

# Central Planning Authority

**Minutes** of a meeting of the Central Planning Authority held on **August 16, 2023 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

## 17<sup>th</sup> Meeting of the Year

CPA/17/23

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin (left at 4:20)

Mr. Charles Russell Jr.

Mr. Peterkin Berry (arrived at 10:30)

Mr. Peter Campbell (left at 4:45)

Mr. Kenneth Ebanks (via Zoom)

Ms. Danette McLaughlin (left at 5:08)

Ms. Shakina Bush (via zoom, left at 5:13)

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden (left at 4:00)

Mr. Haroon Pandohie (Executive Secretary)

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

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

## List of Applications Presented at CPA/18/23

- 2.1 CLASSIC 5 LTD (Shoreline Construction) Block 22D Parcel 79 (P22-0647) (\$4.0 million) (NP) 5**
- 2.2 C.C.S.T. PROPERTIES LTD. (Rock Architecture) Block 25C Parcel 146 (P22-1066) (\$11.0 million) (NP) 14**
- 2.3 JOSEPH & DARLENE ANDERSON (GMJ Home Plans) Block 24E Parcel 645 (P23-0212) (\$332,000) (NP) 26**
- 2.4 FORBES DESIGN STUDIO Block 38B Parcel 479 (P21-0955) (\$934,106) (NP) 35**
- 2.5 JONATHAN MURPHY (TAG) Block 5C Parcel 77 (P23-0186) (\$21.1 million) (NP) 44**
- 2.6 WESTON WILLIAMS (IWB Architecture) Block 27D Parcel 94 (P22-0793) (\$250,000) (EJ) 75**
- 2.7 EVELIN MENA (Brewster's Designs) Block 24E Parcel 486 (P23-0584) (\$60,000) (NP) 77**
- 2.8 LENNY HEW (Abernethy & Assoc.) Block 69A Parcel 164 (P22-1055) (\$3,773) (EJ) 78**
- 2.9 GEORGE P. EVANS (Brewster's Designs) Block 45A Parcel 202 (P23-0058) (\$30,000) (NP) 82**
- 2.10 PATRICK LEVER (JMP Construction) Block 20D Parcel 438H11 (P23-0027) (\$12,000) (MW) 84**
- 2.11 RAINBOW DEVELOPMENT LTD. (AE Designs) Block 15B Parcel 247 (P23-0507) (\$3.2 Million) (NP) 87**
- 2.12 RAINBOW DEVELOPMENT LTD. (Eric Cronier) Block 15B Parcel 247 (P23-0538) (\$10,000) (NP) 91**
- 2.13 EVERTON VIDAL (TSC Architecture) Block 25C Parcel 111 (P23-0049) (\$230,000) (EJ) 92**
- 2.14 JEWEL STUDENHOFFT (Roland Bodden & Co.) Block 4C Parcel 139 (P22-1168) (\$11,150) (MW) 95**
- 2.15 ADAM & KATHERINE JACKSON (Architectural Designs & Cayman Contemporary Style) Block 5C Parcel 23 (P23-0419) (\$6,000) (MW) 99**
- 2.16 TRAVIS PARSONS (GMJ Home Plans Ltd.) Block 27C Parcel 495 (P23-0387) (\$62,000) (MW) 100**
- 2.17 GREG ROMUNDT (Trio Design) Block 10A Parcel 147 (P23-0386) (\$80,000) (MW) 103**
- 2.18 CRICKET SQUARE LTD. (CGMJ) Block 14C Parcel 151 (P23-0158) (\$50,000) (NP) 105**
- 2.19 CAROLYN CHALONER (Johnson Design & Architecture) Block 15E Parcel 47 (P23-0490) (\$30,000) (NP) 107**
- 2.20 CHRISTOPHER CAMPBELL (Abernethy) Block 9A Parcel 546 (P23-0195) (\$3,283) (EJ) 110**
- 3.1 NATIONAL DEVELOPMENT PLAN PROJECT DELIVERY PLAN 112**
- 5.1 PRESENTATION BY INTERNATIONAL CODE COUNCIL (ICC) 112**
- 5.2 PLANNING APPEALS TRIBUNAL UPDATE 112**
- 5.3 CAYMAN IMPORTS LTD Block 14E Parcel 335 (CE23-0076) (BP) 112**

**5.4 PAUL MCFIELD AND PAUL ANTHONY MCFIELD JR Block 13D Parcel 292 (CE23-0077)  
(BP) 113**

**5.5 KEVIN LATTA/ABARBANEL LTD Block 32D Parcel 92 (P19-1033) (B21-0358) 113**

## APPLICANTS ATTENDING THE AUTHORITY'S MEETING

<b>Applicant Name</b>	<b>Time</b>	<b>Item</b>	<b>Page</b>
Classic 5 Ltd	10:30	2.1	5
CCST Properties	11:35	2.2	14
Joseph and Darlene Anderson	11:25	2.3	26
Forbes Design Studio	1:00	2.4	35
International Code Council	1:45	5.1	112
Jonathan Murphy (20 North Apts)	2:15	2.5	44

### **1.1 Confirmation of Minutes CPA/16/23 held on 19<sup>th</sup> July 2023.**

**Moved:** Gillard McLaughlin

**Seconded:** Christine Maltman

**Confirmed**

### **1.2 Declarations of Conflicts/Interests**

<b>Item</b>	<b>Member</b>
2.7	Handel Whittaker

**2.0 APPLICATIONS**  
**APPEARANCES (Items 2.1 to Item 2.5)**

**2.1 CLASSIC 5 LTD (Shoreline Construction) Block 22D Parcel 79 (P22-0647) (\$4.0 million) (NP)**

Application for 7 townhouses, pool, cabana, & 4 foot high fence.

**Appearance at 10:30**

**FACTS**

<i>Location</i>	Selkirk Drive in Red Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	23,068.8 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	7 townhouses
<i>Building Footprint</i>	6,603 sq ft
<i>Building Area</i>	14,470 sq ft
<i>Units Permitted</i>	7
<i>Units Proposed</i>	7
<i>Bedrooms Permitted</i>	12
<i>Bedrooms Proposed</i>	12
<i>Parking Required</i>	11
<i>Parking Proposed</i>	14

**BACKGROUND**

June 7, 2023 (CPA/13/23; Item 2.3) – The Authority resolved to adjourn the matter in order to re-invite the applicant to address the Authority in person.

March 29, 2023 (CPA/08/23; Item 2.8) – The Authority resolved to adjourn the matter and re-schedule it to be heard at a later date when the applicant’s agent would be available to attend to explain the application and address suitability, lot size, use of grasscrete, and dens versus bedrooms.

**Decision:** It was resolved to refuse planning permission for the following reason:

- 1) The application does not comply with the minimum lot size requirement per Regulation 9(8)(f) of the Development and Planning Regulations (2022 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size. In this regard, the applicant made reference to other apartments having been approved in the area. In reviewing available records, the Authority advised the applicant that two of the properties he identified are developed with duplexes, not apartments, therefore no lot size variances were needed. Additionally, apartments were approved on two nearby parcels, but that was on the basis that the parcels would be combined, therefore a lot size variance was not required. The applicant did not provide any evidence that apartments have been approved on undersized lots on Selkirk Dr north of Lords Way which is essentially the neighbourhood within which the subject parcel is situated.

### **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment, Water Authority (Cayman), Department of Environmental Health and the Fire Department.

#### **Department of Environment**

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

*The subject parcel is low-lying and previously consisted predominantly of primary tidally flooded mangrove forest and woodland habitat which appeared intact in Lands and Survey 2018 aerial imagery (Figure 1). However, Google imagery (Figure 2) shows that the site has been cleared.*



**Figure 1: Lands and Survey 2018 aerial imagery showing the subject parcel outlined in red with mangrove vegetation intact.**





**Figure 2: Google imagery showing the approximate location of the subject parcel outlined in red with the vegetation cleared. (Google Images 2022)**

*It is unclear when the land clearing has taken place. The DoE was not consulted on the land clearing and is unable to find permission for the land clearing on the Online Planning System. Land clearing without permission removes the ability of the DoE to make meaningful comments on the type of habitat present. With the conversion of the mangrove habitat to hardstanding, drainage should be properly assessed. If there has been some regrowth of the wetland vegetation within the setbacks of the parcel, we recommend the retention of this wetland vegetation to assist with on-site drainage. Particular care should be taken during development not to encroach on the vegetated mangrove buffer that is located outside of the applicant's parcel. We also recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and the road. Lastly, we recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

### **Water Authority Cayman**

*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:

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>Apartments</i>	<i>8 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>1,800</i>
<i>Cabana</i>	<i>135 sq. ft.</i>	<i>0</i>	<i>0</i>
<b>TOTAL</b>			<b>1,800</b>

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

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

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

Water Supply

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

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

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

## **Department of Environmental Health**

### **Solid Waste Facility:**

*This development can use a manual pickup service which will require provision for eight 33 gallon bins. However, the developer has opted to utilize a commercial bin but the proposal does not satisfy the environmental requirement for the location of mechanically serviced bins. The deficiencies are noted as follows:*

- *The enclosure is not centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles.*
- *The enclosure is not located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position.*
- *The enclosure is located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.*

*In addition, the design details for the solid waste facility have not been provided.*

## **National Roads Authority**

Comments have yet to be received from the NRA.

## **Fire Department**

*The Fire Department has reviewed the drawings and are requesting a fire well be depicted on the site plan as well as expressing concerns with the use of grasscrete.*

## **APPLICANT'S LETTER**

*Shoreline Construction is requesting a variance for a townhouse building Block 22D Parcel 79. We are proposing a variance in lot size from 25,000 SF to 20,068.80 SF. We are aware that the required lot size is 25,000 SF.*

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

- 1. Per section 8(13)(i) of the Planning Regulations, the characteristics of the proposed development are consistent with the character of the surrounding area;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Selkirk Drive in Red Bay.

The proposal is for seven townhouses with 12 bedrooms and 14 parking spaces.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

There are other apartments and townhouses on similar sized parcels in the general Red Bay area, but there are no apartments on Selkirk Dr north of Lords Way. It should be pointed out that 4 apartments were refused permission on 22C 32 in 2008 for not being in character with the area.

#### **2) Lot size**

Regulation 9(8)(f) states that the minimum lot size for apartments and townhouses in an LDR zone is 25,000 square feet.

The application is for townhouses on a parcel with 23,068.8 square feet.

The CPA should discuss whether a variance is warranted in this instance.

#### **3) Use of grasscrete**

The proposal is for asphalt in the driveway aisles and grasscrete in the specified parking spaces.

The Fire Department has expressed concern with the use of grasscrete.

The CPA should discuss whether grasscrete is acceptable in the proposed parking spaces. It should be noted that the use of grasscrete is not needed in order to comply with site coverage provisions.

#### 4) Dens with bathrooms

Three of the proposed townhouse units contain a den with a bathroom on the second floor. The Department would bring this matter to the attention of the Authority due to the potential for being used as bedrooms in the future which when then exceed the maximum allowable of bedrooms by three.

#### **SUPPLEMENTARY ANALYSIS #1**

There have been no changes to the plans.

#### **SUPPLEMENTARY ANALYSIS #2**

There have been no changes to the plans.

At 10:30am, Raj Varadharatan and Declan O'Brien appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority explained the meeting procedure and asked for the applicant to address the issues listed in the Agenda.
- Mr. O'Brien advised he was asked to represent Shoreline Construction and proceeded to provide several comments:
  - regarding suitability there are blocks of apartment next door, apartments two lots up and 4 lots down there are apartments (he handed out a map and photographs showing the locations of these apartments)
  - they are a little short on the lot size, but given the other numbers such as density and setbacks, they would ask for a lot size variance
  - regarding grasscrete, there is no grass verge so this will allow them to grow proper grass
  - the Fire Department has a concern with the grasscrete, but he's not sure why because they have a 22' asphalt aisle that can be used
  - he noted that they can get rid of the grasscrete if needed
  - regarding the dens with bathrooms, they can take them out or turn them into powder rooms
  - he noted he lives in a two bedroom unit and uses the second bedroom as an office
- The Authority asked how the dens impact the project and Mr. O'Brien replied they just push up the number of bedrooms if they are considered to be bedrooms, but they do have three extra parking spaces.
- The Authority asked how many bedrooms are there, 11 or 12, because the drawing has been split on two pages so it is hard to tell (there was no answer)
- The Authority reviewed the map he handed out and after checking records with the Department advised that two duplexes were approved on 22C 30; twelve townhouses were approved on 22C 31 and 32 on the basis that they would be combined; it appears

apartments were approved on 22D 81 in 1989 before the minimum lot size of 25,000 sq ft was added to the Regulations and in 1999 a duplex was approved on 22C 34.

- Mr. O'Brien noted that DOE says the land has been cleared, but it has not been, that is the adjoining parcel that was cleared. He noted DEH is okay with using bins, but they don't like the location so he will speak to them about that issue. He noted the Fire Department is not affected by grasscrete. He also noted that the letter from the applicant should say the lot size is 23,000 sq ft, not 20,000 sq ft. He then confirmed that there are 11 bedrooms.
- The Authority asked if they would be okay with replacing grasscrete with asphalt and Mr. O'Brien replied that would be fine.
- In response to a question from the Authority, Mr. O'Brien noted he would email the photographs and map he handed out with the block and parcel numbers identified on them.

**2.2 C.C.S.T. PROPERTIES LTD. (Rock Architecture) Block 25C Parcel 146 (P22-1066) (\$11.0 million) (NP)**

Application for 44 townhouses and a 4' wall.

**Appearance at 11:35**

**FACTS**

<i>Location</i>	Raven Avenue in Spotts
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	4.77 acres
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Townhouses & 4' wall
<i>Building Footprint</i>	26,661 sq. ft.
<i>Building Area</i>	53,322 sq. ft.
<i>Proposed Site Coverage</i>	26%
<i>Number of Units Allowed</i>	71
<i>Number of Units Proposed</i>	44
<i>Number of Bedrooms Allowed</i>	114
<i>Number of Bedrooms Proposed</i>	88
	<u>+42 studies</u>
	130
<i>Parking Required</i>	66
<i>Parking Proposed</i>	108

**BACKGROUND**

June 7, 2023 (CPA/13/23; Item 2.7) – The Authority resolved to adjourn the matter in order to invite the applicant to address the Authority in person regarding the following matters:

- suitability
- access
- visual appeal
- length of driveway
- studies vs bedrooms
- sidewalk not on subject parcel
- location of internal walkways
- number of bedrooms proposed.

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

- 1) The applicant is required to submit the necessary documentation showing that the subject parcel has legal, 30' wide vehicular access over the portion of Raven Ave located on Block 25C Parcel 27.
- 2) The applicant is required to submit revised plans showing:
  - a) Buildings B through H re-situated on site such that they are staggered 5' or to the greatest extent possible while complying with required setbacks in order to eliminate the continuous building line. The applicant is directed to liaise with the Department of Planning in this regard.
  - b) The internal walkways relocated between the buildings and the parking spaces or eliminated.
  - c) Amenities (such as a pool, gazebo or cabanas)
  - d) The turning circle re-configured to meet the specifications of the National Roads Authority.
  - e) inclusion of traffic calming measures along the very long, straight internal road

### **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment, Water Authority Cayman, Department of Environmental Health, Fire Department and National Roads Authority.

#### **Department of Environment**

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

*The site is partially man-modified with some areas of seasonally flooded mangroves, which is primary habitat.*

*Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*

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

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

##### **Solid Waste Facility:**

*This development requires (2) 8 cubic yard container with twice per week servicing.*



**Table 1: Specifications for Onsite Solid Waste Enclosures**

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

**NOTE:**

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

**Fire Department**

The Fire Department has stamp approved the drawings.

**Water Authority**

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

**Wastewater Treatment and Disposal**

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 13,050 US gallons per day (gpd), based on the following calculations.*

<b><i>BUILDING</i></b>	<b><i>UNITS/BLDG</i></b>	<b><i>GPD/UNIT</i></b>	<b><i>GPD/BLDG</i></b>
<i>Building A</i>	<i>3 x 2-Bed + Study</i>	<i>300gpd/2-Bed + Study</i>	<i>900</i>
<i>Building B</i>	<i>6 x 2-Bed + Study</i>		<i>1,800</i>
<i>Building C</i>	<i>6 x 2-Bed + Study</i>		<i>1,800</i>
<i>Building D</i>	<i>6 x 2-Bed + Study</i>		<i>1,800</i>
<i>Building E</i>	<i>6 x 2-Bed + Study</i>		<i>1,800</i>
<i>Building F</i>	<i>6 x 2-Bed + Study</i>		<i>1,800</i>
<i>Building G</i>	<i>4 x 2-Bed + Study</i>	<i>225gpd/2-Bed</i>	<i>1,200</i>
<i>Building H</i>	<i>3 x 2-Bed + Study</i>		<i>900</i>
<i>Building I</i>	<i>2 x 2-Bed</i>		<i>1,050</i>
	<i>2 x 2-Bed + Study</i>		
<b><i>TOTAL</i></b>			<b><i>13,050</i></b>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing*

*diameter for this development shall be 6". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*

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

*Water Supply:*

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

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

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

**National Roads Authority**

*As per your memo dated December 21<sup>st</sup> 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

***Proposed Section 26***

*The proposed section 26, as shown in the below schematic, is designed to come across the above block and parcel (25C146), utilizing the existing road parcel. Therefore, the proposed access will need to be built to NRA specifications.*



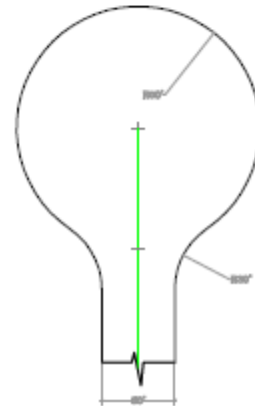
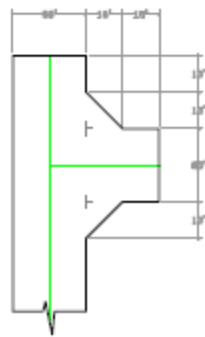
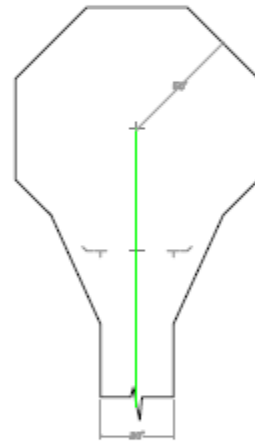
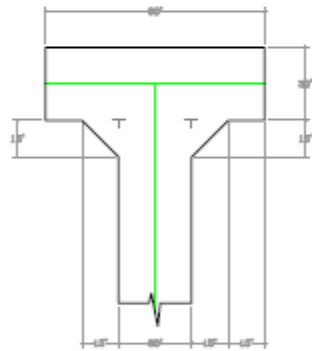
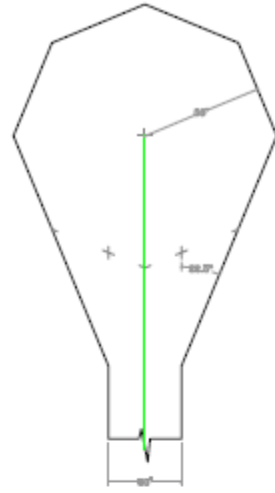
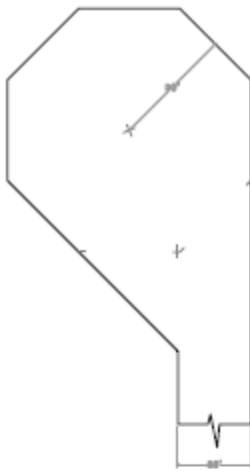
### **General Issue**

The NRA requests that the CPA have the applicant reconfigure the site noting the concerns below:

- *The proposed driveway is located on an un-built section of road. The applicant will need to construct the road to meet minimal **NRA specification for subdivision roads (including drainage conveyance requirement)**, up to the subject parcel.*
- *As per the four (4)ft wall and the 5'6" wall around the garbage skip at the front please take note of the sight line as per the NRA Subdivision Specifications:*
  - **4.6.3 SIGHT DISTANCE:** *The minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and three- and one-half feet (3 1/2') above the road surface shall be one-hundred and fifty feet (150') and, two-hundred and thirty feet (230') for major road speed limits of 25 MPH and 30 MPH respectively, as measured along the near edge of the running carriageway.*
- *It is desirable in the planning of new residential subdivisions to configure and design local streets to minimize excessive speed, excessive volumes and cut-through traffic from outside the immediate neighbourhood. The principle intent is to produce a roadway network within which traffic is dispersed and slowed naturally without the need for physical traffic calming measures such as humps, chokers, etc.*

*As a rule of thumb subdivision roads should have a centerline radius of no less than 100 ft and no more than 200ft. Curves of a radius of less than 100ft will not be safe at a driving speed of 20 mph. On the other hand, curves with a radius of more than 200ft will generate traffic speeds in excess of 25 mph. No subdivision should be designed with a local street exceeding 600-900 ft in length. Where unavoidable a local street may extend to ¼ mile provided the street is of curvilinear design and or includes roundabouts, neckdowns, or lateral shifts to discourage speeding.*

- *The NRA also suggests the promotion of subdivision street interconnectivity. Interconnected streets in and between subdivisions give pedestrians many alternative walking paths and helps shorten walking distances, therefore, the site should interconnect with surrounding parcels at two or three locations.*
- *Please also have the applicant reconfigure the turning circle to meet minimal NRA specifications, please see below schematic,*



ACCEPTABLE TERMINALS  
TO CUL-DE-SACS  
SCALE: 1" = 50'  
DATE: 2nd FEB. 1998

**Road Capacity Issues**

The traffic demand to be generated by a residential development of forty-four (44) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, and 0.62 respectively. The anticipated traffic to be added onto Raven Avenue is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour Total Traffic	PM Peak 65% In	PM Peak 35% Out
293	23	5	18	27	18	9

Based on these estimates, the impact of the proposed development onto Raven Avenue 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 Raven Avenue, within the property boundary, to NRA standards.

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

**Stormwater Management Issues**

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

As the current parcels for the subject lands are vacant and probably have an elevation of about 2 to 3 feet above MSL just like its surroundings, the NRA would surmise that surface run-off of the area surrounding lands form one watershed during rainfall events. The NRA would therefore would caution the Planning Authority in not taking into account this fact if and when it grants planning permission for the subject lands as nearby parcel drainage connectivity will be severed by the approval of this project if mitigation measures are not considered. Therefore, it is NRA's recommendation that it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff for the subject and the surrounding **parcels**. To that effect, the following requirements should be observed:

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

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

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



*structure adjoins the said road;"*

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

### **APPLICANT'S LETTER**

*Our client is kindly requesting that CPA consider granting planning approval to the above application and condition for approval. The planner has brought up a potential issue with the parking space being located behind the sidewalk route. Due to site constraints this has proven to be the best suited option for the layout of the project. Reasons being:*

- a) Practicality in terms of proximity access to one's vehicle for loading/unloading of persons and supplies.*
- b) Privacy of residents; given that the parking spaces are between the residence and the sidewalk this creates its own privacy barrier, Rather than having walkways or runways adjacent to the bedroom or residents.*

*I would also like to take this opportunity to verify my own accounts of the real world application of a similar sidewalk layout which I have personally observed to be dependable and of working order in the community that I have lived in for many years. My own late elderly father had various medical issues, one of which was mobility. He was devoted to walking the neighborhood every evening for years with his walking cane and never had a traffic incident.*

*Our client is kindly requesting that CPA consider granting approval.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located on Raven Avenue in Spotts.

The property is currently vacant and the proposal is for 44 townhomes and a 4 foot high wall along Raven Avenue.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Suitability**

For the Authority's information, there are existing apartments about 750' to the west of the subject site on Litigate Ct. The remaining area surrounding the site is generally vacant or detached houses.

The driveway for the proposed apartments is located in the north-west corner of the site. The driveway crosses a private parcel, 25C 26, leading to Raven Ave which is located on 25C 27. The subject site has a vehicular right-of-way with no specified width over 25C 26, but does not have a right-of-way over 25C 27. It appears that Raven Ave was intended to travel along 25C 26, but for some reason was constructed on 25C 27. Comments from the NRA would have been of assistance in this regard, but although they were circulated the plans on December 21, 2022, comments have yet to be received.

**2) Visual appeal**

The proposed development consists of 9 separate buildings. 7 of these buildings, B through H are situated along the easterly boundary. The buildings are all aligned with the same setback from the boundary so while there is 15' between each building the net effect is essentially a wall of buildings about 950' in length. The Authority needs to determine if this design aspect provides for a suitable visual impression.

**3) Length of the driveway**

The driveway that serves the proposed apartments is about 1000' in length with no turns or deviations leading to a raceway feel with the only likely traffic calming measure being speed bumps. The Authority should determine if this design feature is acceptable.

**4) Studies vs bedrooms**

It should be noted that many of the units include a study with an alcove that could easily be converted to a closet with the addition of sliding doors.

If the studies are classified as bedrooms, there would be a total of 130 bedrooms whereas Regulation 9(8)(c) would only allow 119 bedrooms.

The Authority should discuss whether the proposed studies are in fact “studies” or bedrooms.

**5) Sidewalk along Raven Avenue**

The applicant has indicated a 6' sidewalk along Raven Ave, but it is situated on 25C 27, land which the applicant does not own.

**6) Internal Sidewalks**

The applicant is proposing a series of internal sidewalks that on the driveway side of the parking spaces instead of between the parking spaces and the buildings. There is a concern that this design feature could lead to unsafe conditions for pedestrians moving through the complex.

**SUPPLEMENTARY ANALYSIS #1**

There have been no changes to the plans.

**SUPPLEMENTARY ANALYSIS #2**

There have been no changes to the plans, but comments from the National Roads Authority have now been received (see above).

At 11:25am, Tasha Eden appeared on behalf of the applicant and Karim Munruddin appeared as her agent. Summary notes are provided as follows:

- The Authority explained the meeting procedure and asked for the application to be presented.
- Mr. Munruddin advised that he represents C.C.S.T and then he proceeded to explain the proposal and the underlying principles and concepts that it is based upon.
- The Authority asked if he is saying the NRA is going to build a road on 25C 26 and Mr. Munruddin replied it is proposed, but not likely to happen any time soon.
- The Authority asked if there is a secondary access point and Mr. Munruddin replied he does have a plan showing it, but it isn't in OPS.
- The Authority noted that the buildings are all in a line so aesthetically there will be 900' of buildings with no undulations. The Authority also noted that it is a very long road that can lead to speeding and it is not aesthetically pleasing.
- Mr. Munruddin explained that NRA are happy to see speed bumps with 200' to 300' between them.
- The Authority asked if there will be phases to this development and Mr. Munruddin replied that they would get planning permission for everything and then split the Building Control process into phases with 3 or 4 buildings in the first phase.
- The Authority asked if they have looked at the building code in terms of building separations and window openings as the buildings are only 10' apart and Mr. Munruddin replied he has, but he can re-check.
- The Authority asked if some of the units have studies and Mr. Munruddin replied all of the units have studies as they give room for storage. He noted that if the client wants to change them to dens then they would need to modify permission.
- The Authority asked if the studies have bathrooms and Mr. Munruddin replied they would share bathrooms.
- The Authority noted that there is potential for the studies to become bedrooms and asked if there is room for more parking spaces.
- Mr. Munruddin replied there is room, but he hasn't really looked at it.
- The Authority noted the location of the internal walkway at the end of the parking spaces and asked if it could be relocated.
- Mr. Munruddin replied that he could move it to the west side and remove the east side. He noted that the plan has been revised for a 24' road, not 30'.
- The Authority explained that they don't have legal access to Raven Ave.
- Mr. Munruddin explained that the NRA plans on building a road on 25C 26.
- Ms. Eden explained her family owned 25C 27, but they are now deceased so she has to go through the probate process. She explained the road was supposed to be straight, but it is

NRA who put the curve in. She noted she tried to fight NRA about the road location because it made no sense and there was no compensation.

- The Authority noted that there is nothing about access over 25C 27 on the land register.
- Ms Eden advised that the Land and Survey Department told her she has access, that they have the paperwork in the parcel file.
- The Authority explained that if Lands and Survey says it is in the parcel file then they need to put something on the land register.
- The Authority asked if there are accessible parking spaces. Mr. Munruddin replied they would comply with the building code and give the specs to the NRA.

**2.3 JOSEPH & DARLENE ANDERSON (GMJ Home Plans) Block 24E Parcel 645 (P23-0212) (\$332,000) (NP)**

Application for 3 townhouses.

**Appearance at 11:25**

**FACTS**

<i>Location</i>	Siberia Avenue in Prospect
<i>Zoning</i>	<b>LDR</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	9,104 sq ft.
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Townhouses
<i>Building Footprint</i>	1,660 sq. ft.
<i>Building Area</i>	1,660 sq. ft.
<i>Proposed Site Coverage</i>	18.2 %
<i>Number of Units Allowed</i>	3
<i>Number of Units Proposed</i>	3
<i>Number of Bedrooms Allowed</i>	5
<i>Number of Bedrooms Proposed</i>	3
<i>Parking Required</i>	5
<i>Parking Proposed</i>	6

**BACKGROUND**

June 7, 2023 (CPA/13/23; Item 2.8) – The Authority resolved to adjourn the matter in order to invite the applicant to address the Authority in person regarding suitability and the proposed lot size.

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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 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 per the Water Authority's specifications.
- 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 provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 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](http://www.planning.ky)) under About/Draft Policies.*
- 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 submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any

shavings or foam waste is completely captured on site and does not impact the surrounding area

- 10) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.
- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 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.

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) Per Regulation 9(8) of the Development and Planning Regulations (2022 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.
- 3) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 4) The proposed application does not comply with the minimum required lot size per Regulation 9(8)(f) of the Development and Planning Regulations (2022 Revision). The Authority is of the

opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area as there are several existing apartment developments on similar size lots; and
- b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment, Water Authority (Cayman), Department of Environmental Health, National Roads Authority and the Fire Department.

#### **Department of Environment**

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

*The application site is man-modified and of limited ecological value. We therefore recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

*In addition we recommend that the applicant incorporates Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site. SuDs are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity, and reducing the transport of pollution to the water environment. Measures could include permeable and sustainable materials within the parking area.*

*Best management practices should also be adhered to during construction to reduce impacts on the surrounding environment. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

*Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced*



by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:

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

**Department of Environmental Health**

**Solid Waste Facility:**

1. This development require 4 (33) gallon bins and an enclosure built to the department’s requirements.
  - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.
  - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

**Table 1: Minimum Enclosure Dimensions**

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

**Fire Department**

The Fire Department has yet to provide comments.

**Water Authority**

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

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Proposed Triplex	3 x 1-Bed Unit	150gpd/1-Bed	450
<b>TOTAL</b>			<b>450</b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'8" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*  
*For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:*
  1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
  2. *All dimensions and materials shall be provided for any site-built tanks.*
  3. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
  4. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
  5. *A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)*
  6. *The Water Authorities updated 2020 effluent disposal well specifications.*
  7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### Water Supply

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

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

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

**National Roads Authority**

*As per your memo dated April 21<sup>st</sup>, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**Road Capacity Issues**

*The traffic demand to be generated by the above proposed single storey apartment of three (3) units has been assessed in accordance with ITE Code 220 - Apartment. The anticipated traffic to be added onto Siberia Avenue and Mahogany Way is as follows:*

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

*Based on these estimates, the impact of the proposed development onto Siberia Avenue and Mahogany Way is considered to be minimal.*

**Access and Traffic Management Issues**

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

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

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

*A six (6) foot sidewalk shall be constructed on Siberia Avenue and Mahogany Way, 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 Siberia Avenue and Mahogany Way. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

## **APPLICANT'S LETTER**

*We write on behalf of our clients, Joseph & Darlene Anderson with regards to the following;*

- *A lot size variance — where the subject parcel is registered as 0.2090 acres or 9,104.04 sqft which is 15,895.96 sqft smaller than the required 25,000 sqft for a development consisting of apartments in areas zoned Low Density Residential.*

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

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and they are no objections to date.*
- 2. The precedent for three apartments on a parcel that is smaller than prescribed by law has been set in the prospect area. The proposed development is suitable for this community which consist of numerous similar cases.*
- 3. Where similar cases were permitted within prospect, there are no signs that the adjacent surroundings or the community has been negatively affected by their existence.*
- 4. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*
- 5. The application complies with all other relevant planning requirements.*

*We look forward to your favorable response to this variance request*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Siberia Avenue in Prospect.

The property is currently vacant and the proposal is for three one-bedroom townhomes.

A review of mapping indicates that there are apartments in the vicinity.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

A review of records reveals no approvals for apartments on Mahogany Way between Siberia Dr and Almond Dr, although it does appear that there may be some informal multi-family uses on 24E 393 and 646. Approval was granted for 7 apartments in 2007 on 24E 545 which is slightly larger than 1 acre in size.

#### **2) Lot size**

Regulation 9(8)(f) requires a minimum lot size of 25,000 square feet for townhouses and apartments. The subject property has 9,104.0 square feet of area.

The Authority should consider whether the applicant's variance request is satisfactory in this instance.

**SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans, but comments have now been received from NRA (see above).

At 11:25am, Van Ramgeet appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority asked Mr. Ramgeet to address the issues raised in the Agenda.
- Mr. Ramgeet advised he is here for George Manderson Jr and proceeded to provide several comments:
  - They need a lot size variance as the lot is 9,104 sq ft
  - The Prospect area was developed in the 1970's and there were a lot of undersized lots created at that time
  - The area has been developed with a lot of apartments on those undersized lots.
  - He explained that 24E 40, 41 and 58 are similar in size to this lot and they all have multi-family developments
  - He noted that apartments were recently approved on 24E 260 and they have a C.O.
  - They feel this development will blend in seamlessly with the area
  - They meet or exceed the number of parking spaces and they comply with all other planning requirements
  - He has copies of renderings if needed
  - He noted that no objections to the project were received
- There was a general discussion about the definitions of apartments and townhouses and it was confirmed that these are townhouses.
- The Authority noted that he mentioned apartments on other similar lots in the area and asked what those lot sizes are. Mr. Ramgeet replied those lots range from 9,000 to 10,000 sq ft.

**2.4 FORBES DESIGN STUDIO Block 38B Parcel 479 (P21-0955) (\$934,106) (NP)**

Application for 20 townhouses.

**Appearance at 1:00**

**FACTS**

<i>Location</i>	Shamrock Drive
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No objections

<i>Parcel size</i>	1.4 acres
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Townhouses
<i>Building Footprint</i>	16,094 sq ft
<i>Building Area</i>	36,096 sq ft
<i>Site coverage</i>	26.47%
<i>Units Permitted</i>	21
<i>Units Proposed</i>	20
<i>Bedrooms Permitted</i>	33
<i>Bedrooms Proposed</i>	40 (+8 unfinished basements)
<i>Parking Required</i>	30
<i>Parking Proposed</i>	30

## **BACKGROUND**

June 7, 2023 (CPA/13/23; Item 2.9) – The Authority resolved to adjourn the matter in order to invite the applicant to discuss concerns regarding suitability, possible number of bedrooms, overall design and the need to address NRA’s comments regarding BP 09.

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

- 1) The applicant is required to submit revised plans showing:
  - a) Clearly demarcated driveway curbing.
  - b) Parking spaces 10 – 15 shifted closer to the boundary line of 38B 28 (maintain a minimum 4’ buffer for landscaping) in order to achieve a wider drive aisle that will allow for functional access to those parking spaces.
  - c) Six (6) additional and functional parking spaces.
  - d) The solid waste enclosure situated in a location approved by the Department of Environmental Health.
  - e) An allowance for a future road widening per Boundary Plan 09.
  - f) Deletion of the word “unfinished” on the basement floor plans.

## **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment, Water Authority Cayman, Department of Environmental Health, the National Roads Authority and the Fire Department.

## Department of Environment

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

*The site is man-modified with some regrowth. We recommend the planting of native species. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.*

## Water Authority Cayman

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

### Wastewater Treatment and Disposal

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 6,000 US gallons per day (gpd), based on the following calculations.*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
<i>Building #1</i>	<i>4 x 2-Bed Units Basement</i>	<i>225gpd/2-Bed Unit 75gpd/Basement</i>	<i>1,200gpd</i>	<i>1,200gpd</i>
<i>Building #2</i>	<i>4 x 2-Bed Units Basement</i>	<i>225gpd/2-Bed Unit 75gpd/Basement</i>	<i>1,200gpd</i>	<i>1,200gpd</i>
<i>Building #3</i>	<i>4 x 2-Bed Units Basement</i>	<i>225gpd/2-Bed Unit 75gpd/Basement</i>	<i>1,200gpd</i>	<i>1,200gpd</i>
<i>Building #4</i>	<i>4 x 2-Bed Units Basement</i>	<i>225gpd/2-Bed Unit 75gpd/Basement</i>	<i>1,200gpd</i>	<i>1,200gpd</i>
<i>Building #5</i>	<i>4 x 2-Bed Units Basement</i>	<i>225gpd/2-Bed Unit 75gpd/Basement</i>	<i>1,200gpd</i>	<i>1,200gpd</i>
<b>TOTAL</b>				<b>6,000 GPD</b>

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



Water Supply:

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

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

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

**Department of Environmental Health**

Solid Waste Facility:

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

Table 1: Specifications for Onsite Solid Waste Enclosures

Container size (yd <sup>3</sup> )	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
8	10	10	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails

**NOTE:**

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

**National Roads Authority**

As per your memo dated September 10<sup>th</sup>, 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**

Shamrock Road is 50 feet wide under BP09. Please have the applicant revise site plan to show the correct setback.

Two-way driveway aisles shall be a minimum of twenty-four (24) ft. wide to provide access to 38B28 in the rear. Please have applicant revise site plan to show the driveway.

**Road Capacity Issues**

The traffic demand to be generated by a residential development of twenty (20) 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 Shamrock Road is as follows:

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 16% In</b>	<b>AM Peak 84% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 67% In</b>	<b>PM Peak 33% Out</b>
<b>133</b>	<b>10</b>	<b>2</b>	<b>8</b>	<b>12</b>	<b>8</b>	<b>4</b>

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

**Access and Traffic Management Issues**

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

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

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

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

**Stormwater Management Issues**

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

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

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

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

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

### **Fire Department**

The Fire Department has approved the site plan.

### **APPLICANTS LETTER**

*We have submitted an application on behalf of Gibraltar Development who is desirous of obtaining Planning approval for the above mentioned so that they can start and complete the residential building. The owners are desirous of having the matter settled before the Central Planning Authority as soon as possible.*

*Regulation 9 (2022) 7 (h) the maximum site coverage for detached houses, duplexes, guest houses and apartment buildings or townhouses is thirty per cent of the lot size; we would like to apply for the above mentioned variance. As shown on the submitted plans for the various reasons.*

*Regulation 9 (2022) 7 (c) the maximum numbers of apartment buildings or townhouses is twenty per acre with a maximum of thirty bedrooms per acre;*

*There is sufficient reason to grant a variance for the number of bedrooms proposed and exceptional circumstances exists, which may include the fact that:-*

*The proposed 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.*

*In the case of an application where lesser setbacks are proposed for development or a lesser lot size is proposed for a development, the adjacent property owners have been notified of the application*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Shamrock Drive, near the intersection with Beach Bay Road.

The proposal is for 20 townhouses in 5 separate buildings with 30 parking spaces.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Solid waste enclosure setback**

Regulation 8(7) states that solid waste enclosures shall be setback a minimum of 6 feet from adjacent property boundaries.

The proposal is for a solid waste enclosure that has a corner at 0 feet.

The CPA should discuss whether a variance is warranted in this instance. DEH did not express concern with the location.

#### **2) Number of bedrooms**

Proposed Buildings 1 and 2 are three storeys, with the lowest level labelled as an unfinished basement that includes a bathroom but no other internal walls.

The Department seeks direction from the Authority as to whether the basement should be classified as a bedroom or not.

As it is, there are 40 bedrooms labelled on the floor plans. By classifying the basements as a bedroom, the number of bedrooms proposed would increase to a total of 48. In this regard, Regulation 9(8)(c) allows a maximum of 24 bedrooms per acre or 33 bedrooms in this instance.

Therefore, a variance regarding the number of bedrooms is required in either instance.

### **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

At 1:00pm, Sandra Lichtenstein, Eddie Murphy, Jesen Campbell and Chaundra Ebanks appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority explained the meeting procedure and asked if they have seen the Agenda.
- Ms. Lichtenstein replied she wasn't sent it and the Authority noted it is available on line.
- The Authority asked them to address the number of bedrooms, the garbage enclosure setback and NRA comments.
- Ms. Lichtenstein advised she is confused about the garbage enclosure setback and the location of it was viewed on screen.
- The Authority asked them to explain the purpose of the basements.
- Ms. Lichtenstein advised there is a hole on the site and it is not financially feasible to fill it, it is more feasible to use it as basements for buildings 1 and 2.
- The Authority asked if they would be used as bedrooms and Ms. Lichtenstein replied no, they are not selling the units like that. She indicated they could be used a gym or recreational room and there is a half bath for people down there so they don't have to come upstairs. She noted there is no intention to use them as bedrooms.
- The Authority asked what the height of the basements is and Ms. Lichtenstein replied they are 9' and will include a window for egress.
- The Authority noted that in terms of functionality there is a lot of asphalt in the driveway and parking areas. Ms. Lichtenstein noted that the driveway area in front is wide because they have to give access to a house in the back.
- The Authority asked if there would be landscaping between the driveway and boundary and Ms. Lichtenstein replied yes.
- The Authority advised that all of the asphalt will have to be used for the stormwater management calculations. The Authority noted that the driveway is only 22'11" in one location and it is right against the boundary and it is not clear how landscaping can be provided there. Ms. Lichtenstein approached the screen and there was a general discussion about the driveway design and it was noted that there are missing curb lines to delineate the driveways.
- The Authority noted that the NRA has asked for the site plan to be revised to reflect BP09. Ms. Lichtenstein advised she was not sent those comments. The Authority advised she would have received an auto-generated notification about those comments. The location of BP09 was viewed on screen.
- The Authority noted there are 30 parking spaces, but there are 40 bedrooms and asked if they can give more parking spaces. Ms. Lichtenstein replied she can look

into it.

- Ms. Lichtenstein noted that there is a hedge on the neighbour's property so they don't need to put one on their side. She advised she had spoken with the neighbour and they were okay with this driveway design.
- The Authority asked if the neighbour would send a letter that it would be okay if parking spaces were shifted closer to her boundary.
- Ms. Lichtenstein advised she doesn't know if the neighbour looked at the plans although she told her to look at them. She explained that she doesn't know why shifting parking would be an issue, it is just parking, it's not a building.
- The Authority asked if there were other apartments in the area and Ms. Lichtenstein replied there are tons of them to which the Authority asked if they are legal and Ms. Lichtenstein replied she's not sure about that.
- The Authority noted this is an application for 20 apartments and asked if there are other similar multi-family developments in the area.
- A member of the applicant team noted that there are such buildings in the area that have CUC meters.
- Ms. Lichtenstein noted that across the street there are two storey apartments and there are quite a few in the area.
- The Authority asked again if they could get more parking because more bedrooms means more cars and they can end up blocking up roadways. Ms. Lichtenstein said she understands that issue.
- The Authority noted that they need to tidy up the drawings by delineating the curbing and such.
- Ms. Lichtenstein noted they want to use grasscrete for the driveway as it gives more landscaping. The Authority noted that grasscrete is not good for commercial use.
- The Authority noted that there will have to be a landscape plan as these are apartments in a residential area and there is an expectation for buffering. The Authority noted they have some work to do to sort out the aesthetics of the driveway and parking. Ms. Lichtenstein said she agrees with that.
- The Authority noted she should be able to re-work the site plan to get more parking and address the NRA regarding BP09. The Authority suggested that maybe parking could be put on the other side of the entrance driveway near the right-of-way and perhaps the right-of-way could be relocated and relocate the garbage enclosure to put more parking in that area.

**2.5 JONATHAN MURPHY (TAG) Block 5C Parcel 77 (P23-0186) (\$21.1 million) (NP)**

Application for 95 apartments, cabanas, pool, gym, storage and signage.

**Appearance at 2:15**

**FACTS**

<i>Location</i>	Willie Farrington Drive in West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	Objections
<i>Parcel size</i>	6.34 acres
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Dwelling
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	47,498 square feet
<i>Building Area</i>	87,960 square feet
<i>Units Permitted</i>	95
<i>Units Proposed</i>	95
<i>Bedrooms Permitted</i>	152
<i>Bedrooms Proposed</i>	119
<i>Parking Required</i>	143
<i>Parking Proposed</i>	219

**BACKGROUND**

July 19, 2023 (CPA/16/23; Item 2.3) – The Authority resolved to adjourn the matter in order to obtain NRA comments as well as to confirm the number of objectors on record.

**Decision:** It was resolved to refuse planning permission for the following reasons:

- 1) The Authority is of the view that the applicant failed to demonstrate that the subject site is a suitable location for apartments per Regulation 9(8). In this regard, the Authority is of the view that the proposed apartments are not in keeping with the character of the area in terms of mass, scale and intensity of use and this will detract from the ability of surrounding land owners from enjoying the amenity of their properties.

**AGENCY COMMENTS**

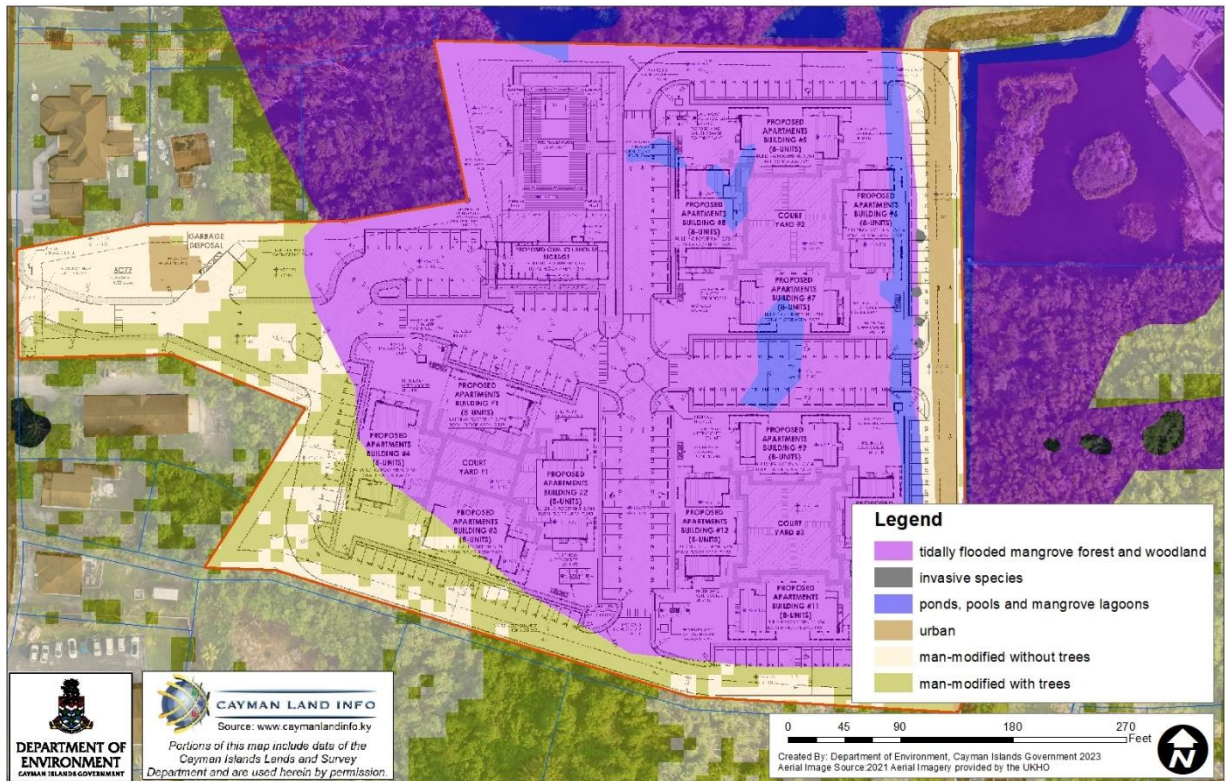
The Authority received and considered comments from the Department of Environment, Water Authority (Cayman), Department of Environmental Health, National Roads Authority and the Fire Department.



## Department of Environment

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

*The application site consists primarily of tidally flooded mangrove forest and woodland (refer to Figure 1) and features several ponds or pools.*



*Figure 1: Land cover map overlaid on proposed site plan, note the majority of the site is covered by tidally flooded mangrove forest and woodland (Source: DoE, 2023)*

*The site is very low lying, averaging around 1 foot above Mean Sea Level (refer to Figure 2). As such, drainage is likely to be a significant concern. The proposed site plan also features a large amount of hardscaping. We recommend that the applicant considers the use of porous or permeable paved surfaces in areas of hard standing such as the driveways and parking areas. The low elevation of the site should be considered during the production of a storm water management plan. The level of the site relative to the water table is likely to mean that commonly used drainage systems such as catch basins and deep wells are likely to be much less effective. The proposed site plan features a number of courtyard areas which could be used to incorporate sustainable urban drainage systems (SUDS) such as detention basins or retention ponds. This would not only improve the drainage of the site, but also the surrounding area.*



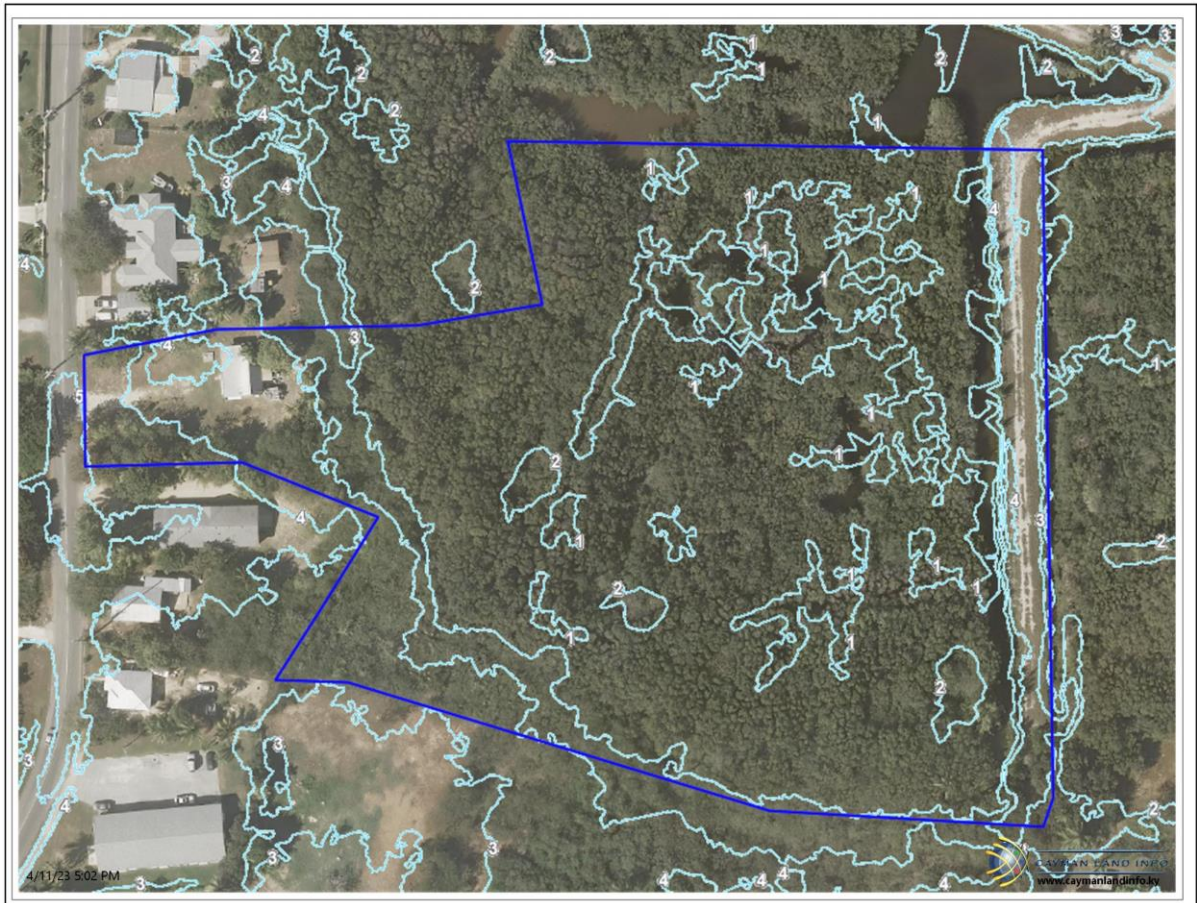


Figure 2: Site contours overlaid on 2018 aerial imagery (Source: LIS, 2018)

*We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and the amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services. Stormwater management, flooding and drainage could all be greatly improved by retaining as much of the original wetland vegetation as possible.*

*We recommend that wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over proposed parking spaces.*

*Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, the DoE recommends the inclusion of the following condition in any planning permission:

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

### Water Authority Cayman

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

#### Wastewater Treatment and Disposal

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

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 15,600 US gallons per day (gpd), based on the following calculations.**

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Building 1	5 x 1-Bed Units	150gpd/1-Bed	750	750
Buildings 2 – 12	66 x 1-Bed Units	150gpd/1-Bed	900	9,900
	22 x 2-Bed Units	225gpd/2-Bed	450	4,950
Gym, Clubhouse, Storage	4,249 sq. ft.	0	0	0
Cabanas	4 x 144 sq. ft.	0	0	0
<b>TOTAL</b>				<b>15,600</b>

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

#### Water Supply

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

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

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

**Department of Environmental Health**

**Solid Waste Facility:**

*This development requires (2) 8 cubic yard container with three times per week servicing.*

**Table 1: Specifications for Onsite Solid Waste Enclosures**

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
(2) 8	20	10	5.5	0.5	Water (hose bib), drain, Effluent Disposal well; guard rails

***NOTE:***

*The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority’s specifications. Contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) for deep well details.*

**Swimming Pool:**

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

**National Roads Authority**

*As per your memo dated March 23<sup>rd</sup> 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

***General Issues***

*The NRA request that the CPA have the applicant provide and consider,*

- 1. A phasing plan for the project;*
- 2. The area is prone to flood and if this application is approved it **will** cause major flooding issues for homes etc. around it, therefore, the applicant needs to think more holistically. The applicant needs to keep in mind the intensity of the site as well as the use of fill and how it will affect the surrounding parcels; simply stated the SWMP will guide how the site is designed.*

Therefore, the NRA requests that the CPA have the applicant develop a strategic SWMP not just for the site but for the area as a whole considering the most recent development on Block 5C Parcel 442; and

- How will access be provided for a variety of parcels (specifically Block 5C Parcels 183, 66, and 65) in the area, who at the moment only have access off of a six (6) ft. public road.

Please have applicant revise,

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

**Road Capacity Issues**

The traffic demand to be generated by a residential development of ninety-three(93) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, and 0.62 respectively. The anticipated traffic to be added onto Willie Farrington Drive is as follows:

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 20% In</b>	<b>AM Peak 80% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 65% In</b>	<b>PM Peak 35% Out</b>
<b>618</b>	<b>47</b>	<b>9</b>	<b>38</b>	<b>58</b>	<b>38</b>	<b>20</b>

Based on these estimates, the impact of the proposed development onto Willie Farrington Drive is considered to be moderate.

**Access and Traffic Management Issues**

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

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

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



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

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

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

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

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

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

## **Fire Department**

The Fire Department has stamp approved the drawings.

## **OBJECTION LETTERS**

### **Objector 1 – Letter #1**

*The objection made to the Application is mainly in relation to a Low Density area having a Buffer Zone to ensure that it is not destroyed during the development as projects continue to grow larger in the Cayman Islands. We reserve the right to make further submissions, especially in light of any response that might be issued by the Applicant in relation to any Regulation question that might be posed. We would be grateful if you would place this letter before the Central Planning Authority (CPA).*

#### **The Buffer Zone:**

*Where the development is going to be located is in the vicinity of a buffer zone of an integral area. The buffer of mangroves has long served for protection during hurricanes. It has protected erosion in this area and property value.*

- 1) The buffer area is very wet and swampy as it never seems to keep dry. This is important to note and important to surface water runoff. The site plan accounts for a drainage catchment and a deep well unlikely to be insufficient. The Notice of Application for planning permission is for proposed apartments (building 1-12 ) etc. whereas the site plan information shows up to 12 Building areas, a lot of construction digging would take place for a saturated area to be disturbed. We ask the Central Planning Authority (CPA) to consider this in the proposed development as this is an established residential area on Willie Farrington Drive and zoned Low Density.*
- 2) This application also needs to be looked at in the nature of conservation of the kept flooded mangroves. Attached is an extract of a previous application in respect of The Willie Farrington Drive area which came before the board on July 6, 2022 which a review was provided by the Director of Environment (DOE) where the applicant was encouraged to retain the mangroves in the northeastern corner of the site. The proposed development falls close by and would be a harmful precedent if approved. This is important for the CPA to be minded of this buffer area offering to the privacy to the neighbours as well. Section 26 of the Development and Planning Law sets out the Mangrove Buffer on the Development shall not be subject of development or clearance other than by the person authorized in that behalf by the authority and to the extent and in the manner, if any, directed by them.*
- 3) It is a well know area that is within a flooded risk area, the drainage as far as one would say is insufficient from the application to satisfy us.*
- 4) The applicant needs to make clear that the Zoned Buffer must be retained and should be identified on the site plan.*

- 5) *There is a certain amount of wild life in the zoned area. Failure to comply during development and cause damage should it occur then there should be a penalty not as in some cases nothing happened.*

Low Density Area

East Side of Willie Farrington Drive:

- 1) *The development should respect the surrounding character area. The area on the proposed side of Willie Farrington Drive is dominated by low density single storey houses. This development would be less uniform.*
- 2) *The proposed development should not be significantly higher than those found on this particular east side of Willie Farrington Drive as the homes are all single storey buildings in keeping with that side of Willie Farrington Drive as this is an established residential area.*
- 3) *The development could have a damaging effect in changing the neighbourhood particularly to that side of Willie Farrington Drive due to the current layout. If this application is approved in a low density area definitely there will be concerns about possible future development.*
- 4) *It is also noted that the road side to the east of Willie Farrington Drive of the proposed development the density of the proposed new development is out of keeping with its surroundings and loss of amenity for neighbouring houses.*
- 5) *Other Impacts: This would include increase in traffic, noise and could be an element of nuisance as well as the loss of privacy in respect to the homes on this east side where the development is proposed.*

Notice of Application for Planning Permission

*From the envelope of posting it appears that the notice was sent by ordinary post as there is no evidence of sending it in a prepaid registered letter or by a certified mail addresses which appears not to be duly served as per Section 40 of the Development and Planning Law. Whether you feel this trivial service should be properly done. Checked with the post office and has confirmed that the letter was sent by ordinary post.*

*We hope that this application is denied or if it should be approved that conditions be put in place based on what has been stated.*

**Referenced attachment in Letter #1**

**2.20 REBECCA MOORE Block 4D Parcel 494 (P22-0430) (\$1,000) (NP)**

*Application for  
land clearing.*

FACTS

*Location*

*Zoning*


<i>Notification Results</i>	<i>Private Road off of Willie Farrington Dr.</i>
<i>Parcel size</i>	<b><i>Low Density Residential</i></b>
<i>Parcel size required</i>	<i>No Objections</i>
<i>Current use</i>	<i>15,158.8 sq. fl.</i>
<i>Proposed use</i>	<i>10,000 sq. ft.</i>
	<i>Vacant</i>
	<i>None</i>

*Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the timing of the proposed land clearing given there is no approved development application for the site.*

**AGENCY COMMENTS**

*Comments from the Department of Environment are noted below:*

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

 *The application site consists of a mixture of tidally flooded mangroves (primary habitat), and man-modified areas along with secondary growth as shown in Figures 1 and 2. -*



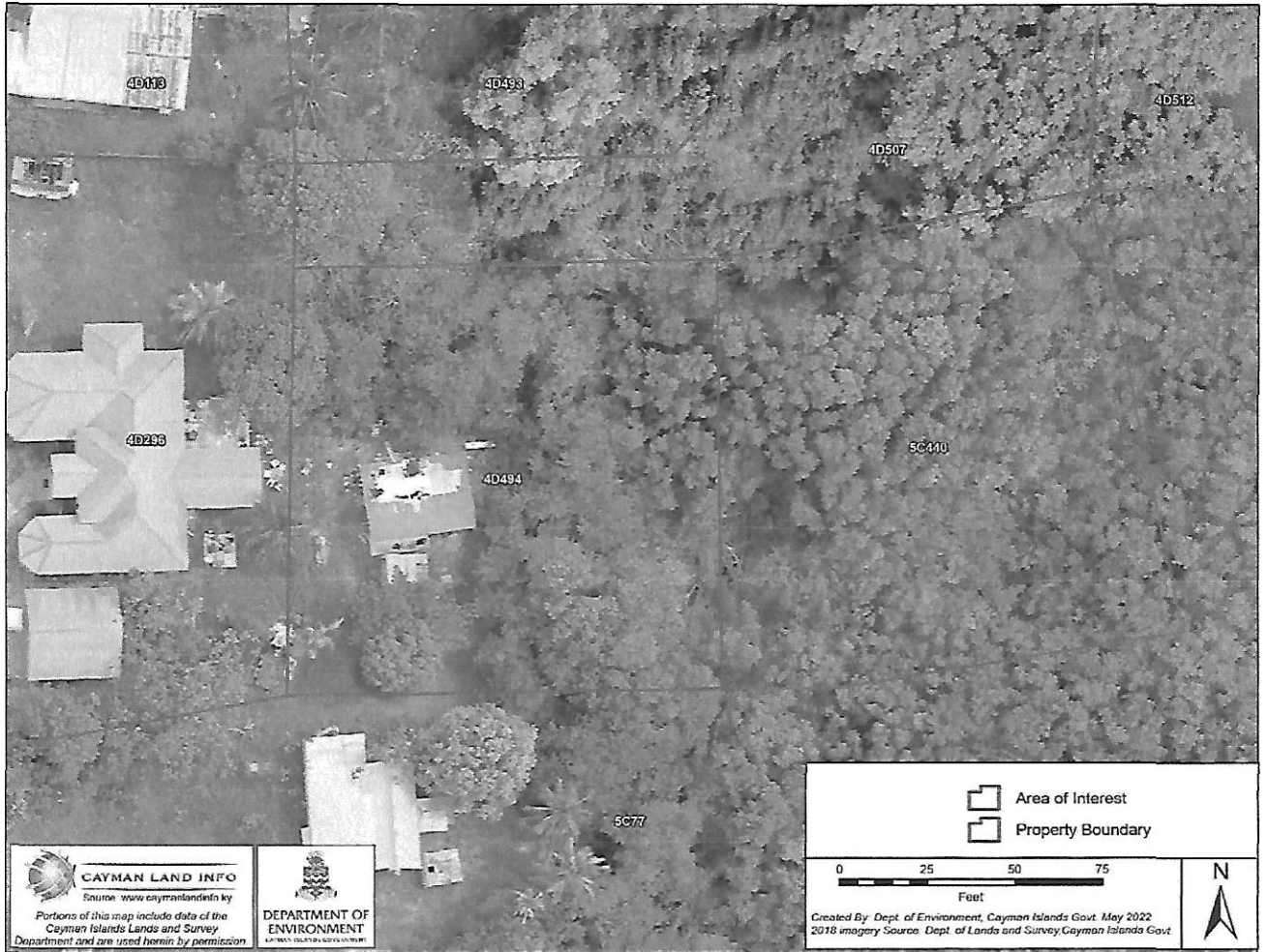


Figure 2. LIS 2018 Aerial Imagery showing the Application Site outlined in red

*Justification for the land clearing has not been included in the applicant’s submissions, therefore, the DoE considers the proposal to be speculative clearing. The DoE does not support speculative clearing of parcels prior to planning permission for development being granted. We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Once planning permission has been received, the DoE encourages applicants not to undertake land clearing until development is imminent to allow ecosystem services to continue to function until they are ready to begin construction.*

*However, it is noted that that there is any existing structure on site as shown in Figure 2 and that much of the site is man-modified with regrowth around the existing structure. Without a rationale for the clearing we would encourage applicants to retain as much native vegetation as possible to incorporate into the landscaping scheme. We particularly encourage the applicant to retain the*

*mangroves in-the northeastern corner of the site.*

*Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. The retention of primary and secondary regrowth allows for the continuation of ecosystem services benefits for the property owner and surrounding area such as:*

- Providing habitat and food for wildlife;*
- Assisting with the management of run-off and drainage;*
- Reducing the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land (which releases carbon dioxide into the atmosphere); and*
- Providing sound and privacy buffers from neighbouring properties and development.*

#### APPLICANT'S LETTER

*Currently the reason for clearing my land is to remove a shed and overgrowth.*

#### PLANNING DEPARTMENT ANALYSIS

##### General

*The subject property is located on a private driveway off of Willie Farrington Drive in West Bay.*

*The property is currently occupied by a shed and the application is to clear the parcel to the boundaries.*

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

*The DOE has noted that there are mangroves in the northeast corner of the property and these should be maintained at a minimum.*

##### Zoning

*The property is zoned Low Density Residential.*

#### Objector 1 – Letter #2

*This 2<sup>nd</sup> application is for the purpose of proposed new unit count from 93 units to 95 and from 115 bedrooms to 119 bedrooms; and a front land with setback variance of 13 feet. This objection letter with the one dated March 21 2023 should be read together as it is for the development of the same parcel mentioned in the above captioned matter to fully encapsulate both objection letters.*

*Objections:*

*Setback Variance to 13 feet*

*The proposed request for 13 feet variance does not meet the required set back of 20 feet for the type of buildings proposed on the above mentioned parcel of land. (Regulation 9 (7) (i)). The Department should fully investigate as this should not be necessary for 12 acres of land to make such a request. The Central Planning Authority (CPA) should determine this site if there is sufficient reason to ask for a variance.*

*Low Density Residential*

*The reason why this application should be denied is that it is out of line of the character of the neighborhood which is exclusively single storey family homes. In a residential area the applicant shall ensure that the massing, scale, proportion and design of such development are consistent with the historic architectural tradition of the Islands. (Regulation 9 (1)). This is simply a huge development into a small area that is zoned low density residential. On the Willie Farrington Drive itself (not to be confused where the bypass comes out) there is no such buildings as those proposed by the Applicant. If a serious count was taken from the north to the south of Willie Farrington Drive (see attached Registry Map Extract) that is from the junction to Batabano and Mt. Pleasant then to Fosters Republic junction it would proven that there is less than 40 residential homes. A view of the Aerial photography will definitely prove that this area is a very small community. This is all due to the layout of the land therefore it is for the Authority (CPA) in determining whether the applicant has satisfied the requirement of sub regulation 9 (1) to the compatibility of the buildings proposed with the land form. (Regulation 9 (2) (a)).*

*It is only recently in over more than 30 years only 4 new single storey homes has been built on Willie Farrington Drive that is because of the layout of the land. The few lots that remain vacant are family owned. This speaks for itself why the area is zoned as low density residential.*

*Harm to the Area*

*With the surrounding low density developed area this particular large development will take from the neighbours the enjoyment of the tranquility of the area where residents have long enjoyed. This could have a negative impact of the value of properties in the area. Now to have some development of that magnitude spoil such a nice area that is home to us is a disgrace for such a peaceful area.*

*Studies have proven that when a development of this size in a low density residential area how the affects can be in respect of new buildings units whereby rents can decrease. This new development due to the large scale will change the face of the neighbourhood and more.*

*Willie Farrington Drive development as it stands is of a low density subject to the area requirement in law and should not be superseded by the development. The developer should be told that the development proceed in the manner consistent with surrounding*

*properties in order to permit the development. If this development is allowed it will only cause an impact of a high density residential when this area is zoned Low Density Residential and is clearly incompatible with the character in a low density residential area. This could be a serious breach of the law.*

*In the circumstances we urge the CPA not to approve the project to such an unreasonable development. There must be compatibility of any building with the land form.*

*It would be in the interest of the developer to sell off the land as individual plots or to build single storey buildings for sale.*

#### *Mangrove Buffer Zone*

*The proposed development location will result in loss of mangroves and their ecological function. It should be noted that the Ramsar Convention has been extended to the Cayman Islands to keep our mangroves alive according to the Convention. In considering any matter relating to a Mangrove Zone the CPA shall have regard to the ecological function by the mangroves (Regulation 18(1)).*

*Planned area developments in all areas are permissible of the island and in all zones, except Industrial, Public Open Space AND MANGROVE BUFFER. (Regulation 24(3)).*

#### *Type of Land on which the proposed buildings will sit.*

*The development site consists of tidally flooded area that is considered primary habitat which is likely would need to be filled in to build up the site. This could result in higher ground for water runoff to **affect surrounding residential properties causing flooding to their homes. This would be critical to those homes. It must be ensured that the surrounding properties nearby is not subject to flooding.***

#### *Traffic*

*Traffic from the development of the apartments will lead to the main Willie Farrington road from the development and certainly owners from the apartment units would rather use Willie Farrington Drive to get on the bypass rather than the south intersection opposite the Fosters Republic since it is closer by to the proposed voluminous apartments units. The 12 acres for the proposed development has no other way of making a right of way from the property on to the bypass since the other properties are not owned by the developer which will result in a large volume of traffic each day. The traffic impact in such a low residential density will affect the residents greatly and has to be considered as a serious objection as the purposed development is not a small one.*

#### *Loss of Air and Light*

***The development as to air and light will be an impact to the closest surrounding properties as the project will be detrimental. These surrounding properties are occupied by single storey homes. The development should be consistent with historical architectural and traditions of the islands. (Regulation 9 (1)).***

Noise

Noise could be a contributing factor from such a large development creating a nuisance such as audible noise. There are 4 cabanas for the proposed development.

Conclusion:

**It is believed that the proposed development is a direct contravention for a Low Density Residential area. This development does not respect the local context of the area in particular the scale of the development and height of the buildings and would be entirely out of character of the area and detrimental of the whole of Willie Farrington Drive itself.**

It should further be noted that some of us residents having other properties on Willie Farrington Drive which we believe falls within the radius of the proposed application have not been served with the Application Notice. Should that be the case we expect to be properly served and the application should not be allowed to proceed until that is done.

For the reasons outlined in the foregoing objections this application should be denied in its entirety.

Attachment submitted with Letter #2

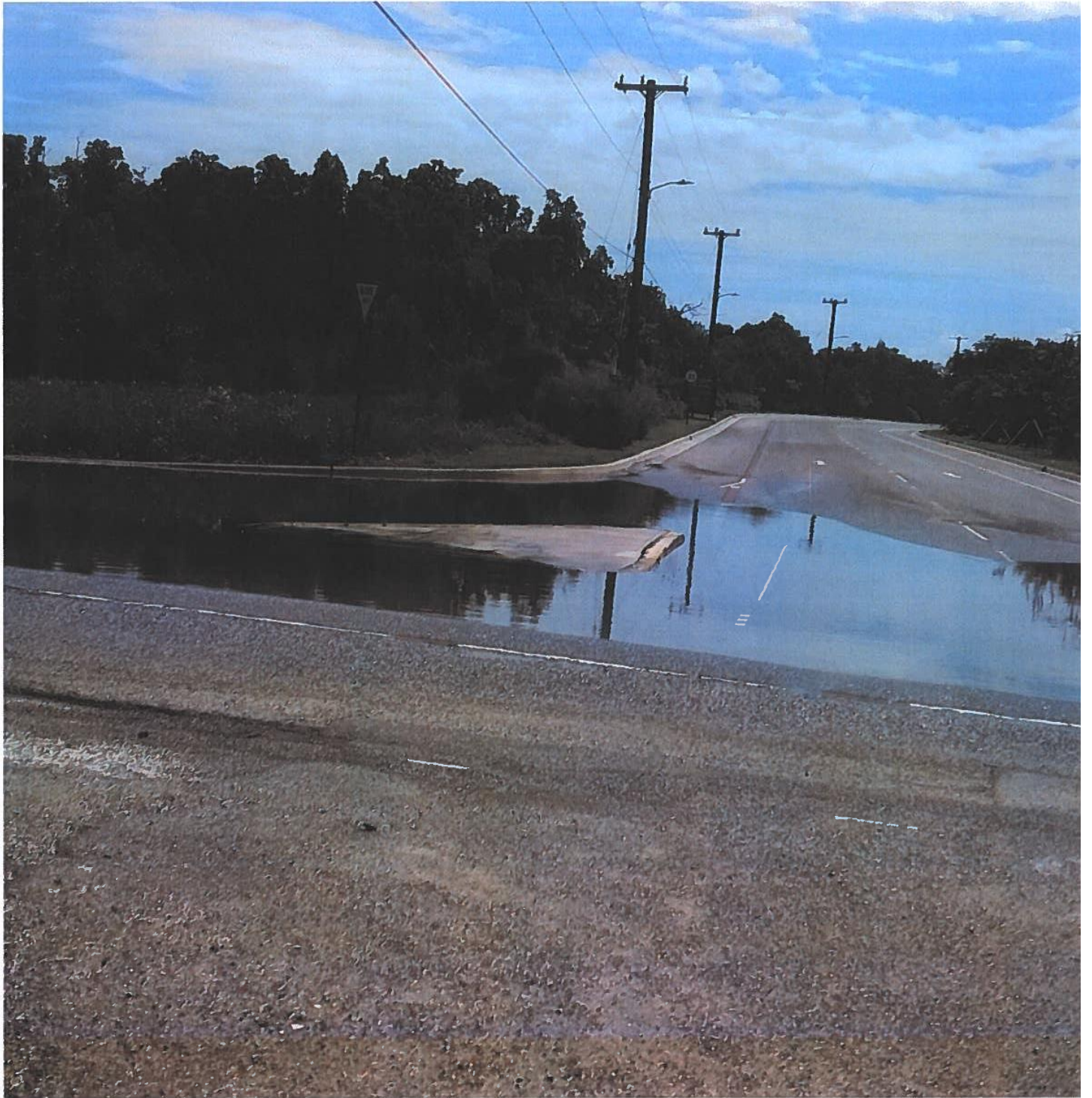




**Objector 1 – Photographs**



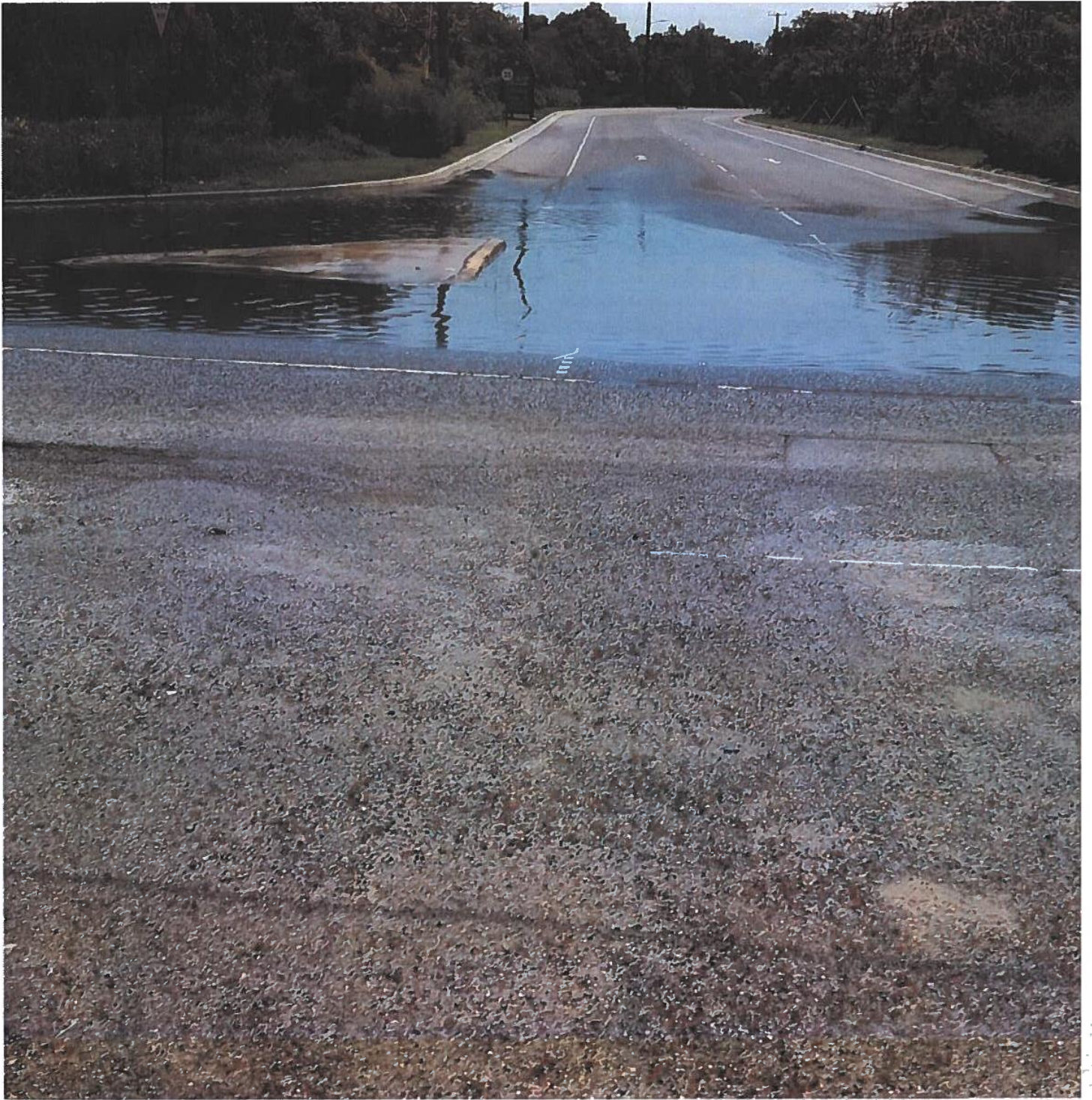












## **Objector 2**

*I am writing to lodge an objection to the above referenced application for planning permission. This objection is being made because the property is located in a low density area having a Buffer Zone and because it will alter the character of the neighborhood and have a major impact on the traffic flow. Although the current application is for a 12 unit block of apartments, the longer term plans show a much larger development. I reserve the right to make further submissions, especially in light of any response that might be issued by the Applicant in relation to any Regulation question that might be posed. I would be grateful if you would place this letter before the Central Planning Authority (CPA).*

### **Objection No. 1 — Buffer Zone**

*This development is going to be located in the vicinity of a buffer zone which is an integral area as it has long served as a buffer that protects the neighborhood during hurricanes. It should be noted that during Hurricane Ivan the sea caused damage to homes in the area with this buffer intact. If this buffer is removed, it could be catastrophic for the houses in this area when faced with another hurricane as intense as Ivan. There is also a certain amount of wild life in the zoned area and this development will disturb their natural habitat.*

### **Objection No. 2 - Low Density Residential Area**

*This area currently consists of one story private single residences and this development should respect the character of this area. The proposed development should not be significantly higher than those currently in this area. A development of this magnitude will cause an increase in traffic and will completely change the neighborhood increasing the noise level and privacy of existing residents.*

*Accordingly, I am respectfully asking that this application is denied or if approved that conditions be put in place to address the above concerns.*

## **Objector 3 – Letter #1**

*I am pleased to have an opportunity to comment on to the above development.*

*My main concern centers around the safety of the neighborhood. I am very concerned about the possible loss of the mangrove or other natural buffer and flood runoff. Therefore I am urging you to ensure that this development and the surrounding areas are adequately protected since it appears that a good portion of this parcel is deep Mangrove wetland.*

*Deep wells offer virtually no protection from a tidal flood on the scale previously experienced.*

*Based on my experience with flooding from the North Sound during hurricanes Ivan and Gilbert and keeping in mind the changes since then, it is more than likely that in another similar event my property and my neighborhood, including the planned development, would be devastated by the flood. The previous floods brought waves, including fish, other sea creatures and plenty of debris into my property. In Ivan my house was flooded and my garden destroyed from over 5 feet of seawater. Property to my south experienced even higher flooding.*

*The changes since that time include the destruction of much of the buffer zone that protected our homes and families. In addition, other inland developments, including this project, that cover the porous ground with cement, add to the risk of catastrophic flooding. It is worth noting that the storm surge from hurricane Ivan came in during low tide, otherwise the losses would have been unimaginable.*

*My other concern is the noise, pollution, disruption, accident risk and traffic congestion created by the possibility of over 200 cars entering and exiting on the otherwise relatively quiet Willie Farrington Rd. This will be challenging for residents of the project especially during peak hour traffic, and a frightening prospect in the event of a fire or other emergency causing mass evacuation. I feel strongly that this project poses a serious accident risk to its residents and other road users.*

*Thank you for taking these concerns seriously and including your professional advice when submitting this message along with the relevant submission to the CPA.*

### **Objector 3 - Letter #2**

*Further to my letter of 26th March expressing concerns and seeking information on the above development I am in receipt of the second planning notice regarding additional units and rooms and a set back variance.*

*I object to the addition of units from 93 to 95 on the grounds that the addition will result in greater loss of the protective buffer and the wetlands that provide for flood runoff. This has the potential to create an unsafe neighborhood involving catastrophic damage and loss of life from flooding.*

*I object to the increase in the number of bedrooms to 119 on the grounds that this is not in keeping with character of the low density neighborhood.*

*I further object to the increase in the number of bedrooms on the grounds that by introducing some 200 new vehicles into the neighborhood the project will have a detrimental effect on the safety and well being of the neighborhood and other users of Willie Farrington Road.*

*I object to the variance and this cannot be justified when there are several acres of land on which the project could be designed in compliance with the Law.*

*I would appreciate it if this objection is submitted to the CPA to be read with my letter of 26th March and I trust that these objections and concerns will be taken seriously.*

## **APPLICANT'S LETTER**

*Further to the application submitted in relation to the above referenced Project, we hereby request for a Lot Width Variance which requires a minimum 100' in a Low-Density Residential Zone*

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

- (1) Under Regulation 8 (13)(d), the adjoining property owners have been notified of the application.*
- (2) Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We'd like to present the following points for consideration:*
  - a. While the lot width adjacent to the main public road is at 87'-1" and below the required 100' minimum width wide, due to the irregular shape of the property.*
  - b. In consideration of the irregular shape of the property, the width of the general concentration of the development is approximately 418' wide and the entire lot size is more than sufficient to sustain the full capacity of the development.*
  - c. The design of the entire development does not intrude, obstruct, or disturb the existing community and neighborhood.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Willie Farrington Drive in West Bay.

The proposal is for 95 apartments with 119 bedrooms and parking for 219 vehicles.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability for Apartments**

Regulation 9(8) states that apartments are permitted in suitable locations in a Low Density Residential Zone.

The Department has reviewed the GIS mapping for the area and would note that there appears to be apartments and townhouses existing to the east and south of the subject property.

The Authority should discuss whether the area is suitable for the proposed number of apartments.



## 2) Lot Width (99.9' vs 100')

Regulation 9(8)(g) states that the minimum lot width for townhouses shall be 100 feet.

The subject parcel has a minimum width at the road of 87 feet.

The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

### **SUPPLEMENTARY ANALYSIS**

Subsequent to the decision to adjourn the application on July 19, 2023, comments from the National Roads Authority have been received and are noted above. Also, the Department has confirmed that all objections on record are now contained within the Agenda. There have been no changes to the plans.

At 2:00pm, Jonathan Murphy and Daniel Bond joined the meeting via Zoom on behalf of the applicant and Mary Ann Villanueva and Kathleen Runas appeared in person as their agents. Ezmie Smith, Jenny Manderson and Gwendolyn McLaughlin appeared as objectors on record. Three other persons signed the attendance sheet, but they are not official objectors on record. Summary notes are provided as follows:

- The Authority explained the meeting procedure and asked the applicants to present the application.
- Ms. Runas read from her speaking notes as follows:
  - Compliant to regulations, applicable to Low Density Residential Zone, mainly in terms of type of occupancy (which is an apartment), site coverage, building height, unit and bedroom density, parking density, setbacks and such.
  - Several apartments of different size, scale, and design exists within the 500radius vicinity of the property, and of the same land zoning (LDR)
  - Variation ranges from single story, 2-storey to 3-storey, of different architectural features from traditional to modern minimalist, which is also recognizable with existing residences in the area.
  - This suggests that the neighborhood has a varied architectural landscape, accommodating different preferences and design aesthetics. It also indicates that the existing zoning regulations allow for a mix of housing types and styles within the area.
  - While the lot width adjacent to the main public road being below the required minimum width of 100 feet at 87'-1", the proposed structures are situated approximately 300 feet from the road. This distance from the road takes into account the irregular shape of the property.
  - The wider section of the development, measuring approximately 418 feet wide, compensates for the narrower portion adjacent to the road.
  - The general landscape of the site development and its ecology of each buildings design recognizes and will address the balance of our coexistence

with nature.

- In consideration of any disturbance to the natural environment, the development is committed to addressing any negative impacts.
- Approximately 40% of the entire development is dedicated to open and green spaces, and only 18% of built structure, there will be ample opportunities to introduce new vegetation while preserving existing identified green areas. Not only can this area revitalize the spaces that will be disturbed by the construction, but it can also help in the mitigation of potential flooding and future climate concerns.
- Proper softscaping may also reduce potential of flooding with the native, endemic and species with high-water absorption. Introduction of other beneficial plants that encourage biodiversity, can also promote a healthier and more secure environment for the neighborhood and its natural environment.
- Ms. Runas advised that a stormwater management plan was submitted on August 10, but she's not sure if it is in the Agenda. The Authority asked what plan she is referring to. Ms. Villanueva advised that a stormwater management plan was submitted on August 10 for NRA's review with a retention pond proposed and the use of porous pavement for the driveways and sidewalks.
- Ms. Runas continued with her speaking notes:
  - Other than the Storm Water Management Plan in place, the following are taken into consideration to address flood risk:
    - Cluster courtyards were put in place to consider development of potential retention ponds (with land area of approximately 12,000-15,000 square feet.) if in case Storm Water Management in place is deemed insufficient.
    - About 45% of the site is allocated for the road networks, pedestrian, and utilities wherein, citing the assessment and recommendation from DOE, it has the potential to introduce new catch basins, and with the use of pervious paving, reduce impact of flooding within the site and the neighborhood itself.
    - Noting that Block 5C Parcel 442 is also provided with a retention pond located in the immediate perimeter or boundary adjacent to 5C77/the lot
    - In addition to the previous remarks on the diversity of developments in the area within the 500' radius from the site, the following were also taken into consideration:
      - The parcel was rightfully assigned as a Low-Density Residential Zone
      - The proposed development complied in the maximum allowed apartment units with below maximum required bedrooms.
    - The additional 2 units added are still within the regulated capacity of the zone of the property. Added units were both 1-Bedroom giving a total of 119 Bedrooms, which is still at least 22% below the maximum capacity of the area for a low-density residential.

- The highest proposed structure is at 27' and is still below the maximum height of 40'
- The proposed structures are located at nearly 300feet from the main road and are not visible from the main road or from majority of the neighborhood or to a point that it will neither intrude nor disrupt the character of the community.
- In addition, the site has sufficient open space for landscape and canopy trees not only concealing the development from the main road, but will also help benefit the neighborhood.
- In relation to concerns related to privacy, noise and pollution, the following design elements and design consideration are in place to address as such:
  - The proposed pool and 4 cabanas are to be located with approximate distance of 240' to the nearest neighbors
  - The distance of nearest neighbor to any of the proposed apartment buildings measures at approximately 130'
  - All structures are enveloped with landscaping buffers throughout the site boundaries.
  - These green spaces for landscape buffers provide privacy for both the future tenants and the current residents.
  - Landscape buffers also provide acoustic control to any possible noise that may come from the development, especially the pool area.
  - The high density of potential landscape spaces will also help control perceived pollution in the community.
- Additional considerations to reduce pollution are in place, especially in relation to traffic and vehicular circulation.
- In relation to vehicular traffic and any threat it may pose to the neighborhood, the following have been taken into consideration:
  - The proposed buildings are located approximately 292' from the main entry. No habitable structure is proposed in the entire stretch of the main entry road reducing potential traffic disruption.
  - The proposed development is situated along an existing dirt road connected to John Jefferson Sr. Drive. If or when developed, it will provide alternate access to and from the proposed development.
- The design took into consideration alternative and sustainable transportation for future residents and in support of the Cayman Island Government's goal to strengthen public transportation and promote energy-efficient and environmentally friendly transportation.
- 32% of the proposed parking slots are specially dedicated to eco-friendly means of transportation. From Electric Vehicle, Hybrid Cars, to Bicycle and Scooters. 36% of which are convertible to bicycle and scooter parking/storage accommodating about 125 bicycles for both residents and guests or equivalent

- of more than 1-2 biker per unit.
- The site has access to an Electric Vehicle Charging station at about 1,000 feet from the development and is a 5-minute walking distance from public bus access to promote the use of public transport.
- Bike-friendly sidewalks and lanes
- Access to bike lanes along John Jefferson Sr. Drive
- Direct access to showers and changing room at the club- house/gym for bikers.
- In addition, per NRA's assessment, the traffic impact of the development to Willie Farrington drive is considerably moderate. Options for alternative and sustainable transportation in place, perceived traffic can be greatly reduced and will contribute to the government's sustainability goals.
- The project commits to adhering to a holistic approach for the SWMP design to guarantee that post-development stormwater run-off does not aggravate or contribute to the flooding concerns of the neighborhood.
- To be provided:
  - Phasing plan for the project
  - Holistic approach in the SWMP
- The projected general impact of the development to the community is aimed to benefit both the future and the current residents and extended to contribute to the government's goal for sustainable development and economic growth.
- The design has also taken into account energy-efficient measures (has nearly 30K sq ft of roof area for potential for RE generation for future retrofits, use of high SRI materials to use heat-island effect, etc), proper waste management, climate impact mitigation and environmentally conscious practices throughout the project.
- 20 North is extending these goals from the design itself to the construction process, securing proper waste handling and safe and unobstructive construction operation, to the operation and management of the development that encourages healthy lifestyle to its residents.
- The Authority explained that the NRA has advised that they want a stormwater management plan for the surrounding area, not just a site specific plan.
- Ms. Villanueva advised that they asked their consultant to do the plan and it was submitted to the NRA, but they don't have their comments yet and the plan can be revised as needed.
- The Authority asked them to clarify the statement about retention ponds and Ms. Runas replied the courtyards would be used for that purpose.
- The Authority asked for clarification about the alternative parking they mentioned and Ms. Runas explained that there will be dedicated parking for hybrid cars, bicycles and electric vehicles. The Authority asked how that would be controlled



in practice and Ms. Runas advised that they would just be dedicated spaces for priority parking.

- The Authority noted that on page 39 of the Agenda in the NRA comments, they ask the CPA to ask for a phasing plan. Ms. Runas noted they are working on one. She noted that the development on 5C 442 which is next to this property has its own stormwater management plan.
- The Authority noted that they mentioned an alternative access to John Jefferson Drive. Mr. Runas explained there is a dirt road behind the property and it runs along 19 North, but it is not part of this development yet.
- The Authority asked where on Willie Farrington is there anything like this development. Ms. Runas replied the closest would be 19 North. She noted there are other similar developments that are not on Willie Farrington, but are within a 500' radius.
- The Authority asked the number of storeys of the buildings and Ms. Runas replied 2 storeys and 27'.
- The Authority asked once the site is filled and graded how much higher than the main road will it be.
- The Authority noted that this area is low lying and asked how they will mitigate drainage onto the neighbours land.
- Ms. Runas noted that regarding stormwater everything will be contained on site, nothing will be added to the neighbourhood. She explained that the area near the entrance can also be used as a water retention area.
- The Authority asked if they build the site to 10' and the rest of the area is at 5' don't they think there will be major flooding for the area. Ms. Villanueva responded that currently the finished site grade will be 4.5' and the finished floor level will be 5.5' and the stormwater management plan is based on those levels.
- The Authority noted that they have indicated using alternative parking, but they have way more parking than they need which makes stormwater management worse because there is more hard surface and it is difficult to determine what is their priority. The Authority explained that the more parking there is the more hard surface there is and it invites more cars and will flood onto the road. The Authority noted that the NRA says traffic impact will be moderate and that is dramatic for the NRA to say this.
- The Authority asked for clarification about their statement that at 19 North the stormwater management techniques were successful. Ms. Runas replied that Mr. Murphy would be better able to address that point.
- Ms. Villanueva noted regarding the amount of parking, the Cayman Islands are not very bike friendly and while the Government is trying to promote alternative transportation and reduce the number of cars, they can't make that happen right now.
- The Authority noted that an electric vehicle is still a car and impacts traffic.

- Mr. Murphy explained that regarding 19 North he was the principal for that development and yes, they found the stormwater management to be very effective with the use of deep wells and grading to contain runoff within the boundaries. He noted that they will design the stormwater management plan here to also contain drainage within the site. Regarding sustainability, he noted that it is difficult to address, but they follow the Regulations and Government initiatives. He noted that residents in 19 North have cars and bicycles and they use their bikes because the site is close to other areas.
- The Authority noted that they have said this site backs onto 19 North and are they saying they can use that as an alternate route. Mr. Murphy replied they are not in control of the adjoining land, Crymble owns it. He noted they have designed this project with the community in mind and the building heights are in line with what is on Willie Farrington.
- The Authority noted there are several objectors and asked if there would be one speaker or several. Ms. Smith advised that there should be several as they all have different reasons for objecting.
- Ms. McLaughlin provided several comments:
  - This a low area and floods
  - 19 North filled their site and now with this proposal she is concerned about flooding in a hurricane
  - The developer says there will be 80% structures and 20% green areas and 80% is very high
  - She doesn't buy the idea that people will use bikes and traffic will increase tremendously
  - She is concerned about flooding and NRA says this development will cause flooding
  - This is not in keeping with the character of the neighbourhood, there is nothing like it in the area
- Ms. Manderson provided several comments:
  - She shares the concerns of her neighbours
  - There is no stormwater management plan that will satisfactorily address the loss of swamp, trees and the soakaway
  - If the Regulations speak to development presenting danger then this project present danger and lives could be lost
  - Flood water won't stop here, it will go further
  - Regarding traffic she takes the point that moderate has another meaning
  - There will be serious traffic jams at peak periods
  - If there are just 100 cars pouring out of this development they will disrupt the neighbourhood

- This is completely out of character with the neighbourhood
- There is nothing like it nearby other than 19 North, but that isn't near here and is on the highway
- She didn't object to 19 North, but this is different and will create a danger regarding flooding and traffic
- Ms. McLaughlin noted that her yard floods all the time, it doesn't take a hurricane
- Ms. Smith provided several comments:
  - What she has heard from the applicant doesn't give what is needed to approve the application
  - She has given reasons why it should not be approved
  - She takes it the CPA has read their concerns
  - This will be a death trap
  - In Ivan, water from the pond ran all the way to Elizabeth Street
  - They mention a dirt strip and she is aware that it is on Crown land and she is a member of the Public Lands Commission and this project should not interfere with Crown land in any way
  - Low density means low density, high density means high rise
  - One of her exhibits shows you can't get 50 houses on Willie Farrington on both sides of the road
  - The site is only 87' wide on the road and Regulation 9(8)(g) says it needs 100'
  - Vehicles leaving the site will cause accidents
  - She is not aware of other apartments on Willie Farrington although she is aware of a house that was turned illegally into apartments
  - She thinks members should visit the site to better understand what is proposed
  - The entrance to 19 North is always flooded
- Ms. McLaughlin noted that it just takes high tide and this site floods
- The Authority advised that the objectors' points are extremely valid and will be taken into consideration.
- Ms. Smith advised that her neighbour told her she had 1.5' of water on her site during Grace
- The Authority noted that the NRA comments spell out concerns about flooding and the Authority rarely sees NRA say traffic impact will be moderate and they never ask for a stormwater management plan for the area, it's always just for the site.
- The Authority noted to the applicants that they need to be clear that they understand what NRA is asking for and noted that NRA's point 1) is very unusual

as it asks for a phasing plan for the project. The Authority asked if the applicant's stormwater management plan takes into account NRA's comments.

- Ms. Runas replied they understand what NRA is asking.
- Ms. Villanueva replied that they made sure the consultant is aware of NRA's comments in order to calculate the number of deep wells and catch basins. She noted that everyone is concerned about stormwater management. She asked if the CPA checks the stormwater management plan.
- The Authority advised that those plans are reviewed by the NRA. The Authority noted that the plan needs to be strategic for the area as a whole and asked if they understand that. Ms. Villanueva replied yes.
- The Authority noted that the NRA has asked how access to other parcels will be provided as they only have access from a 6' road. Ms. Runas replied those parcels are outside the boundaries of this site.
- Ms. Smith noted that the 6' road is Crown land and is not part of the application. She also noted that when 19 North was being developed she took interest and notes that the ground floor is level with the ground because the land is too porous. That development should never have been passed because it is level with the ground because it is too porous.
- Ms. Manderson hasn't understood if there are any mangroves left on this site. She remembers an application for a house where DOE asked for mangroves to be preserved, but they didn't say anything here.
- The Authority advised this isn't a Mangrove Buffer, that is a zone.
- Ms. Manderson noted that DOE asked for some to be preserved and asked is any being preserved here.
- The Authority replied very little. The Authority noted that 19 North had a small retention pond and the Authority hasn't seen the stormwater management plan for this project so can't comment on it.
- The Authority noted that regarding suitability the members haven't heard enough from the applicant on this issue. The members have heard that the project meets the Regulations regarding density and setbacks, but have not heard about suitability. The Authority noted that a comparison of other small apartment developments to this one isn't enough and asked if the applicant has anything else to add. The Authority notes that the applicant says the project is suitable for an area that is exclusively houses and asked how that can be suitable.
- Ms. Runas explained they are treating the development as a community on its own. She noted that the entrance is 300' from Willie Farrington and there will be landscaping in front. She noted that 19 North is like a community on its own.
- Mr. Murphy noted that regarding suitability they have tried to blend in with single family houses and 19 North and the PAD that was approved across the road for Asta Medical. He noted there is a shifting dynamic for the area. He explained they are not replicating 19 North, this project is designed with a more residential tone

in mind with clusters of apartments around courtyards. The buildings have a 2000 sq ft floor plate so they are no larger than a house and they are only 2 storeys in height. He noted they designed it intentionally to be residential in scope.

- Ms. Smith noted this is the first time hearing the PAD was approved and these objectors never got notice.
- The Authority explained the PAD was approved in May, 2021, but they haven't applied for a permit yet.

**2.0 APPLICATIONS**  
**(Items 2.6 to 2.19)**

- 2.6 **WESTON WILLIAMS (IWB Architecture) Block 27D Parcel 94 (P22-0793) (\$250,000) (EJ)**  
Application for an after-the-fact duplex.

**FACTS**

<i>Location</i>	Yellowstone Street, North Sound Estates
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.30 ac. (13,068 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	duplex & ATF duplex
<i>Proposed building size</i>	787 sq. ft.
<i>Total building site coverage</i>	20.69%
<i>Required parking</i>	3
<i>Proposed parking</i>	4

**BACKGROUND**

1986 – permission granted for a house.

September 20, 2006 – The Department granted permission for an addition to create a duplex (never constructed)

September 21, 2017 – The Department issued an enforcement notice (CE17-0108).

July 27, 2018 – approval granted permission for an addition to create a duplex.

December 15, 2021 – an enforcement notice (CE21-0222) issued for the atf duplex.

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

**APPLICANT'S LETTER**

*I was told to write you a letter and request a lot size variance exemption for the addition done to my home, and give reason for wanting lenience.*

*I am not one to disobey laws are one who deliberately break polices or regulation but under the circumstances in which I am faced I saw it necessary to do what I did. I am a hard-working person who believes that no matter what life throws at me I need to find a way to overcome, the cast of living in the Cayman Island has gotten to a point where*

*living as become somewhat difficult and prices in all aspects of purchasing as gone up where my expenses have exceeded my income.*

*I have been working at the same company for over fifteen years and while my salary was ok and I was able to manage my bills, it has gotten to the point where I have to choose between food and paying my mortgage.*

*I have even gone as far as to start doing a part time job but even with that it was difficult to make ends meet. Because of this I decided to add two rental units in the back of my yard seeing that I had the space, this was done not to gain wealth or to live a life of luxury, it was done because of my financial situation, I have not left this Island for over four years and the Pandemic has made it even harder, I say this to express how desperate I am just to pay bills and to afford my mortgage and just to have the basic needs to survive in this country. This is my home and I have nowhere else to go so the little that I have which is my house I am fighting hard to keep.*

*Mr. Pandohie I humbly ask for some lenience on the addition that I have made to my property so that can keep my house and to maintain me and my family.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The after-the-fact one by one-bedroom duplex is the result of enforcement notice CE21-0222 and is located on Yellowstone Street in North Sound Estate.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Minimum lot size**

The after the fact duplex is located on the subject parcel of 13,068 sq. ft. vs 12,500 sq. ft. which would meet regulations 9 (8)(e) per duplex; however, there is an existing duplex on the subject parcel which would require a total of 25,000 sq. ft.; consequently, the applicant is seeking a 11,932 sq. ft. lot size variance for both duplexes.

Interesting to note that in 2017, CE17-0108, an enforcement notice on the subject parcel for enclosing of garage space to increase habitable space. Therefore, the subject has two duplexes with both already being occupied.

The Authority is asked to consider the merits of the applicant's letter and to bear in mind that the North Sound Estate area has hundreds of parcels that is similar in lot size and therefore should be concern for any proliferation of applications.





Photos courtesy of CE21-0222.



Photos courtesy of Google Maps.

**2.7 EVELIN MENA (Brewster’s Designs) Block 24E Parcel 486 (P23-0584) (\$60,000) (NP)**

Application for a temporary house.

**FACTS**

<i>Location</i>	Prospect Drive in Prospect
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	Not Applicable
<i>Building Area</i>	672 square feet
<i>Current use</i>	Vacant

**BACKGROUND**

February 1, 2023 (CPA/03/23; Item 2.18) – The Authority resolved to grant planning permission for a duplex on the property. (P22-0677)

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the request for a temporary house

given that a duplex was granted approval on the site on February 1, 2023.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject parcel is located on Prospect Lane in Prospect.

The property is presently vacant and has planning permission for a duplex.

The applicant is seeking planning permission for a temporary house with 672 square feet of area.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Temporary Nature of the Application**

The Authority has found over the years that many temporary houses or structures end up becoming permanent. It is noted that the permission for a duplex is relatively recent and the owner has the option to build in stages.

**2.8 LENNY HEW (Abernethy & Assoc.) Block 69A Parcel 164 (P22-1055) (\$3,773) (EJ)**

Application for a two (2) lot subdivision.

**FACTS**

<i>Location</i>	Sunnyfield Road, East End
<i>Zoning</i>	<b>AGR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	32.7 ac. (1,424,412 sq. ft.)
<i>Parcel size required</i>	21,780 sq. ft.
<i>Current use</i>	Vacant

**BACKGROUND**

April 22, 2022 – Approval granted for a two-lot subdivision (P21-1138). This subdivision created a parcel where the current plan shows lot 1. The final survey plan has been signed, but it has not yet been registered to create the parcel.

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

- 1) The applicant is required to submit a revised plan showing a 30' wide road parcel from Sunnyfield Rd to the southern boundary of proposed lot 2.
- 2) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.
- 3) Any clearing of the land, excavation or filling is subject to separate applications for planning permission with separate consultation with the National Conservation Council.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

### **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment and Water Authority (Cayman).

#### **Water Authority**

##### **Water Supply:**

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

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

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

### **Stormwater Management**

*This development is located over the **East End fresh water lens** or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of 80 ft. below the water table instead of the standard depth of 100ft as required by the NRA.*

### **Wastewater Treatment:**

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

### **Department of Environment**

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

*The application site consists of a mixture of primary dry forest and primary dry shrubland habitats and man-modified areas. These habitats are of high ecological value and provide a biodiverse habitat for native wildlife including Grand Cayman Blue Iguanas (*Cyclura lewisi*). The DoE previously provided comments for a two-lot subdivision on this site in 2021 under planning application reference: P21-1138.*

*The concerns regarding Blue Iguanas and the retention of primary habitat remain. However, the DoE does not object to the modification of the subdivision as long as Conditions 2 and 3 of the previous Planning Decision Letter (P21-1138) dated 22 April 2022 are upheld. For convenience, we reiterate our original comments regarding this site below.*

### **Blue Iguanas**

*The subject parcel falls within the natural distribution range of the Blue Iguanas that have been released into the Salina Reserve and their presence has been confirmed near Sunnyfield Road. Blue Iguanas are listed as endangered on the IUCN Red List and they are a Part 1 protected species under the National Conservation Act (2013) making them a species 'protected at all times'.*

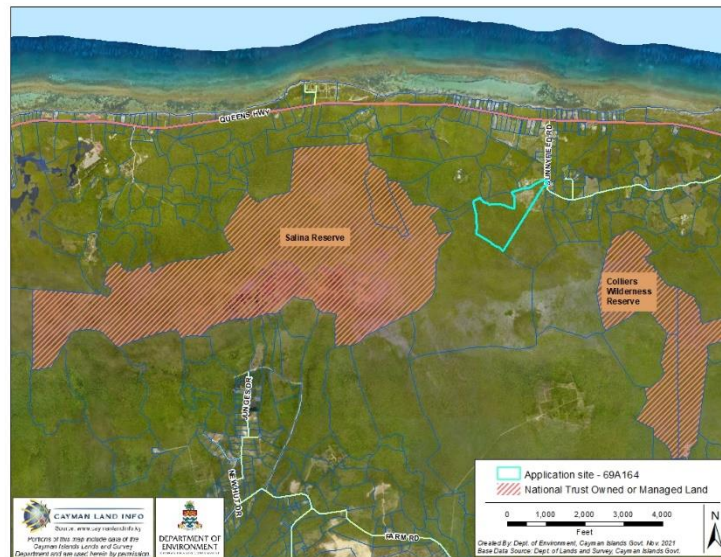
*Blue Iguanas are endemic to Grand Cayman meaning they are unique to Cayman and found nowhere else on earth. They are an iconic Caymanian flagship species and their presence serves as a valuable tourism asset. Blue Iguanas typically live solitary, territorial lives. As they reproduce and seek to establish territory the urbanisation of valuable primary habitat continues to be a concern for the future of our wild population that rely on this habitat to forage, shelter and nest.*

### **Importance of Primary Habitat**

*Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species.*

*The subject parcel and surrounding area currently serve as a wildlife corridor connecting two extremely important conservation areas: the **Colliers Wilderness Reserve** and the*

**Salina Reserve.** *Habitat loss and fragmentation are huge threats to our wildlife. Our native species have complex daily requirements that require them to travel safely from place to place, looking for nesting sites, food, water, a resting haven and shelter. With the increased urbanisation of the island, wildlife corridors are vital for the survival of our species. They bridge the gap between habitats which otherwise would be small and isolated and join them together. Linking core wildlife habitats helps to restore and preserve biodiversity, allowing movement between important habitats to maintain genetic diversity in wildlife populations. Without this, local extinctions can occur.*



**Figure 1: Aerial image showing the subject parcel in relation to the Salina Reserve and Colliers Wilderness Reserve. Base imagery source: Lands & Survey 2018 aerial imagery.**

Primary habitat can be retained and utilised in a variety of ways on a parcel:

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

*development, allowing for the movement of animals and the continuation of viable populations.*

*For these reasons, we do not support clearing beyond the already impacted area (see Figure 1). Heavy machinery can crush or bury iguanas and their nests. It is therefore crucial that **no mechanical clearing, excavation or filling takes place prior to DoE consultation**. Should minor clearing be required, mechanical clearing must not take place during the Blue Iguana nesting season (1 June – 30 September yearly) without DoE consultation.*

*Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in the Planning approval to minimise impacts to Blue Iguanas and this important primary habitat.*

- 1. There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels without planning permission for such works being granted.*
- 2. Hand-clearing should be minimal and not extend into the primary habitat.*
- 3. Any future development, clearing, filling or excavation of the resultant subdivided parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed two-lot subdivision is located on Sunnyfield Road in East End.

### **Zoning**

The property is zoned Agriculture / Residential.

### **Specific Issues**

#### **1) Road vs VROW**

The proposed two-lot subdivision is to create a two-acre (lot-2) with a 30' VROW over the remaining 30.7 (lot-1). The proposed meets all planning regulations for lot size and width; however, the Authority is asked to consider if the proposed 30' VROW vs 30' road parcel is sufficient bearing in mind the potential future development for remaining lot-1.

## **2.9 GEORGE P. EVANS (Brewster's Designs) Block 45A Parcel 202 (P23-0058) (\$30,000) (NP)**

Application for an after-the-fact shed, containers & porch.

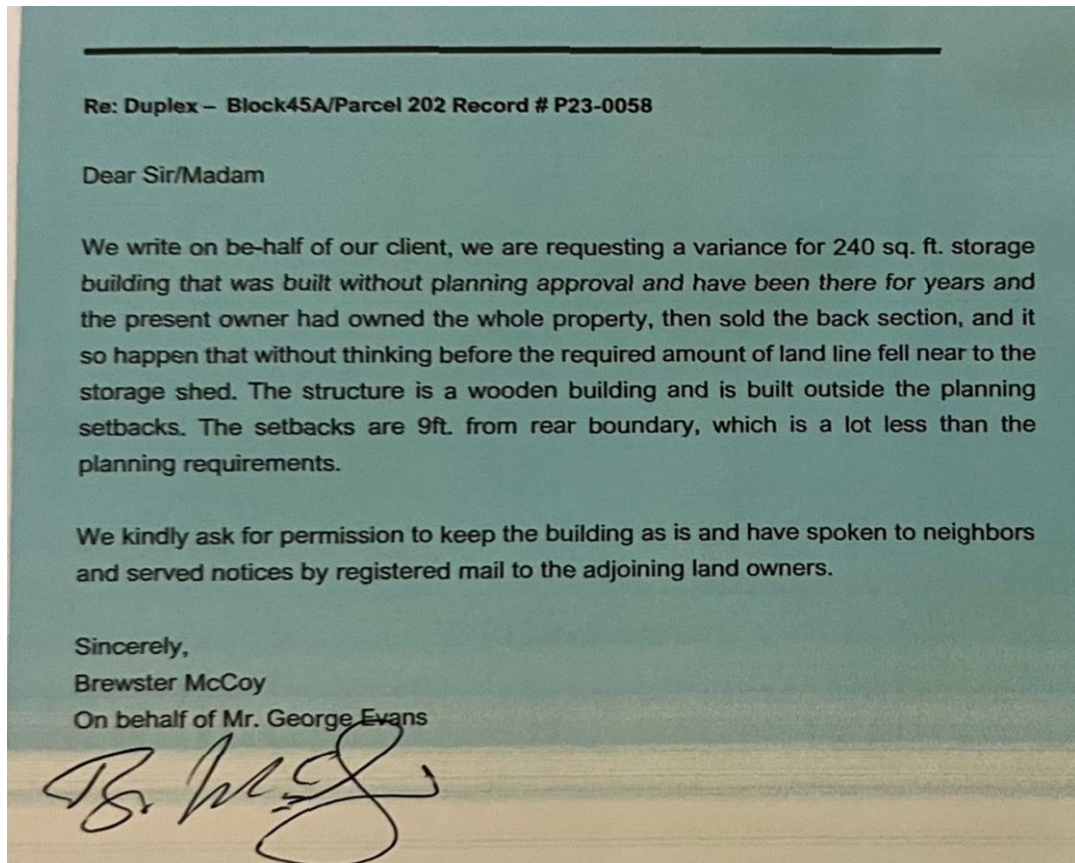
### **FACTS**



<i>Location</i>	Chisholms Drive in North Side
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	22,298.4 square feet
<i>Parcel size required</i>	7,500 square feet
<i>Current use</i>	House & Ancillary Buildings

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the visual appearance of the shed and containers.

**APPLICANT’S LETTER**





## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Chisholms Drive in North Side.

The property contains a total of one house and four outbuildings.

The applicant is seeking after the fact permission for the following items:

- two 8 x 10 containers
- one 8 x 20 container
- one 12 x 10 storage shed
- a 120 sq ft porch addition on the front of the house

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) After the fact Nature of the Application**

The Planning Department would note that this is an after the fact application for all of the structures listed above.

#### **2) Proposed Rear Setback (9'11" vs 20')**

The proposed detached storage shed located to the rear of the house has a 9'11" setback to the rear boundary.

Regulation 8(7)(i) requires a minimum 20' setback.

The applicant has submitted a variance letter and the Authority should consider whether a variance is appropriate in this instance.

#### **3) Visual appearance**

The Authority is asked to determine if the visual appearance of the containers and shed detracted from the amenity of the area and if so, if mitigation measures are required.

#### **2.10 PATRICK LEVER (JMP Construction) Block 20D Parcel 438H11 (P23-0027) (\$12,000) (MW)**

Application for a covered patio addition.

## **FACTS**

<i>Location</i>	Old Crewe Rd., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.168 ac. (94,438.08 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	existing townhouse development
<i>Proposed building size</i>	210 sq. ft.
<i>Total building site coverage</i>	23.01%

## **BACKGROUND**

April 10, 2019 – (32) Unit Townhouses, (33) Raw Land Strata Lots, Covered Parking, Cabana, Swimming Pool, 3’ & 6’ boundary walls & sign – the application was considered and it was resolved to grant planning permission. (CPA/07/19; Item 2.1)

September 11, 2019 – Modification to Site Plan – Add LPG tanks – the application was considered and it was resolved to grant planning permission. (CPA/19/19; Item 2.2)

October 8, 2019 – Modification to revise layout of cabana – the application was considered and it was resolved to grant planning permission.

July 3, 2020 – Modify site, floor plans and elevations – the application was considered and it was resolved to grant planning permission.

October 19, 2020 – Modify the floor layout, elevations & reduce floor area of cabana; 392 sq. ft. – the application was considered and it was resolved to grant planning permission.

February 24, 2021 – Modification to pool & cabana – 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:

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

Reason for the decision:

Per Regulation 9(8)(ja) of the Development and Planning Regulations (2022 Revision), the Authority deems the minimum lot size, lot width, setbacks and site coverage to be as shown on the submitted plans.

### **APPLICANT'S LETTER**

*Further to the submitted application of a patio addition on Block 20D Parcel 438H11, JMP Construction requests a variance on the patio rear setback from 20' to 10' to the strata line.*

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

- 1) *The proposed variance does no harm to either public or private interests and is not injurious to any property or interest. It will not encroach or infringe on any neighbouring property, impose any hardship on any neighbours, or create a situation where any neighbour's quality of life, property value, or peaceful co-existence would be negatively affected. The characteristic of the development is being consistent with the surrounding neighbourhood.*
- 2) *The surrounding characteristic of the development is townhouses use on which a numerous amount of patio additions has been incorporated and are being constructed. We have identified similar covered patios on 20D408, 20D430, 20D436, 20D437, 22E182, 22E183, 22E260, 22E223 and 23B64.*
- 3) *This variance request applies to the Strata line only. The distance to the side property line is 63'-5" (10'-0" required). The property is separated to the adjacent property by a lake and a broad natural mangroves area.*
- 4) *The Strata Executive Committee of the property have fully approved alterations of the rear gardens with fixed structures for the enjoyment of families and have provided a guidelines binder which we have followed on the submitted design – see guidelines attached.*
- 5) *The proposed patio will maintain the aesthetic nature of the existing development matching the same materials and colours.*
- 6) *Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the lesser setback to the Strata line associated with the application and they have not objected.*

*We would like to thank you for your consideration of this matter.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a covered patio addition; 210 sq. ft. located on Old Crewe Rd., George Town.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Strata lot side setback**

Regulation 9(8)(j) of the Development & Planning Regulations (2022 Revision) states “the minimum side setback is 10 feet for a building of one story.” Although the proposed covered patio meets the required side setbacks from the property boundary with a distance of 63’-5”, the proposed covered patio would be setback from the strata property line at approximately 2’-6” as the required side boundary minimum requirement is 10’ the proposed would have a difference of 7’-6 respectively.

The Authority should assess if there is sufficient reason and exceptional circumstances that exists in accordance with Section 8(13) to warrant granting the proposed strata lot side setback variance.

**2.11 RAINBOW DEVELOPMENT LTD. (AE Designs) Block 15B Parcel 247 (P23-0507) (\$3.2 Million) (NP)**

Application for two duplexes, four pools, a wall and two signs. There is a 4 lot land strata subdivision associated with this application under item 2.12 of this Agenda.

**FACTS**

<i>Location</i>	Sandalwood Crescent in George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	26,022.7 sq ft.
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	2 duplexes, pools, wall, signs
<i>Site coverage</i>	28.9%
<i>Required parking</i>	4
<i>Proposed parking</i>	4

**BACKGROUND**

NA

**Decision:** It was resolved to grant planning permission, subject to the following conditions: Conditions (1-3) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning and must be prepared in accordance with the Central Planning Authority's Construction Operations Plan Guidelines - Template A *found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under About/Draft Policies.*
- 3) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 4) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 5) 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.
- 6) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 7) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene

debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

- 8) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 9) 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) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the solid waste storage setback and the pool deck rear setback, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required solid waste storage setback and the pool deck rear setback per Regulations 8(7) and 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser 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.
- 4) The Authority is satisfied that the height of the proposed wall is in keeping with the character of the area.

### **APPLICANT'S LETTER**

*On behalf of my client Rainbow Development, we are pleased to submit a letter of variance for the two points below.*

1. *Property wall of 5ft high*
2. *Garbage enclosure setback*

*We understand the minimum side setback for the garbage enclosure has been recently enforced by the planning department to 6ft from the side boundary. However, many homeowners and immediate adjacent properties have their garbage enclosures installed*

*right against their property boundary and to the road. My client would like to kindly request a variance on the garbage enclosure setback from 6ft to 2ft from the side boundary.*

*Please see image below as this refers to the current conditions of the street and adjacent owners' garbage enclosures.*



*In Addition, we would like to request a wall height variance from 4ft to 5ft to add additional privacy to the future homeowners. We don't see where the additional 1ft height would have any negative impact on the neighbors or community surrounding this project.*

*In connection to this variance letter, please find enclosed the following:*

- *Revised Planning Drawings dated [26-June-2023 Rev1](#)*

*We are kindly requesting CPA approval and a variance granted for the side setback and lot width for this development.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Sandalwood Crescent in George Town.

The property is currently vacant and the proposal is for two identical duplexes, four pools, a 5 foot wall, and two signs.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Wall height**



CPA Guidelines state that the maximum height of a wall shall be 4 feet.

The applicant is proposing a 5 foot high wall and has submitted a variance request for the wall height.

**2) Solid waste enclosure side setback**

Regulation 8(7) requires that solid waste storage areas be setback a minimum of 6 feet from adjacent property boundaries.

In this instance, the solid waste enclosures would be 2 feet from the adjacent and proposed property boundaries.

The Authority should consider whether the applicant's variance request is satisfactory in this instance.

**3) Pool deck rear setback**

The deck for the pool for Duplex 1 – Unit A is 16' vs the required 20'. The pool itself is setback 23'. The Authority needs to determine if the setback is acceptable.

**2.12 RAINBOW DEVELOPMENT LTD. (Eric Cronier) Block 15B Parcel 247 (P23-0538) (\$10,000) (NP)**

Application for a 4 lot land strata subdivision. This application is associated with item 2.11 of this Agenda.

**FACTS**

<i>Location</i>	Sandalwood Crescent in George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Proposed Parcel size</i>	6,100 to 6,900 sq ft.
<i>Parcel size required</i>	12,500 sq ft
<i>Proposed Parcel Width</i>	37 & 38 feet
<i>Parcel Width Required</i>	80 feet
<i>Current use</i>	Vacant
<i>Proposed use</i>	2 duplexes

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

- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reason for the decision:

Per Regulation 9(8)(ja) of the Development and Planning Regulations (2022 Revision), the Authority deems the minimum lot size, lot width, setbacks and site coverage to be as shown on the submitted plans.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Sandalwood Crescent in George Town.

The property is currently vacant and the proposal is for a four lot land strata subdivision. There is an associated Duplex application (P23-0507).

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Regulation 9(8)(ja)**

The individual strata lots would not satisfy the various development provisions of the LDR zone but Regulation 9(8)(ja) states that “the minimum lot size, lot width, setbacks and site coverage for land strata lots and volumetric parcels which are intended to allow the conveyance of dwelling units in an approved duplex, apartment building or townhouse shall be at the discretion of the Authority”.

## **2.13 EVERTON VIDAL (TSC Architecture) Block 25C Parcel 111 (P23-0049) (\$230,000) (EJ)**

Application for addition to house to create a duplex.

### **FACTS**

<i>Location</i>	Jasmin Lane
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.33 ac. (14,374 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House & Shed
<i>Proposed building size</i>	1,285 sq. ft.
<i>Total building site coverage</i>	11.10%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

### **BACKGROUND**

1997 - The Authority granted permission for a one-bedroom house.

August 18, 2006 – The department granted permission for house addition and swimming pool.

February 29, 2008 – The department granted permission for a house addition and swimming pool.

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

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

- 1) The applicant shall 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) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 6) 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) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision). In this regard, the applicant considered the required variance to be from the side setback, but the Authority considers it to be a rear setback. The Authority also notes that it makes no difference when reviewing the plans for the location of the variance request because the only variance needed is for the septic tank, regardless if it is considered a side or rear setback.
- 3) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser 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 LETTER**

*This letter is written on behalf of Everton Vidal; he recently applied to the department for a 2- story addition to the existing house to create a Duplex on the referenced property. The total square footage is 1,285. As required, notices were sent by registered mail to all owners within an 80 feet radius on July 12th, 2023. He requested a side setback variance and would like the board's consideration.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The two-bedroom (two-storey) addition to create duplex on Jasmin Lane in Spotts, George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Minimum rear setback**

The applicant is seeking permission from the Authority for the proposed addition to create a duplex; however, the proposed addition does not meet the required rear setback proposed at 16'8" vs 20' not meeting regulations 9(8)(i).

#### **2.14 JEWEL STUDENHOFFT (Roland Bodden & Co.) Block 4C Parcel 139 (P22-1168) (\$11,150) (MW)**

Application for a 7 lot subdivision.

### **FACTS**

<i>Location</i>	Capt. Reginald Parsons Dr., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.62 ac. (70,567.2 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Digicel cell tower.

### **BACKGROUND**

December 10, 2003 – Proposed telecom antennae – the application was considered and it was resolved to grant planning permission. (CPA/35/03; Item 3.024)

December 10, 2003 -Proposed radio base station – the application was considered and it was resolved to grant planning permission. (CPA/35/03; Item 3.024)

December 10, 2003 – Proposed fence – the application was considered and it was resolved to grant planning permission. (CPA/35/03; Item 3.024)

March 24, 2004 – Proposed storage building – the application was considered and it was resolved to grant planning permission. (CPA/06/04; Item 2.24)

October 5, 2005 – Proposed (3) bedroom house & guest quarters – the application was considered and it was resolved to grant planning permission.

October 5, 2005 – Proposed Pool – the application was considered and it was resolved to grant planning permission.

August 3, 2011 – Generator for Logic – the application was considered and it was resolved to grant planning permission. (CPA/16/11; Item 2.16)

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

- 1) Prior to the commencement of any site works such as filling, grading and road construction (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.***
- 2) Prior to the subdivision plan being finalized, the following conditions shall be satisfied:
  - a) All underground utilities shall be inspected and approved by the relevant agencies prior to the utilities being buried.
  - b) The property shall be filled in such a manner as to ensure that the subdivision road (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 all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further in this regard, the Authority accepts the size of the LPP as being acceptable per Regulation 28(1).

### **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment, Water Authority (Cayman) and the National Roads Authority.

#### **Water Authority**

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

#### **Wastewater Treatment:**

*Please be advised that the development is **outside the Water Authority's West Bay Beach Sewage System (WBBSS) collection area**; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.*

#### **Water Supply:**

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



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

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

### **National Roads Authority**

*As per your email of January 12th, 2023, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **Stormwater Management Issues**

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

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

#### **Infrastructure Issues**

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

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

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

*The roadway shall be Hot Mix Asphalt (HMA). The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.*

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

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

### **Department of Environment**

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

Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a (7) lot subdivision located on Capt. Reginald Parsons Dr., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) LPP size**

Regulation 28 allows the Authority to require LPP in an amount not exceeding 5% of the gross area of the land. In this instance, the applicant is proposing lot 5 as LPP and that amounts to 4.94% of the gross area of the land. The Authority should determine if this is acceptable or if the subdivision needs to be redesigned such that lot 5 is slightly increased in size.

#### **2.15 ADAM & KATHERINE JACKSON (Architectural Designs & Cayman Contemporary Style) Block 5C Parcel 23 (P23-0419) (\$6,000) (MW)**

Application for a 6' wooden picket fence.

### **FACTS**

<i>Location</i>	Elizabeth St., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.5 ac. (21,780 sq. ft.)
<i>Current use</i>	Approved Residence under construction

### **BACKGROUND**

September 24, 2021 – House – the application was considered and it was resolved to grant planning permission.

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further, the Authority is of the view that the proposed fence height is in keeping with the character of the surrounding area.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 6' high wooden picket boundary fence to be located on Elizabeth St., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Fence height**

The CPA fence guideline 4.3.1 stipulates that *“In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height”*- The proposed wooden picket boundary fence would be 6' a difference of 2'. The applicant's plans indicate there is an existing 6' fence along half of the easterly boundary and they propose to extend that fence along the remainder of that boundary and then along the rear boundary and westerly side boundary. The fence is not situated along the road.

The Authority should assess if there is sufficient reason granting planning permission for the proposed fence height.

## **2.16 TRAVIS PARSONS (GMJ Home Plans Ltd.) Block 27C Parcel 495 (P23-0387) (\$62,000) (MW)**

Application for an after-the-fact addition to unit A of the existing duplex and an after-the-fact deck.

## **FACTS**

<i>Location</i>	Dugan St., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2224 ac. (9,687.744 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	existing duplex; 1,770 sq. ft.
<i>Proposed building size</i>	2,125 sq. ft.
<i>Total building site coverage</i>	21.93%
<i>Required parking</i>	2
<i>Proposed parking</i>	3

## **BACKGROUND**

November 27, 1989 – Proposed House – 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:

- 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) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 Revision). The

Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area;
- b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
- c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

### **APPLICANT'S LETTER**

*We write on behalf of the applicant, Mr. Travis Parsons, who is asking the Authority to allow the following variance in order to retain the subject addition for his personal use:*

- *A rear setback variance – of 1ft 5in. as the subject addition to date exists at 18ft7in. from the rear property line instead of the required 20ft.*

*As such, permission is requested for the subject variance and we humbly give the following reasons:*

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and there were no objections to the current location of the structure from the rear property line.*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances to allow this structure to remain as shown has not and will not cause it to be detrimental to persons residing or working in the vicinity, nor to the adjacent property, nor to the neighbourhood, or to the public welfare going forward.*
3. *The construction to date consists of reinforced concrete block walls aligned with the front and rear walls of the existing structure, and a reinforced concrete slab and foundation built to match the existing finish floor level. When completed, the extension in no way will detract from the current aesthetics of the existing or the harmonious look of the area. Its location is the most suitable area on this property and any alteration at this time would be a time-consuming, cumbersome, and a costly exercise for Mr. Parsons.*
4. *It is noted that there are neighbouring parcels that currently enjoy the use of structures that were built with reduced setbacks from rear property lines.*
5. *The application complies with all other relevant planning requirements.*

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for an after-the-fact addition to unit A of the existing duplex and an after-the-fact deck located on Dugan St., Bodden Town.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Rear Setback**

Regulation 9(8)(i) states “*the minimum rear setbacks are 20’*”. The existing ATF rear deck is currently 7’-5” from the rear boundary, in addition the ATF addition to unit A is currently 18’-7” from the rear boundary. The proposed will have a difference of 12’-7” (rear deck) & 1’-5” (ATF addition) 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.

**2.17 GREG ROMUNDT (Trio Design) Block 10A Parcel 147 (P23-0386) (\$80,000) (MW)**

Application for a dock, 4’ boundary fence with 5’ columns & 6’-8” entrance gate.

**FACTS**

<i>Location</i>	Ironshore Dr., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.51ac. (22,215.6 sq. ft.)
<i>Parcel size required</i>	-
<i>Current use</i>	Vacant
<i>Proposed building size</i>	-
<i>Total building site coverage</i>	-
<i>Allowable units</i>	-
<i>Proposed units</i>	-
<i>Allowable bedrooms</i>	-
<i>Proposed bedrooms</i>	-
<i>Required parking</i>	-
<i>Proposed parking</i>	-

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

- 1) The applicant is required to submit a revised site plan showing the gate with a minimum 12' setback from the roadside parcel boundary per the requirements of Regulation 8(18) of the Development and Planning Regulations (2022 revision).
- 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.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted because with a condition of approval requiring the gate to be setback 12' from the roadside parcel boundary the application complies with the Development and Planning Regulations (2022 Revision).

### **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment.

#### **Department of Environment**

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

*The application site is man-modified and of limited ecological value. We are encouraged that some native plants (e.g. green buttonwood) are being proposed in the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

*Best management practices should also be adhered to during construction to reduce impacts on the environment and the canal, including impacts on water quality. Materials should be stockpiled away from the canal's edge to avoid run-off into the canal. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example, those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval:*



1. *All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.*
2. *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*
3. *The dock shall have a minimum dock height of 4 feet and the installation of dock decking shall have a minimum of 1/2 inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.*
4. *The dock construction area shall be fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock as depicted by the submitted site plan.*
5. *The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water outside of the screens.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a dock, 4' boundary fence with 5' columns & 6'-8" entrance gate to be located on Ironshore Dr., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Gate roadside setback**

Regulation 8(18) states "walls and fences adjacent to a road shall be setback a minimum of 4' from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of 12' from the roadside parcel boundary." The proposed gate would be 5'-1" from the road edge a difference of 6'-11". It would appear the gate could be relocated to the required 12' setback as the site is currently vacant.

#### **2.18 CRICKET SQUARE LTD. (CGMJ) Block 14C Parcel 151 (P23-0158) (\$50,000) (NP)**

Application for a parking lot (27 spaces).

## **FACTS**

<i>Location</i>	George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Parcel size</i>	20,460.1 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	two dwellings
<i>Proposed use</i>	Paved Parking Lot

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

Conditions (1-2) listed below shall be met prior to commencing site works.

- 1) 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.**
- 2) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. **The plan shall show extensive landscaping between the parking lot and the adjacent roads.** *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 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.

The applicant shall obtain a Certificate of Completion **prior to the utilization of the parking lot.**

Reason 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 (2017 Revision).
- 2) The Authority considered the report from the Department of Environment and would offer the following comments:
  - a) The Authority respectfully requests that the Department of Environment refrain from delving into land use planning issues which is the remit of the Central Planning Authority.
  - b) To suggest that 27 new parking spaces, which are an extension of hundreds of existing spaces, will somehow discourage walking and decrease the vibrancy and liveness of streetscape and lead to a heat island effect is misplaced for this

application and nonsensical given the facts of the application.

- c) It appears the Department of Environment failed to notice that the submitted plans clearly identify the parking spaces as being constructed with paver bricks, a semi-permeable surface material which helps with surface drainage, and these pavers have been used for all of the parking areas for Cricket Square.

### **AGENCY COMMENTS**

The Authority received and considered comments from the Department of Environment.

#### **Department of Environment**

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

*The site is man-modified and of limited ecological value. That said, the DoE considers the conversion of large areas of land to paved parking to be poor use of land. There is an intention of the government (e.g. through the George Town Revitalisation Plan) to improve walkability and accessibility in central George Town. Large paved areas can discourage walking and decrease the vibrancy and liveliness of streetscapes, as well as contribute to environmental issues such as greenhouse gas emissions. Large paved areas can contribute to the heat island effect, raising local temperatures and leading to increased energy consumption to meet cooling demand. The impermeability of typical paving materials also increases the stormwater drainage demand for not only the site, but also the surrounding area.*

*We highly recommend that the applicant considers the incorporation of sustainable design features to help mitigate some of the environmental impacts associated with traditional single-level parking lots. Integration of renewable energy sources such as solar panels over the parking should be considered to help offset the additional cooling demand resulting from the additional paved area, as well as improve the utilisation of the land by adding other beneficial functions (e.g. renewable electricity, shading, etc.).*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located along Whitman Seymour Road in George Town.

The applicant seeks permission to create a 27space parking lot with access to other Cricket Square parking lots.

#### **Zoning**

The property is zoned General Commercial and there are no particular concerns with the application.

- 2.19 CAROLYN CHALONER (Johnson Design & Architecture) Block 15E Parcel 47 (P23-0490) (\$30,000) (NP)**

Application for a change of use from a porch to classroom space.

**FACTS**

<i>Location</i>	Walkers Road & Stingray Drive in George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	9,757.4 square feet
<i>Parcel size required</i>	CPA Discretion
<i>Former use</i>	Porch
<i>Proposed Use</i>	Classroom Space

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

**AGENCY COMMENTS**

The Authority received and considered comments from the Department of Education, Water Authority (Cayman), National Roads Authority and the Fire Department.

**Department of Education**

*Outdoor and indoor spaces as stated are in line with Education Regulations, 2017, space requirements.*

**National Roads Authority**

*As per your memo dated August 8<sup>th</sup>, 2023 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 concerns or issues with the proposed change of use from porch to classroom. However the same conditions still apply.*

### **Water Authority**

#### *Change-of-Use with Existing Septic Tank*

*If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Water Authority's Septic Tank Inspection Form.*

*Septic Tank Inspection Form: <https://bit.ly/2RO8MBB>*

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

#### *Water Supply*

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

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

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

### **Fire Department**

*The Fire Department has no objections to the proposal.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in George Town at the corner of Walkers Road and Stingray Drive and operates as Sprogs Daycare.

The application is for a 301 square foot change in use from an existing porch to classroom space.

There is no associated increase in floor area or parking provided as the porch already exists and the new classroom would be served by existing staff.

**Zoning**

The property is zoned Low Density Residential.

**2.20 CHRISTOPHER CAMPBELL (Abernethy) Block 9A Parcel 546 (P23-0195) (\$3,283) (EJ)**

Application for a two (2) lot subdivision.

**FACTS**

<i>Location</i>	Shorewinds Trail, The Shores
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.5762 ac. (25,099 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

**BACKGROUND**

NA

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

- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the lot width along the canal, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The width of the lots along the canal does not comply with the minimum required lot width per Regulation 9(8)(g) of the Development and Planning Regulations (2022

Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot width as follows:

- a) The width of the lots along the road and throughout the majority of their depth comply with the minimum requirement of 80'. It is only along the canal where the lot width falls slightly short of 80' at 78.3'. As there is no definition of where lot width is measured, the Authority is of the view that the proposed lots satisfy the intent of Regulation 9(8)(g) and find that the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

The Authority received and considered comments from the Water Authority, National Roads Authority and Department of Environment.

#### **Water Authority**

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

#### **Wastewater Treatment**

*Please be advised that the development is outside the Water Authority's West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.*

#### **Water Supply**

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

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

#### **National Roads Authority**

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

#### **Department of Environment**

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



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed two-lot subdivision is located on Shorewinds Drive in The Shores, West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Minimum lot width**

The proposed two-lot subdivision complies with lot size requirements, but while the lots comply with the lot width requirement of 80' at the road and in the middle of the parcels, they are 78.3' wide along the canal; therefore, not meeting regulation 9(8)(g).

## **3.0 DEVELOPMENT PLAN MATTERS**

### **3.1 NATIONAL DEVELOPMENT PLAN PROJECT DELIVERY PLAN**

The Director explained that the document was available for review and the Authority determined that the document needed to be circulated to the members for a detailed review for consideration at a later meeting.

## **4.0 PLANNING APPEAL MATTERS**

## **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

### **5.1 PRESENTATION BY INTERNATIONAL CODE COUNCIL (ICC)**

#### **Appearance at 1:45**

Two members of the International Code Council, Michael Wich (Board President) and Corey Roblec (Vice President Government Relations) made a courtesy visit to meet the Central Planning Authority.

### **5.2 PLANNING APPEALS TRIBUNAL UPDATE**

The Director updated the Authority by noting that Meow Ltd has filed an appeal against the Invincible Investments (The Westin) decision and that Cleveland Dilbert has filed an appeal of his decision, but the Department has advised the Ministry that the appeal was lodged out of time and should be rejected.

### **5.3 CAYMAN IMPORTS LTD Block 14E Parcel 335 (CE23-0076) (BP)**

The Authority viewed photographs of derelict containers and equipment and determined that a Maintenance of Land Notice would be issued.

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

**5.4 PAUL MCFIELD AND PAUL ANTHONY MCFIELD JR Block 13D Parcel 292 (CE23-0077) (BP)**

The Authority viewed photographs of derelict vehicles and determined that a Maintenance of Land Notice would be issued.

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

**5.5 KEVIN LATTA/ABARBANEL LTD Block 32D Parcel 92 (P19-1033) (B21-0358)**

The Authority was advised that after-the-fact planning permission was granted on February 5, 2020 with conditions that application be made for a permit within 6 months and a C.O. be issued within 12 months. The applicant applied for a permit within 3 months and the permit application was then reviewed and a permit issued on April 25, 2023. The applicant applied for a building inspection, but that request was denied because the C.O. should have been issued two years earlier, even though the permit was reviewed and issued after the 12 month C.O. deadline has expired. The Applicant contacted the Department seeking a 6 month extension for the issuance of the C.O. The Authority considered the matter and determined that the applicant's request was reasonable.

**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/03/20; item 2.17 be modified by replacing the last conditions of approval with the following condition:

“The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **no later than March 16, 2024.**”

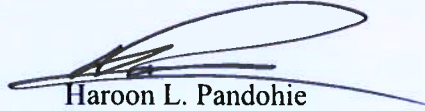
All other conditions of CPA/03/20; item 2.17 remain applicable.

**6.0 CPA MEMBERS INFORMATION/DISCUSSION**

The meeting adjourned at 5:35pm. The next meeting of the Central Planning Authority is scheduled for *Wednesday, August 23, 2023 at 10:00 a.m.* in the **2<sup>nd</sup> Floor Conference Room at Governor's Square.**



Ian Pairaudeau  
Chair



Haroon L. Pandohie  
Executive Secretary

**c.c. All members of the Central Planning Authority**