The Department strongly encourages that applicant considers using renewable energy technology (such as solar panels) for the proposed plant, to reduce the greenhouse gas emissions associated with using diesel-powered fuel to provide energy for the facility. This would be in line with the National Energy Policy (2017) which includes a water and wastewater sector strategy, which promotes the development and maintenance of programmes to promote water production/supply efficiency. Objective 3.3.13.1 of the National Energy Policy seeks to ensure that the regulatory framework for this type of infrastructure:

“b) Encourages continuous improvement in energy efficiencies of plant.

c) Encourages investments in renewable energy generation where feasible as an alternative or complementary to the public electricity supply system or onsite diesel generation.

g) Allows for consumer/customer owned reverse osmosis (or similar technology) using renewable energy”.

Fire Service

The CFO has approved the site layout.

Water Authority

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

Existing Septic Tank

- The existing pumping facility building is currently served by an existing (1,000) US gallon septic tank. The developer’s agent has provided the Water Authority with confirmation of a completed septic tank service and a satisfactory inspection report form. The existing septic tank may still be utilized.*

Wastewater Treatment & Disposal For The Proposed

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Existing	2,530sqft	0.1gpd/sqft	353gpd	353gpd

Pumping Facility	(Enclosed Area)	& 100gpd/WC		
Proposed Building (4,566sqft)	3,866sqft (Ground floor) 700sqft (Mezzanine)	0.1gpd/sqft & 100gpd/WC	656gpd	656gpd
TOTAL				1,009gpd

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

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

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

Water Resource Protection - An approved coalescing oil/water separator is required:

*The submitted plans reference a 24" x 24" floor sink in the proposed workshop. The installation of floor drains in service areas of a facility should be avoided, if possible. However, if a floor drain is installed, an approved coalescing oil/water separator shall be required. The site operator and staff shall, at all times, **employ Best Management Practices (BMP's) to prevent contamination of water resources by accidental spills of hazardous materials stored / used at the facility. BMP's shall include the following:***

- *Service and other industrial workshops where fuels, greases, oils or solvents are stored and/or handled shall have all floor drains plumbed to an oil/water separator. The outlet of the separator shall be plumbed to a disposal well. Oil/water separators must meet Water Authority standards.*
- *The oil/water separator shall be installed in such a manner that it can easily be accessed for routine maintenance and inspection. Best Management Practices (BMP's) shall be employed to prevent or minimize spills of hazardous materials stored / used at the facility. The oil/water separator shall be inspected by the Water Authority as a condition for Certificate of Occupancy and shall be routinely maintained.*
- *The developer shall submit the Manufacturer's specification sheet and installation and operation manual for the oil/water separator with design guidelines for review and approval. The required information can be submitted via email to development.control@waterauthority.ky, or hand delivered to the Water Authority's Administration Office at 13G Red Gate Road.*

Generator and Fuel Storage Tank(s) Installation:

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

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

Groundwater abstraction for the RO plant and disposal of brine from the RO plant

Section 22 of the Water Authority Law (2018 Revision) requires a licence to abstract groundwater used as feedwater of the Reverse Osmosis plant and section 34 of the Water Authority Law (2018 Revision) requires a discharge permit for the disposal of brine from the Reverse Osmosis plant. Applications for a groundwater abstraction licence, and a discharge permit can be found via the following links to the Water Authority's web site:

1. http://www.waterauthority.ky/upimages/forms/FILLABLEGroundwaterAbstractionApplication_1441300705.pdf

2. http://www.waterauthority.ky/upimages/forms/FILLABLEDischargePermitApplication_1441300594.pdf

Water Supply

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

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

National Roads Authority

No comments received from the agency

Department of Environmental Health

DEH requires the following in order to complete the review:

1. Generator:

1.1. *In order to complete the assessment of the noise impact of this piece of equipment on the adjacent residential community, the specifications for the generator which provides information on the noise levels generated is required. The minimum information required is the overall sound pressure level (dBA), the distance from the equipment this measurement was taken, and the octave band analysis of the sound level.*

2. Solid Waste Facility:

2.1. Location of enclosure

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

2.2 Minimum vertical clearance

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

2.3 Access to enclosure

The service vehicles shall be able to enter and exit the site without having to reverse onto

the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

2.4 Angle of approach

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

2.5 Turning radius

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

Table 1: Specification for Onsite Solid Waste Enclosure

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

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

APPLICANT'S LETTER

Please find enclosed an application for the construction of a new reverse osmosis desalination plant and standby generator with a diesel tank on behalf of Cayman Water Company Ltd at their existing facility on Powery Road, West Bay.

The client currently operates a water production plant at the West Bay site. The proposed new desalination plant and building is intended to replace an existing plant which is housed in a steel framed and clad building. Some of the benefits of the new facility include:

- The new facility will allow for a future expansion that will more than double the*

capacity of the existing plant, which will ensure that CWC is capable of meeting its increasing water supply demands in West Bay.

- *The new building will be built to meet or exceed current hurricane standards for wind and flooding. A back-up generator to maintain water production in the event of an emergency will be included.*
- *The new building will be aesthetically pleasing, being very similar in design to the two plant buildings at the Abel Castillo Water Works site. The existing plant and building will be removed after the new plant is commissioned. The existing desalination equipment will be replaced with higher efficiency equipment with built-in redundancies to ensure that the plant is highly reliable.*
- *New high pressure centrifugal pumps will replace the current positive displacement pumps, thereby reducing noise levels. The new building will also provide additional noise attenuation as compared to the steel building.*
- *The new post-treatment system will continue to ensure that odour emissions are eliminated.*
- *Additional landscaping will be added along the fence that borders residential homes to provide an adequate buffer.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is for 4,566 sq ft reverse osmosis desalination plant and standby generator with a 4,000 gal diesel tank at the above-caption property. The site is located on Powery Road, West Bay. In 1997, a water production facility was granted planning permission for the District of West Bay.

The application was advertised in the newspaper and notices served on adjacent landowners (500' radius). No objections were received.

Zoning

The property is zoned Low Density Residential.

2.23 LH PROPERTY HOLDINGS LTD Block 15E Parcel 229 (P21-0306) (\$80,000) (AS)
Application for a pool & deck.

FACTS

<i>Location</i>	Stone Wall Drive
<i>Zoning</i>	LDR
<i>Parcel Size Proposed</i>	1.494 acres (65,078 sq ft)
<i>Current Use</i>	Five (5) apartment units & pool
<i>Proposed Use</i>	Pool & deck to replace existing pool & deck
<i>Notices:</i>	No objections

BACKGROUND

At CPA/23/18 planning approval was granted for a detached dwelling unit on top of the existing pool house.

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) 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
- 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) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool.**

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 (2021 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The application is for a pool and pool deck to replace a pool and deck. All requirements are met.

Zoning

The property is zoned Low Density Residential.

2.24 AJB HOLDINGS Ltd (GMJ Home Plans Ltd) Block 11C Parcel 337 (P21-0495) (\$2000) (JP)

Application for a sign.

FACTS

Location Peninsula Avenue, SMB

Zoning **LDR**

Notification result No objectors

Parcel size proposed 0.1375 ac. (5,989.5 sf)

BACKGROUND

June 19, 2019 (**CPA/12/19; item 2.25**) – application for a swimming pool approved

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 (2021 Revision).

PLANNING DEPARTMENT ANALYSIS

General

Application seeks Planning Permission to install a freestanding sign for a subdivision totalling 1.68 sf. The Sign Guidelines 2014 permits up to 32 sf.

Zoning

The property is zoned Low Density Residential.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 CONCH POINTE Block 3D Parcel 155 H6 (HP)

The Authority was advised that there is a proposal to replace an existing pool that is located behind an existing sea wall. The Authority determined that provided the new pool is no closer to the sea than the existing pool then a new HWM survey will not be required per Regulation 6(3).

5.2 RAYMOND FISCHER Block 39E Parcel 8 (P21-0619) (EJ)

The Authority was advised that an application for a generator has been submitted and it will be located behind the existing house. The Authority determined that given the location of the generator a new HWM survey would not be required per Regulation 6(3).

5.3 DAN & LISA SCOTT Block 27C Parcels 670 and 671 (P21-0413) (MW)

Application for a wall.

Fred Whittaker declared a conflict and left the meeting room.

The Authority considered the application and determined that it could be approved as submitted.

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 (2021 Revision).

5.4 COMMERCIAL PARKING LOT Block 14C Parcel 372 (P21-0406) (BES)

The Authority reviewed an application for a commercial parking lot and resolved to delegate approval authority to the Director of Planning upon the notification period expiring with no objections received.

**A.L. Thompson and Fred Whittaker declared conflicts and left the meeting room.
Kris Bergstrom sat as Acting Chairman.**

5.5 BODDEN TOWN CHURCH OF GOD Block 38C Parcel 11 (HP)

The Authority accepted the proposed parking phasing plan to allow occupancy of the multi-purpose hall.

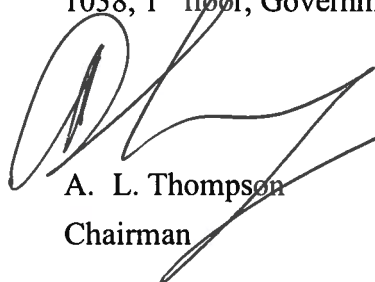
Kris Bergstrom declared a conflict and left the meeting room.

5.6 MEMBERS OF PARLAIMENT OFFICE SIGNS (HP)

The Authority determined that signs for these office do not need planning permission provided they are no larger than 16 square feet in size and set back a minimum of 12' from the roadside property boundary.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

The meeting adjourned at 3:15pm. The next regular meeting of the Central Planning Authority is scheduled for ***Wednesday, July 12, 2021 at 10:00 a.m.*** in Conference Room 1038, 1st floor, Government Administration Building.



A. L. Thompson
Chairman



Haroon L. Pandohie
Executive Secretary

Appendix ‘A’

ONE|GT

DEVELOPMENT OVERVIEW



PROJECT OVERVIEW

HPW Developments Ltd., the developers of Harbour Walk in Grand Harbour, are honoured to submit their latest project to the CPA for approval. Known as ONE | GT, the property will be built on Goring Avenue, George Town, immediately behind Bayshore Mall, close to the law courts and the Government Administration Building, overlooking Harbour Drive as well as George Town's harbour and waterfront.

ONE | GT will comprise a 10-storey, 177-suite hotel, with a range of rooftop amenities for guests' use, designed to bring short, medium and long-term visitors back to George Town. The developer's hope is that this will be an important catalyst in the revitalization of the nation's capital. Totalling over 250,000 sq.ft., ONE | GT offers a variety of suites, ranging from one-bed to one-bed plus den suites as well as two and three bed apartment-style suites accommodating:

1. Short-stay guests, with a high proportion of business visitors (as opposed to vacationers) attracted by ONE|GT's proximity to George Town's business district, Government offices and the law courts, its in-house amenities and competitive rates.
2. Medium-stay guests including employees of nearby local companies in the transition and onboarding period after they arrive on island as well locals and international business visitors looking for extended stay accommodation, e.g., attorneys visiting to conduct cases and trials.
3. Long-stay guests including local and international young professionals looking for a Caribbean urban living experience in the nation's capital.

ONE | GT aims to offer high quality, yet affordable, accommodation and, in the process, assist in revitalizing George Town by bringing residents, guests, income and jobs back into the nation's capital, not only during normal business hours but importantly during the typically "dead" periods after businesses close and over weekends and public holidays.

The project will be developed in a modern-Caribbean style and will need to boast a wide range of on-site amenities in order to attract guests bearing in mind that the hotel is not directly on the beach or waterfront. These are planned include a cafe, a restaurant, two pools, a spa, gym and other

amenities typically associated with a high-quality hotel resort.

Cayman's first 10-storey rooftop experience will offer guests a range of amenities that will ensure the hotel is a highly viable from a business perspective. Particularly important in this regard are the rooftop amenities, which are planned to include a guest lounge with side deck with bar overlooking George Town Centre, an open front pool deck with a casual grille/bar and rooftop terrace, offering panoramic daytime, sunset and night-time views across an infinity-edge pool towards George Town's waterfront and skyline. There is also a small spa and gym for use by hotel guests located at the rooftop level. Whilst the roof top is mainly envisaged as an open connected space, some areas will have folding glass doors in case of inclement weather and for storm protection.

The developers have worked closely with George Town's manager and other stakeholders to create a project which aims to be a major catalyst for the revitalisation of the island's capital. George Town has been hit hard in recent years by outward migration of businesses and residents to alternative locations. Our goal is to start to reverse this trend.

The building, designed by local award-winning firm Trio Architecture & Interiors, with substantial input from its developers, offers multi-level parking to its rear, lower floors, a main lobby accessed from a drive-through with turning circle under the building and a separate entrance for long term guests. The development's Goring Avenue-facing piazza is designed for the community to enjoy including seating areas, retail stores and exhibits from local artists.

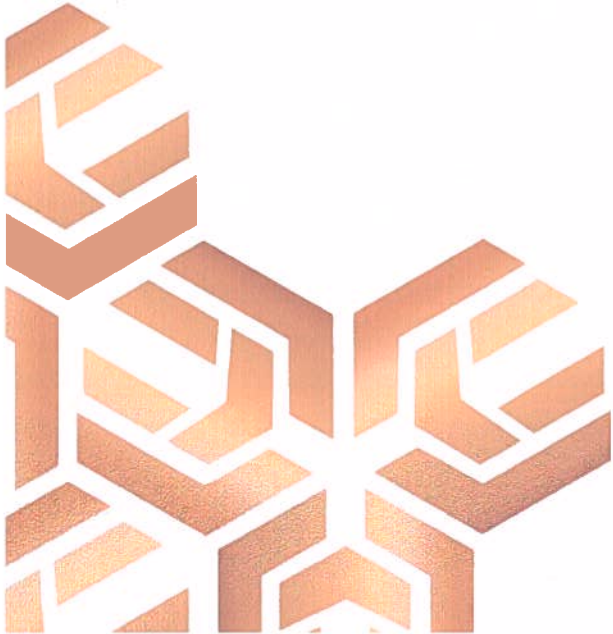
The developer has also proposed a Parking Management Strategy which includes 85 spaces onsite in 3 levels of covered parking, up to 90 valet parking spaces within 200' of the property and staff parking in a remote location on the edge of town owned by the developer which can accommodate 27 vehicles and which will be serviced by an electric shuttle bus. Similar shuttles will also be provide for use by tenants to take them to and from other locations thus reducing any possible traffic congestion associated with the development. Geo-tagged cycles and electric BIRD App scooters are also part of the developer's plan to minimise congestion and encourage eco-sensitive traffic solutions.

One of ONE | GT's primary goals is to help bring life back to the nation's capital outside normal working hours, especially during evenings and weekends by providing a range of residential offerings from short to long-stay options. It will add modern attractive amenities, , increase employment opportunities within the capital, and create an attractive place for the guests and the community to enjoy 24/7, year round.

The developers are implementing a range of green solutions to lower the building's carbon footprint with the aim of making the project environmentally friendly from both a construction and operational perspective, including solar power, green building technology such as low-e windows and rainwater harvesting as well as use of electric vehicles and a proactive parking and traffic management strategy to reduce need for and use of gasoline powered vehicles and reducing congestion in the downtown area.

FOR MORE INFORMATION, CONTACT:

Jeremy Hurst
info@onegt.ky | +1(345)525-9900



ONE|GT











ONE|GT



A. Overview

ONE | GT is a new multi-use hotel located on Goring Avenue, comprising 177 one, two and three bed apartment-style suites.

The hotel will accommodate:

1. Short-stay guests, with a high proportion of business visitors (as opposed to vacationers) attracted by ONE|GT's proximity to George Town's business district, Government offices and the law courts, its in-house amenities and competitive rates.
2. Medium-stay guests including employees of nearby local companies in the transition and onboarding period after they arrive on island as well locals and international business visitors looking for extended stay accommodation, e.g., attorneys visiting to conduct cases and trials.
3. Long-stay guests including local and international young professionals looking for a Caribbean urban living experience.

ONE|GT aims to offer high quality but affordable accommodation and, in the process, assist in revitalizing George Town by bringing residents, guests, income and jobs back into the nation's capital not only during normal business hours but importantly during the "dead" periods after businesses close and over weekends and public holidays.

B. Parking Management Strategy and Zoning Regulations

It is generally recognised that for George Town to successfully revitalize, a more flexible approach to parking management must be achieved. The recent rezoning of George Town reflects this goal, providing the opportunity for all parking to be located within 700' of a premises and not necessarily onsite, subject to an approved "parking management strategy". The new regulations imply the reuse, repurposing and sharing of existing parking facilities within the town center, which are plentiful and often underutilized, especially outside normal working hours.

Aerial map showing 700' radius of ONE | GT Site



C. ONE | GT Parking Management Strategy's goals

ONE | GT has adopted a parking management strategy to leverage the new planning regulation flexibility and the following goals:

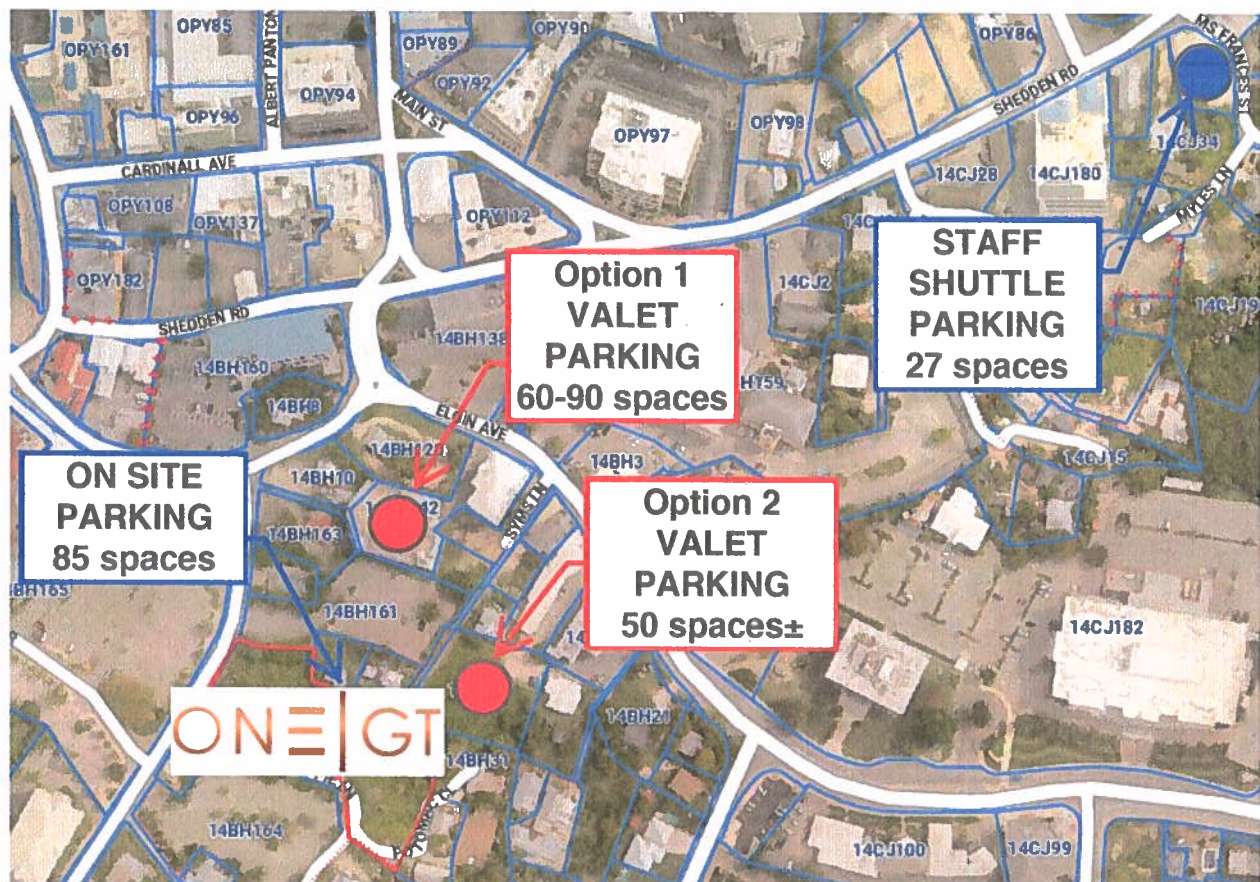
- a) Provide high-quality, effective parking solutions for
 - Visitors and guests
 - Employees and other staff
 - Other users of the ONE | GT and its amenities
- b) Provide parking solutions that minimize the impact on traffic congestion especially a peak traffic hours.
- c) Adopt parking management strategies that encourage alternative solutions for guest transport other than use of personal vehicles.
- d) Adopt solutions that are environmentally friendly and help minimize the development's carbon footprint.

D. Parking Requirements and Solutions

ONE | GT is required under planning regulations to provide **140 parking spaces** either on or offsite within a distance of 700' of its site.

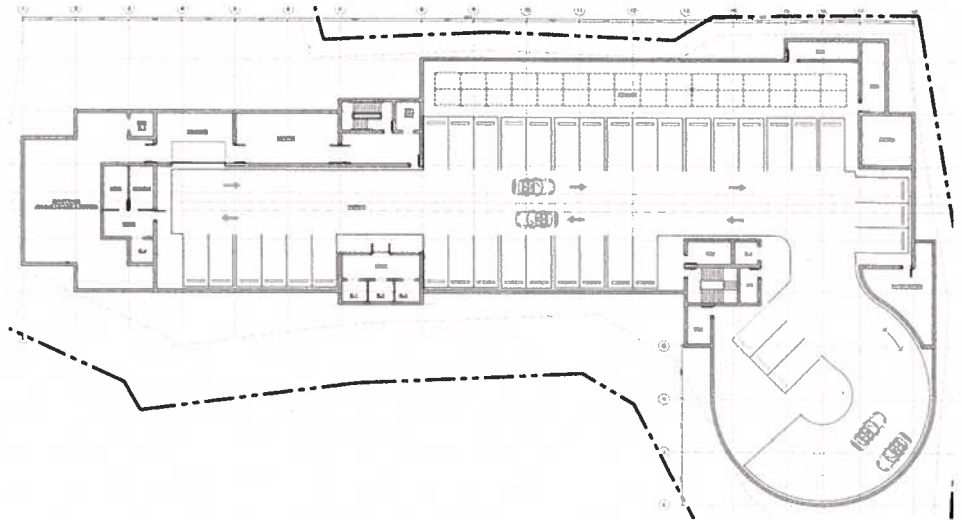
ONE | GT will exceed this with a combination of onsite and offsite parking as shown in the table and aerial map below:

Parking Type	Location	Ownership	Spaces
Onsite Spaces Covered	Onsite	Developer Owned	85
			Basement
			First
			Second
Option 1. Nearby Valet Parking	<200'	Long Term Lease/Purchase Option	60-90
Option 2. Nearby Surface Parking	<200'	Long Term Lease/Possible Purchase	50
Staff Shuttle Parking (site owned)	>700'	Developer Owned	27
Total with onsite, nearby valet + staff shuttle			172

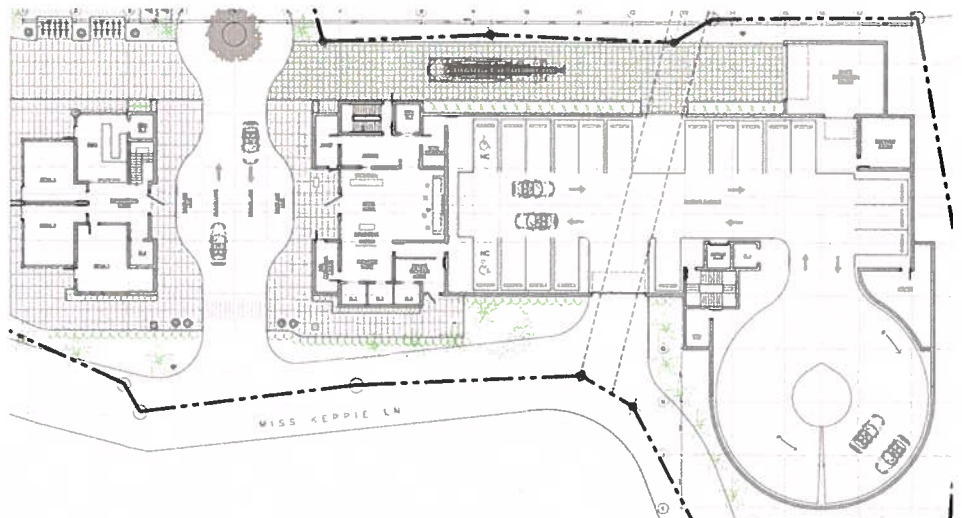


1. Onsite Parking – Total 85 spaces:

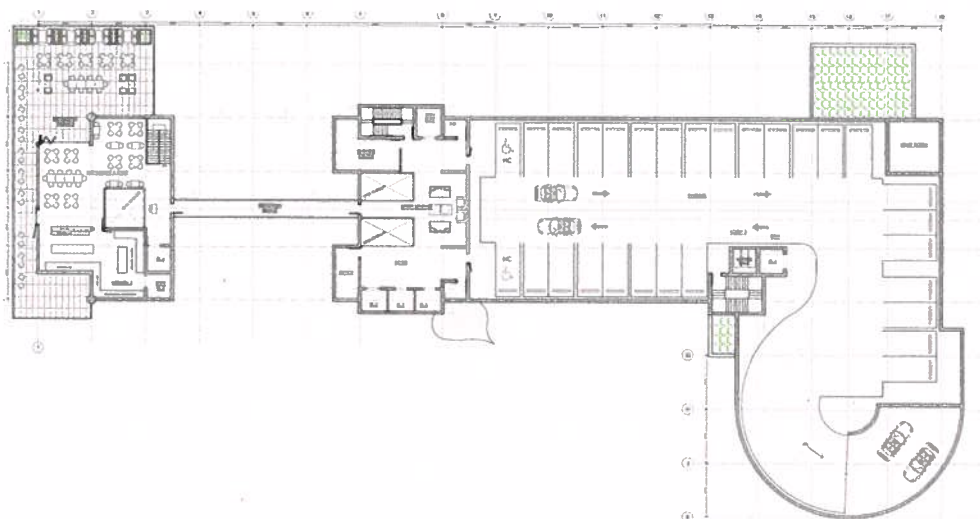
Basement: 37 Spaces



Ground: 19 Spaces



Second: 29 Spaces



E. Promoting an eco-sensitive non-vehicular policy

One of the benefits that urban hotel offers guests is to access nearby amenities without the need for vehicular transportation. Guests will be encouraged to take advantage of George Town's businesses such as shops, restaurants and other services found nearby and ONE | GT intends to proactively partner with these service providers to achieve this.

Further guests will be proactively encouraged to use the transportation solutions other than vehicular through:

1. Electric quick charge shuttle buses.

Similar to the staff shuttle above, will be available for visitors and guests to travel to and from shopping centers, Seven Mile Beach and possibly the airport on a regular schedule.

2. "BIRD" Scooters

ONE | GT will also have a "BIRD" location and charging station on site to allow guests and visitors quick and easy transportation around town.



3. Geo Tagged Pushbikes



The hotel will also offer guests the option of using a pushbike to make their way around town and to explore Seven Mike Beach providing a healthy, eco-sensitive alternative to cars and motor scooters.



01 ELEVATION - NORTH

3/32" = 1'-0"



01 ELEVATION - SOUTH

3/32" = 1'-0"

TRIO
ARCHITECTURE
INTERIOR DESIGN
ENGINEERING
18 FORUM LANE, SUITE 301
CAMANA BAY, GRAND CAYMAN
CAYMAN ISLANDS
345.825.0777
trioarchitects.com

PROJECT
GEORGETOWN TOWER
HOTEL, RETAIL &
AMENITIES
148H-167
GRAND CAYMAN
CAYMAN ISLANDS

CONSULTANTS

STAMPS

I HEREBY CERTIFY THAT ALL
DIMENSIONS SHOWN ON THIS
PLAN ARE CORRECT TO THE
BEST OF MY KNOWLEDGE

MIKE STROH
18 FORUM LANE, SUITE 301
CAMANA BAY, GRAND CAYMAN
CAYMAN ISLANDS

REVISIONS		
NO.	DATE	DESCRIPTION
1	06/12/21	PLANNING REVISIONS

PROJECT PHASE
☐ SCHEMATIC DESIGN
☐ PLANNING
☐ DESIGN DEVELOPMENT
☐ WORKING DRAWINGS

ELEVATIONS	
PROJECT NUMBER:	GT01
ISSUED:	12/13/20
DRAWN BY:	MSG
CHECKED BY:	MSG
FILENAME:	GT01
SEAL	SHEET

A-2.0

SHEET 13 OF 14



TRIO
ARCHITECTURE
INTERIOR DESIGN
ENGINEERING

18 FORUM LANE, SUITE 5301
CAHANA BAY, GRAND CAYMAN
CAYMAN ISLANDS
345.525.0777
TrioArchitects.com

PROJECT

GEORGETOWN TOWER
HOTEL RETAIL &
AMENITIES
14BH-167
GRAND CAYMAN
CAYMAN ISLANDS

CONSULTANTS

STAMPS

I HEREBY CERTIFY THAT ALL
DIMENSIONS SHOWN ON THIS
PLAN ARE CORRECT TO THE
BEST OF MY KNOWLEDGE

MIKE STROH
18 FORUM LANE, SUITE 5301
CAHANA BAY, GRAND CAYMAN
CAYMAN ISLANDS

REVISIONS

NO.	DATE	DESCRIPTION
1	04/21/21	PLANNING REVISIONS
2	05/12/21	PLANNING REVISIONS

PROJECT PHASE

- ☐ SCHEMATIC DESIGN
☒ PLANNING
☐ DESIGN DEVELOPMENT
☐ WORKING DRAWINGS

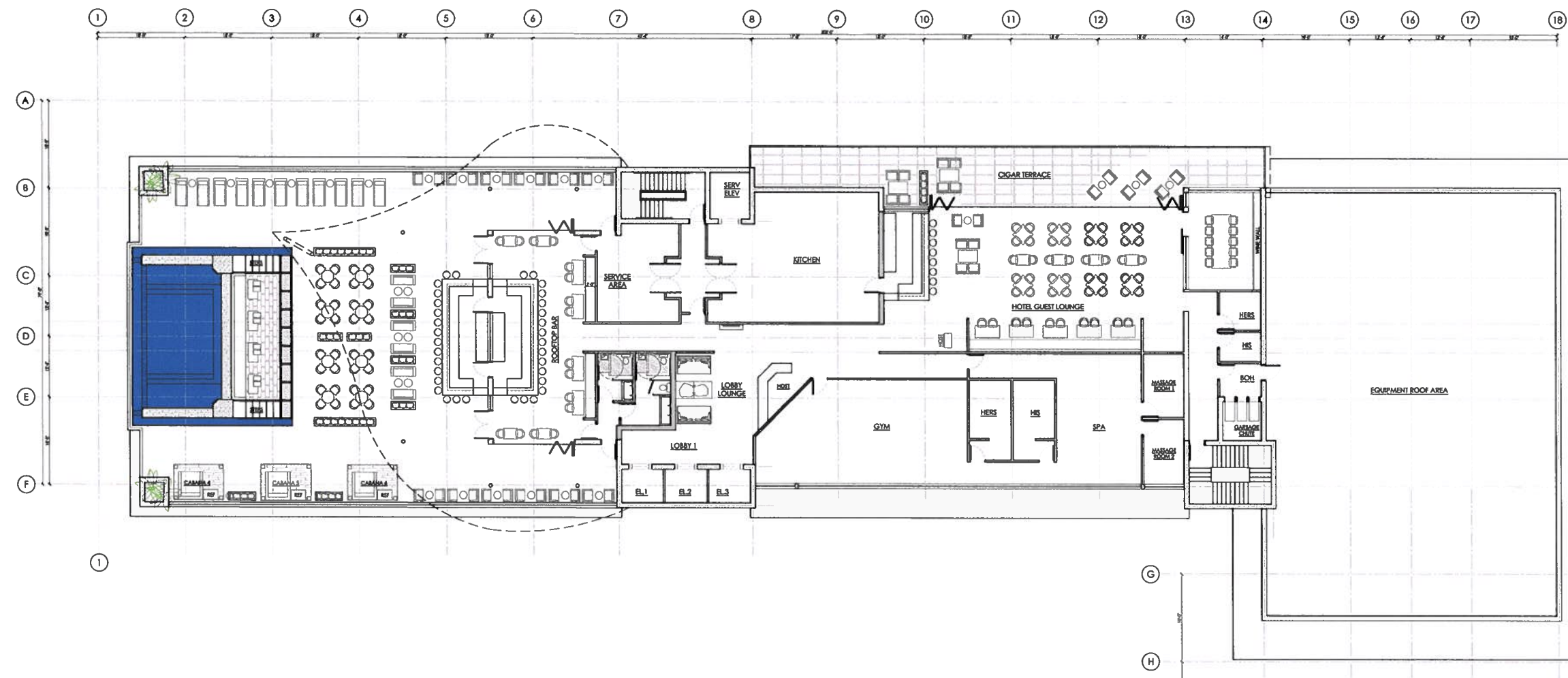
FLOOR PLANS

PROJECT NUMBER: GTB01
DATE: 12/15/20
DRAWN BY: MGO
CHECKED BY: MGO
FREEDNAME: GTB01

REAL SHEET

A-1.8

SHEET 11 OF 14



Appendix ‘B’



Introduction:

Good morning distinguished members of the board, Director of Planning Mr. Haroon Pandohie, staff members of the Planning Department, ladies, and gentlemen:

My name is Kristen Mandish, I am a Senior Architect at Trio Architecture, and we are the Architects of Record for this project. Our principal Architect Mike Stroh is unfortunately unable to attend for personal reasons, but he sends his regards to all members, and his apologies for not being here.

We are seeking planning approval for a 10-storey, 177 room Hotel with restaurants, pools, generator and amenities on a 1.16 acre site that is zoned General Commercial.

We were entrusted by our client with the task of designing the first major building in the George Town Revitalization initiative, and for that we are honored and humbled.

Our approach to the design began with a simple philosophy: to develop a building that was both iconic and recognizable, a landmark for George Town, but also, and more importantly, a building that opened its arms towards its neighborhood.

Our ground level Piazza, framed on one side by retail outlets and a Café, surrounded by benches, built-in planters, and decorated with sculptures by local artists, will welcome everyone in the community, and encourage foot traffic around the neighborhood. If you are coming to shop, stay at the hotel, or simply passing by, the environment was conceived to provide a [convivial](#) experience for all to enjoy.

The building's architecture was developed to provide a balanced aesthetic presence, with its use of glazing, perforated aluminum, wood-like veneers, elevated built-in planters, and the organic leaf-like roofs that provide shade to the second-floor restaurant and the roof terrace at the top.

The roof amenities are specifically allocated for hotel guests' enjoyment. The intention of these amenities is to allow for spectacular views of the ocean while the guests use the pool and lounge areas of the roof terrace, which, weather permitting, will remain open to the elements during business hours. We would like to make it very clear that there is no habitable space on the roof and that the kitchen is to provide snacks during the hours the pool is open as well as provide room service to the guests in the hotel. The gym and spa are strictly for guest usage.

Pause...

Compliance with Planning Regulations:

In addition to the Planning Department's agenda, we would like to briefly describe the way our building complies with all the regulations.

It is important to note that our client and us met with the Director, Mr. Haroon Pandohie, as well as with the assigned planner, Mr. Marco Whittaker to review the preliminary design, and we implemented all their recommendations and suggestions, prior to submission.

USA

17100 Collins Ave. Ste. 220
Sunny Isles Beach, FL 33160
1.305.940.0555

CAYMAN ISLANDS

6104 Forum Lane
Camana Bay, Grand Cayman
1.345.525.0777



- Standing on a General Commercial zone, our development proposes a mixed-use occupancy, with a hotel, restaurants, and retail components. All these are in line with the intent of the zone.
- The minimum lot size allowed is 20,000 s.f.. Our land is 50,483 s.f., or 1.16 acres, which allowed us to develop a structure with a site coverage of only 54%, which is 36% less than the 90% allowed, as well as comply with all the required setbacks.
- The maximum building height is 130 feet, and we are proposing 113'-9" to the top of the 10th floor roof slab. We also consulted the Cayman Islands Airport Authority during the design process to ensure our building complied with the maximum height for all components. We note that the Department of Planning has calculated the roof height to the top of the shade structure instead of the top of the roof slab and have noted that this is 133' in height. Therefore, we are able to comply with the maximum height of 130' by lowering the shade structure by 3' if so desired.
- With regards to parking, by our calculations we are required to have 140 spaces in total, however we acknowledge the department's calculations of 162 spaces. Even though the regulations allow us to have 100% of the parking located off-site, within 700' of the property, we are proposing 83 spaces on-site, and have submitted a Parking Management Strategy that complies with the Planning Department's regulations and intentions that will more than cover the 162 calculated spaces. In addition, we are proposing designated parking areas for electric scooters and bicycles, which encourages the public to use other means of transportation, helping reduce the carbon footprint, and liberates the public from the inconveniences of using a car, i.e. traffic, finding a parking space, etc.

Agency Comments:

- With regards to the responses by the various Government Agencies, as previously mentioned, the CIAA was consulted, and had no objections to our proposed development.
- The Department of Environmental Health provided their standard comments, which will be addressed during the next phase of development. We will be hiring a local Civil Engineer that will prepare technical drawings to comply with their requirements.
- To comply with the Fire Department, we have located the Fire Hydrants and wells around the property, and the building allows Fire Truck access to all its facades.
- The Water Authority provided their standard comments, which will be addressed during the next phase of development. We will be hiring a local Civil Engineer that will prepare technical drawings to comply with their requirements.
- We appreciate the Department of Tourism support for our project, and we will work closely with them to implement their recommendation with regards to parking, and environmental conscious practices. At this point we would like to reiterate our commitment on designing a building able to deliver a low carbon footprint, using practices such as rainwater harvesting, LED lighting, High efficiency Air conditioning systems, LOW E windows that limit the levels of radiant heat from entering the building, parking spaces designated for electric vehicles, designated parking areas for bicycles and electric scooters and Solar panels.

- We have not received the comments from the National Roads authorities, but we have followed the recommendations we have received in previous applications. We are proposing a 6' pedestrian sidewalk along Goring Avenue, increased the width of Miss Keppie Lane to 24', and our turning radiuses have been proposed in accordance with the NRA's standard requirements. Additionally, we are maintaining the historic Right-of-Way easement that cuts across our property and have implemented ways to showcase it using a different color and layout of the pavers that define it. Additionally, we intend to increase the width of the ROW/easement connection from Miss Keppie Lane to the houses/apartments behind our site to a full vehicular access and have already been in contact with a surveyor to achieve this.

So, distinguished members of the board, we have shown how our proposed development complies with all the zoning regulations and has been designed honoring the philosophy of the George Town Revitalization initiative. We respectfully request that you approve our project. My team and I worked tirelessly and focused, and the result is a beautiful building that is harmoniously connected to this neighborhood, and will complement the continuous process of turning George Town into a vibrant community.

Thank you for your time.

Appendix 'C'

DEPARTMENT of planning
1st Floor, Government Administration Building,
133 Elgin Avenue,
George Town
Box 120
Grand Cayman, KY1-9000
Cayman Islands

David D. Hamil
28 Heather Lane, Apt. 1
George Town
P.O. Box 30031
Grand Cayman, KY1-1201
Cayman Islands
1345-939-4699

ATTN: Haroon Pandohie - Director

My name is David D. Hamil, and I am writing to express my greatest wishes to have the current decision made for the property at **Block 43A & Parcel 149**, Bodden Town, Grand Cayman, Cayman Islands to be reexamined based on the following reasons that are to be mentioned in this letter.

At present it is being requested by you, the Department of Planning, that my current building plans be adjusted to reflect the requested change being that the front part of the duplexes be turned in the opposite way, facing **Boysberry Drive**, and the back of the duplexes to be towards **Harvey Stephenson Rd.**

The reason for my request to have this decision reconsidered are sincerely and genuinely based on the following:

- The narrowness of **Boysberry Drive**. Due to the current state of **Boysberry Drive** road, and the building plan being of two (2) sets of duplexes consisting of four (4) bedrooms each, the congestion and traffic of vehicles will be high, and most importantly the easy flow of access to the buildings in the event of any emergency will be put into a huge hindrance to the emergency services that may be needed due to the current road conditions and the foreseen vehicle conditions.

Boysberry Dr Sign



Top of Boysberry Dr



Towards the back of Boysberry Dr



Duplex development Block 43A Parcel 167 in Boysberry Dr



Road Access to Block 43A Parcel 149 in Boysberry Dr



- At present, the house beside **Block 43A & Parcel 149**, is facing **Harvey Stephenson Road**, it'll make it an uneven developmental area. The duplexes being on the same road as the other houses built on and facing **Harvey Stephenson Road** would not only allow the property/duplexes to be seen while also complimenting the developmental area, but also giving easier access not just to homeowners but also emergency services.

Harvey Stephenson Sign



Harvey Stephenson Road access to Block 43A Parcel 149



Harvey Stephenson Road with house facing forward beside Block 43A Parcel 149



- Lastly, both sides of **Block 43A Parcel 149** on **Boysberry Dr** and **Harvey Stephenson Rd** are overseen by the same developer within the area known to be Lookout Gardens.

I sincerely hope that my expressed wishes will be taken into consideration and your decision for the change in my building plans be amended to reflect my request for lenience and understanding in this matter for the current building plans to remain as is. Your favorable decision in this matter will be greatly appreciated.

Sincere regards,

David D. Hamil