

# Central Planning Authority

**Minutes** of a meeting of the Central Planning Authority held on **November 23, 2022 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

## 28th Meeting of the Year

CPA/28/22

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)(Acting Chair 2.9)

Mr. Joshua Bernard

Mr. Gillard McLaughlin (left at 4:30)

Mr. Charles Russell Jr. (apologies)

Mr. Windel Scott (apologies)

Mr. Peter Campbell

Mr. Kenneth Ebanks (apologies)

Ms. Danette McLaughlin

Ms. Shakina Bush (apologies)

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/28/22

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- 2.3 BLAIR LILFORD (Johnson Design & Architecture) Block 7C Parcel 69 (P21-1251) (\$250,000) (MW) 22
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- 5.1 SHEILA, VERONA AND JOHN WOODS Block 44B Parcel 105 (CE22-0228) (BP) 139**
- 5.2 CLARBELL & RAFAEL MARTINEZ Block 14E Parcel 411 (CE22-0142) (BP) 140**
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- 6.1 REGISTERED MAIL PROCESS 141**

**APPLICANTS ATTENDING THE AUTHORITY’S MEETING**

<b>Applicant Name</b>	<b>Time</b>	<b>Item</b>	<b>Page</b>
Sheila Siegel	10:30	2.1	5
Harris McCoy	11:00	2.2	13
Blair Linford	11:30	2.3	22
Patrick Higginson	1:00	2.4	37
Mayra Swaby	1:30	2.5	43
Home & Outdoor	2:00	2.6	46
Marilyn Ebanks	2:30	2.7	52
Verda Ebanks	3:00	2.8	55

**1.1 Confirmation of Minutes CPA/27/22 held on November 9<sup>th</sup>, 2022**

**Moved:** Christine Maltman

**Seconded:** Celecia Bancroft

**Confirmed**

**1.2 Declarations of Conflicts/Interests**

<b>Item</b>	<b>Member</b>
2.1	Peter Campbell
2.2	Handel Whittaker
2.9	Ian Pairaudeau
2.12	Gillard McLaughlin
2.23, 2.25	Christine Maltman



**2.0 APPLICATIONS**  
**APPEARANCES (Items 2.1 to Item 2.8)**

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

Application for a house and pool.

**Appearance at 10:30**

**FACTS**

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

**BACKGROUND**

August 31, 2022 (**CPA/21/22; item 2.5**) – Members considered the application and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding setbacks, fence height and the proposed finished floor level.

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

- 1) The applicant is required to submit revised plans showing:
  - a) A minimum high water mark setback of 55’ for the pool and 50’ for the pool deck
  - b) The finished floor level of the house at 7’ above mean sea level in order to mitigate potential flooding pursuant to Regulation 29(2).
- 2) The Authority does not concur with the comments of the Department of Environment that a high water mark setback of less than 75’ is not acceptable. The Authority is of the view that the setbacks and finished floor level required in item 1) above will be sufficient to provide protection for the development of the site. Further, the Authority is satisfied that the site plan matches the high water mark survey which was prepared by a licensed land surveyor.

## **AGENCY COMMENTS**

### **Department of Environment**

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

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

*The site is predominantly man-modified although there are some mangroves which have regrown particularly along the coastal boundary. Mangroves are a Schedule 1 Part 2 Protected Species under the National Conservation Act with an adopted Mangrove Conservation Plan (2020). Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal-side vegetation provide a natural buffer which helps to intercept surface water that may run-off the land into the canal impacting water quality. In addition, mangroves along the coast, especially along this man-modified coast also helps to prevent soil erosion by binding the substrate.*

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

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

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



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

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

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

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

*In addition, on the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore **respectfully stipulates that the following condition be imposed** by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

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

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

*A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that the CPA/Department of Planning will relay this to the applicant in its decision notice.*

### **APPLICANT'S LETTER**

*I am requesting variances for the following:*

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

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

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

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

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

### **Other Considerations**

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



*I am providing permission to allow the use of a 2' x 4' trash enclosure on the VROW.*

*I would ask that it is kept clean and tidy, with a neat appearance.*

*At some point I would like to request a picture or a drawing of what the 2' x 4' trash enclosure might look like.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Boundary treatment**

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

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



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

## **2) Finished Floor level**

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

### **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

At 10:30am, Ms. Seigel joined the meeting via Zoom. Summary notes are provided as follows:

- Ms. Seigel provided several comments:
  - she bought the land in 2016
  - the lot is unique to Cayman Kai as it doesn't front on a road, which makes it more private
  - the site has been designed so she can turn around within the site
  - The Department says to move the house forward, but she can't because there would be no area to turn around and that is why she needs the high water mark setback variance
  - the setback variance on the side is to the steps for the garage
  - the setback to the wall is 10' (the Authority noted the Department states it is 7' 11")
  - the only other location for the septic is in the driveway, but she wants pavers and it won't work to put it under the pavers and be able to drive on the pavers and it won't look great aesthetically
  - the driveway width is 16'
- The Authority notes she wants a finished floor level of 5' instead of 7'
- Ms. Seigel explained the reason for that is that she bought in 2016 and the guidelines changed. She noted that a developer wanted to build 5 houses next to her and she came to CPA and won and then she had a collapsed lung from diving and lost a year.
- Ms. Seigel explained she wants to be able to access the house from the garage and since the site is now 3' she would have to go up 4' to reach 7' and that is too steep. She noted she would have to go up 4' over a span of 20'.
- The Authority advised that there is no legal discretion to vary the 7' requirement.
- Ms. Seigel explained that the wall will be heavy duty composite vinyl and stops 20' away from the sea.
- The Authority asked if there are other properties nearby with similar high water mark setbacks and Ms. Seigel replied the property to the right was approved with a 40' or 50' setback. She also noted the deck could be smaller.
- The Authority noted she advised a developer made an application for 5 houses and asked if they were built at 5'. Ms. Seigel replied that they weren't built because in 2017 Stefan Baraud (*when Mr. Baraud's name was mentioned, Peter Campbell declared a conflict and left the meeting room*) applied for 5 houses and she objected and won the case, but she then



lost a year and couldn't build per the Regulations at that time which allowed 5' or lower and she noted there are other houses less than 7', like the two across from the Kaibo park

- The Authority noted she has stated there are other houses with finished floor levels less than 7'. Ms Seigel noted that there are two houses across from the Kaibo park that were finished this year.
- Ms. Seigel noted she could shift the pool a few feet, but she wants it in front of the living room, not a bedroom.
- The Authority asked if Ms. Seigel had anything more to add and she replied she is just concerned about the finished floor level.

## 2.2 HARRIS MCCOY (Cayman Survey Associates Ltd.) Block 57E Parcel 69 (P22-0819) (MW)

Application for a 49 lot subdivision (47 residential lots, 1 LPP & 1 road parcel).

**Appearance at 11:00**

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

### **FACTS**

<i>Location</i>	Frank Sound Rd., North Side
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	17 ac. (740,520 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	Vacant

### **BACKGROUND**

December 13, 2006- 49 Lot Subdivision – the application was considered and it was resolved to grant planning permission. (CPA/39/06; Item 2.10).

March 1, 2022- ATF 4' Barbed Wire Fence – the application was considered and it was resolved to grant planning permission. (CPA/06/22; Item 2.19)

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

- 1) The applicant should have further discussion with the adjacent land owners regarding the future state of the public right-of-way.
- 2) The applicant shall submit a revised plan that shows:
  - a) only one access point on Frank Sound Drive and the applicant is directed to liaise with the National Roads Authority to determine the best location for the access point
  - b) a road parcel connection from the hammerhead turnaround to 57E 68
  - c) allowance for the proposed Section 26 road corridor per the comments of the National Roads Authority

## **AGENCY COMMENTS**

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

### **Water Authority**

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

### **Wastewater Treatment**

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

### **Water Supply**

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

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

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

### **Stormwater Management**

*This development is located over the **North Side 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 **80ft.** instead of the standard depth of 100ft as required by the NRA.*

### **National Roads Authority**

*As per your memo dated August 31st 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 Road Corridor***

*Please have the applicant abide by the proposed Section 26 road corridor at 50ft. Please see schematic below.*



***Sight Line Issues***

*Per section 4.6.3 of the NRA specifications the minimum intersection sight distance as measured 15ft back along the centreline of the minor road and three and one half feet (3 1/2') above the road surface shall be three hundred feet (300'), as measured along the near edge of the running carriageway. The southern driveway does not meet this specification and the NRA recommends that it be removed and the sight line be adjusted to accommodate one access point that meets NRA minimal sight line specifications.*

***Infrastructure Issues***

*The applicant should also provide a one-hundred and fifty ft. (150') deceleration lane based on the road configuration and the posted speed limit of 40MPH.*

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

*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 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.*

### **Stormwater Management Issues**

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

*This development is located over the North Side fresh water lense 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 feet instead of the standard depth of 100 feet as required by the NRA.*

*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.*

### **Department of Environment**

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

*The application site consists of predominately primary dry forest and shrubland with some man-modified areas from previous clearing for agriculture. 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.*

*We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

*Primary habitat and native vegetation can be retained and used in a variety of ways on a property:*

- It can be retained along parcel boundaries and between buildings to serve as privacy buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. 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.*
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*

- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *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.*

*The site also covers an area of the North Side ridge, an area of higher elevation with particularly ecologically valuable habitat and caves. There are two known caves on the subject parcel, both in the southern area, one of which is contained within the area designated as LPP and another nearby. We therefore recommend that the area of LPP is to remain in its natural state in order to preserve the rare native species that it likely contains.*

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission to minimise impacts to this valuable habitat.*

- *There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*
- *The area designated as LPP on the proposed plans should remain in its natural state and should not be cleared, filled or developed in any way.*

## **Fire Department**

### **603.1.3 Fire Hydrants**

*603.1.3.1 Water supply. Approved fire hydrants shall be provided for all buildings to meet the necessary fire flow requirements as determined by the fire official. Where public water supply is inadequate or not available, an approved alternative water source meeting the fire flow requirements shall be provided. Fire flow performance tests shall be witnessed by the fire official, or representative, prior to final approval.*

*603.1.3.2 Location. The location and number of hydrants shall be designated by the fire official, but in no case shall distance between installed fire hydrants exceed 1,000 ft (305 m). Maximum distance from i- the nearest hydrant to the most remote exterior point of any building shall be 500 ft (152 m). The distance shall be measured on a roadway surface - meeting the fire department access requirements of 602.6.*

*other comment will be advise upon construction.*

*Approved 14-Sep-22*

## **APPLICANT'S LETTERS**

### **Letter #1**

*Please find attached our Application to Subdivide 57E 69 into 47 Lots a Road Lot and 1 Lot as the 5% LPP.*

*The estate road has been designed at 30' wide with minimum 15' truncations.*

*We note that there 2 old footpaths traversing the parent parcel, and my client will be petitioning the Registrar of Lands to have these rerouted to follow the proposed road layout.*

*All lots exceed the minimum area requirement of 7500 sq.ft. in area, but some lots will require Variances for Lot Dimensions due to the shape of the parent parcel and the road layout. These are: - A, P, Q, W, LI, YI & WI.*

*We therefore request Variances for these lots, and make specific reference to Regulation 8(13)(b), and believe that this will not be in any way detrimental to the neighbourhood.*

*We trust the forgoing is satisfactory, but should you have any queries, please do not hesitate to contact us.*

### Letter #2

*Response to the objection by the owner of 57e72.*

*We have already provided a very generous access to the boundary of 57e54. The hope is to gain permission to apply the 6' ROWs transversing 57E 69 to the subdivision road plan giving considerable greater access to all those who benefit. As you will appreciate it is costly to provide every single adjoining parcel their own direct access and it would be my suggestion that 57e72 approach the owner of 57e54 with this request.*

*In fact a closer look on the current registry map indicates the 6' access for 57e72 runs along the boundaries of all neighbouring parcels including 57e69 and 57e54. Whilst it is not my intention to guide the CPA, on two previous occasions on parcels I also own - who have the same predicament as 57e72. I have been repeatedly advised it a matter between landowners an it is not the CPA function to a grant 30' road access in such instances. I have therefore had to negotiate with adjacent landowners at my expense to extend a 6' to 30' off an approved subdivision road plan.*

*If the CPA is changing that guidance I would welcome clarification both on this subdivision and others of my affected landlocked parcels in North Side with a 6' ROW.*

*Thanking you in advance for your consideration*

### OBJECTIONS

*I [REDACTED] - the sole proprietor of Block and Parcel 57E72, acknowledge receipt of the Notice signed and dated by A. Fawkes of Cayman Survey Associated Ltd. on 31 August 2022 on behalf of Harris McCoy ("Mr. McCoy") pursuant to the Development and Planning Act (2021 Revision) and the Development and Planning Regulations (2021 Revision).*

*This Notice was collected from the post office by myself on 16 September 2022 and I write to hereby express my objection and concern in relation to whether such proposal will enable unrestricted access to Block and Parcel 57E72 through Block and Parcel 57E69.*

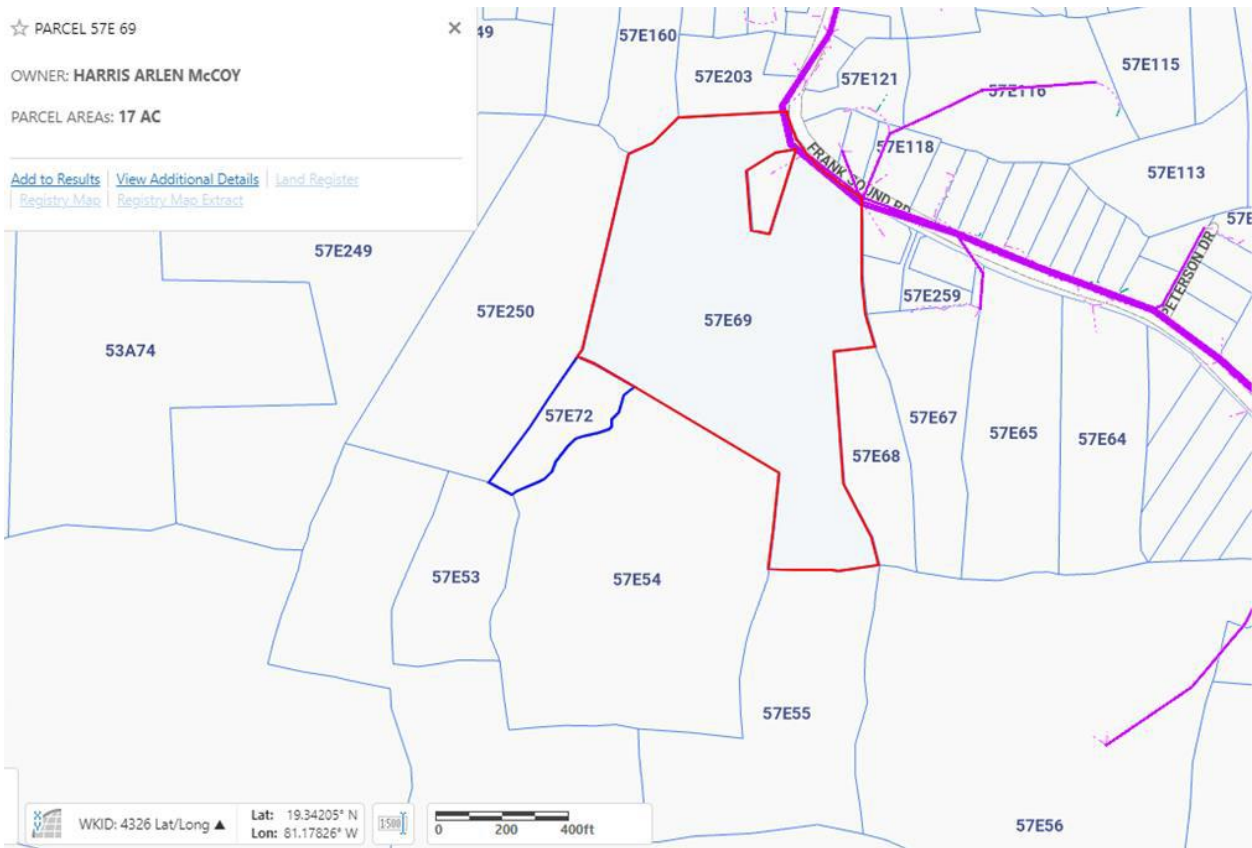
*Previously, I have noted that there is currently no vehicular right of way adjoining the proposed development that will enable me unrestricted access to the property as the right of way issued prior to the updating of the laws (acts) now require a thirty (30) foot road access. The government was going to approve access by widening the road to allow for agricultural purposes; however, Mr. McCoy did not support the said initiative. Instead, he offered to purchase Block and Parcel 57E72 at a grossly reduced price as it was landlocked. In addition, it is also further noted that due to Mr.*



*McCoy's non-support, Block and Parcel 57E72 remains landlocked and his proposed development could potentially maintain this status which continues to deprive the development of the adjacent properties, namely Block and Parcel 57E72. Lastly, the lot subdivision applies for one (1) road lot which infers that access to Block and Parcel 57E72 has not been given consideration.*

*Given that Mr. McCoy has now opted to develop Block and Parcel 57E69, and in the spirit of planning and development, confirmation is being sought to solidfy:-*

- where such unrestricted easement is being granted to ensure that I have a right of full access by way of a thirty (30) foot access to Block and Parcel 57E72 by way of unrestricted easement through Block and Parcel 57E69;*
- whether the approval of such planning permission will result in the rezoning of the area, inclusive of Block and Parcel 57E72 (i.e. given that agriculture versus residential lots may be of higher demand in the nearby future); and*
- the layout and plans of the subdivision which are not currently available on the government's website <http://www.planning.ky/planning-notice/>.*



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 49 lot subdivision (47 residential lots, 1 LPP & 1 road parcel) to be located on Frank Sound Rd., North Side.

## **Zoning**

The property is zoned Medium Density Residential.

## **Specific Issues**

### **1) NRA comments**

The applicant has not shown the Section 26 road corridor on the plan, but the Department has undertaken to do so. The edited plan shows that lots B, C and D would remain in compliance with the required minimum lot size, but lot A would fall short by about 1,000 square feet.

The request to have the southern access road removed would require a re-design of the subdivision to ensure all proposed lot would have access to the internal subdivision road.

At 11:00am, Harris McCoy appeared as the applicant and Colin Fawkes appeared as his agent. Jessica Ebanks and Michael Solomon appeared as objectors. Summary notes are provided as follows:

- Mr. McCoy provided several comments:
  - He had previous permission for a subdivision, but it expired
  - He has an updated plan per NRA's comments
  - He's tried to accommodate the adjoining parcels, but it is impossible for everyone
  - The public right-of-way (prow) goes in and out of parcel 54 so there is a restriction on what can be done
  - He dealt with this issue in 2006 with Crystal Caves
  - There are no co-ordinates for the prow and it is a 6' foot path, it is not vehicular
  - He can't do anything different than this
  - He will apply to Lands and Survey to have the foot path moved to the subdivision road
- The Authority referred to NRA's comments about two access points. Mr. Fawkes noted he has a revised design to address NRA's comments about the Section 26 corridor, but they haven't done anything about the second access (Mr. Fawkes provided a USB drive



containing the plan and the Authority viewed the plan). Mr. Fawkes suggested that perhaps a left in/left out could work at the southern access.

- The Authority asked for the objectors input.
- Ms. Ebanks noted she is the owner of parcel 72 and will defer to her cousin for comments.
- Mr. Solomon provided several comments:
  - Access to Parcel 72 came from Parcel 69
  - The access goes to a Crown parcel as well so if access to 54 is changed how will Crown get access
  - If the subdivision road is put in the middle between Parcels 72 and 54 then those owners have the option to negotiate access over Parcel 69
- Ms. Ebanks noted that the intention was for both Parcels 72 and 54 to have access and it seems that this design cuts her out and she feels the owner of Parcel 69 should deal with the owners of Parcels 72 and 54
- Mr. McCoy provided comments:
  - His response to Ms. Ebanks is what he has already shared
  - He referred to several parcels that benefit from access
  - It is only a foot path
  - He will apply to Lands and Survey to re-position the prow and he will have to negotiate with the affected owners. He noted he had done this recently for two other developments and he had to negotiate with owners to get access.
- Mr. Solomon noted that they would be at the mercy of the owner of Parcel 54
- Mr. McCoy noted he would apply to re-position the prow on 54 to the south. The Authority noted that the owners of 72 could then object to that and Mr. McCoy noted that is correct.
- Mr. McCoy noted that the only indications of his responsibilities are shown on the maps
- There was a general discussion regarding the prow re: no specific grantor or grantee, the dots show private, but it is public and the issue may require Grand Court intervention
- Mr. McCoy noted that the land register deems it to be 6' prow as a deeded gift and it goes through his parcel to parcel 54 and there is nothing more he can do.
- There was a general discussion regarding a situation with Ms. Ebanks' brother and some possible communication with Mr. McCoy who stated no one ever contacted him.
- The Authority advised that it does not appear that the access issue will be resolved today.

**2.3 BLAIR LILFORD (Johnson Design & Architecture) Block 7C Parcel 69 (P21-1251) (\$250,000) (MW)**

Application for an after-the-fact addition to one duplex/semi-detached unit with associated internal renovations.

**Appearance at 11:30**

**FACTS**

<i>Location</i>	Denham Thompson Way., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.1307ac. (5,693.292 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Existing Duplex; 2,426 sq. ft.
<i>Proposed building size</i>	2,504 sq. ft.
<i>Total building site coverage</i>	32.09 %
<i>Required parking</i>	2 spaces
<i>Proposed parking</i>	2 spaces

**BACKGROUND**

There is an existing duplex/semi-detached building that straddles 7C 68 and 69. While there is no approval record, it has existed since at least 1994.

**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 and all works shall cease until the permit is issued.**
- 2) The after-the-fact external staircase shall be removed from site no later than 30 days from receipt of this decision.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain a Certificate of Completion **within 12 months of the date of this decision.**

Reasons for the decision:

- 1) With the imposition of condition 2), the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The Authority is of the view that there were no objections that would warrant refusing permission. More specifically:
  - The issue of privacy from overlooking from one dwelling to another is not within the remit of the Authority to address.

- Any issues pertaining to a cable on the ground are not within the remit of the Authority to address.
- Existing parking spaces do not form part of the application being considered by the Authority.
- The Authority does not concur that the addition and renovations represent the overdevelopment of the site. In this regard, the footprint of the building does not change nor does the rear setback and the existing rear setback exceeds the minimum requirement in the Development and Planning Regulations.
- The Authority does not concur that these residential works will adversely affect the residential amenity of the area nor has sufficient evidence been provided in this regard.
- The Authority does not concur that the layout and density of the dwelling unit are incompatible with the area nor has sufficient evidence been provided in this regard.
- As a condition of approval has been included requiring the removal of the external stairs, no setback variance is required.
- The Authority is satisfied that the notification process was followed correctly.

### **APPLICANT'S LETTER**

*None received at this time.*

### **OBJECTIONS**

#### **Objection #1**

*Thank you for your letter titled "Notice of Application for Planning Permission", attached, photo n. 12, for which I confirm receipt. The letter has a stamp from the Cayman Islands Postal Services, detailing the date of posting of 6 September 2022, envelope attached, photo n. 12.*

*It is mentioned in the letter that if I wish to object to the application, I should do so in writing stating my precise grounds within 21 Calendar days of the date of posting – I am therefore, within the date granted for my response.*

*I have received the letter this week when I checked the post at the post office.*

*I was surprised, however, to note that the construction work has re-started last week, while I am still within the period of objecting to the application. This construction work in 7C69 had started around March 2020 and then left abandoned until last week apparently.*

*Please note that **I object to the application**, until I receive a response that satisfies my concerns to the following items listed below:*

*1) The new area added to the house in 7C69, next to the parking area, is made of concrete – it is not just a roof with tiles like the area besides it on property 7C68. My concern is that this structure that was built recently, which can have persons walking above it and being used regularly, faces*

*directly over my backyard, hence disturbing the privacy of my family. None of the other houses in this complex have such a structure. If it was just a tile roof as I have in my property, that would be something different, as persons would not be walking over it, but a structure made of concrete will allow people to use this space regularly and look directly over my property.*

*Also, I have a cable that is running from my house and goes directly over this new construction area.*

*Please let me know if this has been considered by the Planning Department, and how this structure will look like when finalized, if approved. If the roof of this area is to be used by the persons living in 7C69, **I object** to this application for the reason already noted.*

*2) What is the length being allocated for parking of the 2 cars shown in the application plans for 7C69? I see that the cars are within the area marked for the driveway, 20 feet. If the owner of 7C69 has a bigger car than that is shown in the project design, won't that further block the driveway and access to property 7C68? Just to note that 20 feet is the measure from the wall of the driveway to the right side of the shed, as seen in the picture n. 2 attached. I'm not sure how 2 cars can be parked in a space measured from the right side of the shed to the construction in the Planning permission.*

*I am noting this as in the past, the owner of 7C69 regularly parked his cars on the driveway and in front of the gate giving access to 7C68, as he didn't have space to park the cars as shown in the construction plans for the 2 vehicle parking, so I want to make sure that the design being applied to planning allows for sufficient space for parking in order for the driveway not to be blocked. Please refer to photos 3 and 4 attached.*

*If the parking space for 2 cars defined in the planning permission is crossing the limits set for the driveway **I object to this application**, as this would create great difficulties for me to use the driveway, as has happened so far, and would not be fair.*

*3) Could you please confirm if Planning permission for this application clearly states that the resident of 7C69 must not block the driveway accessing the property of 7C68 with parking of cars or any other items such as sheds, etc, and that the driveway measures about 15 feet in width?*

*4) The owner of 7C69 has a shed that is within the limits of the driveway and has objected to moving it. He moved it even closer to the gate of 7C68 a few years ago and refused to move it back. The distance from the side of the driveway, considering the tree roots that reduce the width of the driveway even more, to the shed is a mere 8 feet, as can be seen on the photos attached, n.9 and n.10. I contacted the Planning Department on 5 January 2022 to ask permission to Planning to increase the size of the gate that gives access to my property, 7C68, through the driveway, as the current gate is very narrow and my car can barely go through it. Please refer to the pictures attached: n.5, 6, 7, 8 and 11.*

*Mr. Ron Sanderson, Deputy Director of Planning, had noted in an email addressed to me dated 27 May 2022, that:*

*"I see no issues with you widening the gate. It is not located along a property boundary therefore does not Planning Permission. Of course, you will have to ensure that the gate does not encroach into neighbouring properties."*

*I responded to Mr. Sanderson's email on 28 May 2022 with:  
" Dear Ron,*

*Thank you very much for your response and for your time to study this matter.*

*As you don't see any issues with me widening the gate as it is not located along a property boundary, and as it doesn't need Planning permission, I will then advance with this project.*

*As I had mentioned, I just want to expand the gate on one side, from the current approximately 7 feet to about 11 or 12 feet, just so I can get the car through and be able to open the doors, etc, as now I cannot even open the car doors properly when the car stops at the gate to attach a trailer for example, and I have to climb over the fence to get through, and I risk falling and hurting myself, and there is a big tree with big roots located outside my property on one side of the gate that further narrows the passage, so the gate would expand to the other side as mentioned - I believe you have seen this gate and area.*

*This expansion of the gate will not encroach into neighbouring properties as the gate at 11 or 12 feet would still be narrower than the driveway which is about 15 feet wide, as noted by the Planning Department.*

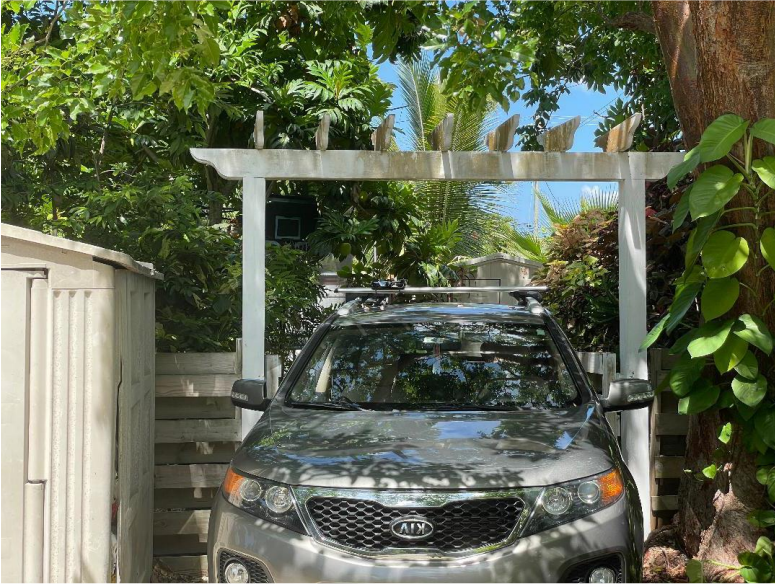
*Thank you again for your time and attention Ron.*

*Kind regards,  
Pedro  
“*

*However, after requesting many times to the owner of 7C69 to move the shed, he has refused and the shed is still on the same spot, about 8 feet from the tree/tree roots and within the driveway, so I haven't been able to expand the gate as noted above, and still have many difficulties in accessing my property through the driveway and attaching the trailer that I have on my property, as detailed above.*

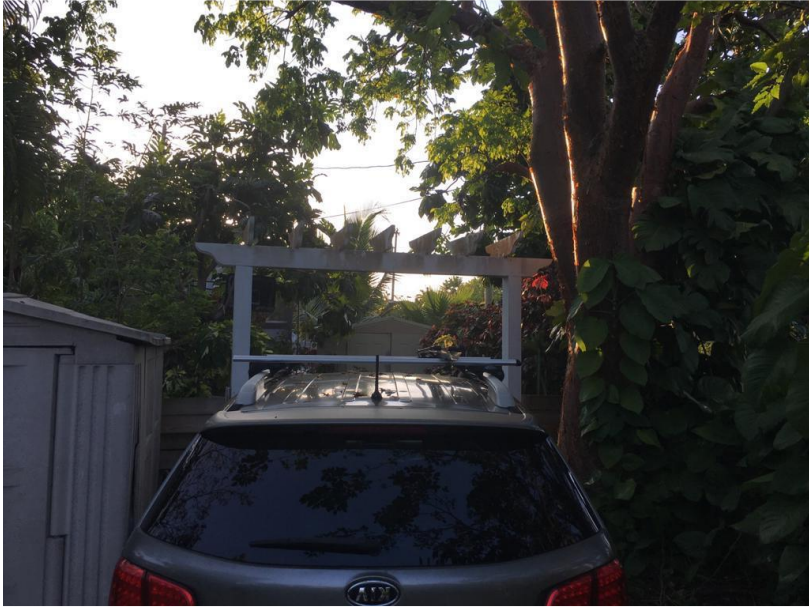
*Does the application for Planning permission and parking spaces for cars consider the shed, it's location, and how that will influence the parking spaces? If the shed remains there, the spaces to park the cars will be smaller and the cars will be parked on the driveway, as in the past – if this is the case, **I object to the application.** Please refer to the 12 pictures attached.*

*Thank you very much for your time and attention.*



















## **Objection #2**

*I am the owner of block 7C Parcel 56 which is located adjacent to 7C 59.*

*On Friday I received a Notice of Application for Planning Permission for renovation of a two storey townhouse with a side setback variance.*

*I am very concerned because it appears that although this application is pending the work is being carried out and the building renovation is likely to be completed prior to the application being heard.*

*I am also concerned because I have not yet been able to review the plans but it appears that the renovation includes a patio overlooking my swimming pool which removes my privacy.*

*I would appreciate if you could investigate this continued building h without any planning permission.*

*I have tried to view the plans online but it appears that your website is not working  
Are you able to provide me with a copy of the plans so that I can ensure that my privacy is not compromised ?*

*I have attached here to a copy of the Notice which I received and the envelope showing that it was posted on 6th September 2022.*

*As I am not objecting to the renovation at this stage I would appreciate if the content of this email is not shared with the applicants.*

*Once I have viewed the plans I will decide if I will be lodging a formal objection to the renovation or not.*

*At this stage I am just asking for the applicants to cease the work until the application is heard.*

*I look forward to hearing from you.*

### **Objection #3**

*Please note that I own the property at 7C 56 which is adjacent to the property on which this two storey townhouse, to which this application relates, sits.*

*I have owned this property for, I believe, approximately 25 years now initially with my ex husband, Jeremy Hurst, and then on my own.*

*I write in connection with the above Planning application, which I understand is an “after the fact application”. I wish to strongly object to the “renovation” (extension and the side setback variance to which this application relates for, inter alia, the following reasons:*

- (a) The significant increase in the floor area on the second floor will result in the owners directly overlooking the back of my home and in particular my cottage and swimming pool which will result in a total loss of privacy for myself and my family and cause us material harm; there is no reason why the extension could not have been built on the bottom floor which would not cause this significant overlooking on my property;*
- (b) the addition will result in an over-development of the property as there will no longer be a proper or legal set-back between my property and this property;*
- (c) this addition will have an adverse effect on the residential amenity of this quiet residential area in that it will set a precedent for “overlooking” and the density of development on such a small piece of property;*
- (d) the layout and density of the addition is incompatible with the ambience of this general area;*
- (e) the variance of the setback will restrict the adequacy off loading/turning/parking in the area, especially for emergency vehicles;*

*In addition to the above I would like to bring the following matters to your attention:*

- (a) this significant extension to this two storey building has been illegally built to date and immediately after the planning application was made on or about 31<sup>st</sup> August 2022, there has been a flurry of activity to complete the building prior to the hearing of the application. I understand that a Stop Notice was served on the owner as a result of this and that they have had to visit the site again because the continuation of the illegal building.*
- (b) The content of the Notice of Application is misleading as it speaks only to “renovation of a two storey townhouse with a side setback variance”. It does not stipulate that this is an*

*application for “after the fact” Planning permission to increase the floor area of the two storey townhouse on the second floor.*

*It therefore appears to me that the intention of the Applicant is to provide the application as a fait accompli in the belief that because the building is probably almost complete, the permission will have to be granted. This is totally unfair.*

*I have included some photos which I have taken of the area, from my property so that you can get a better idea of the reason for my objection.*

*Unfortunately because I had to take the photos from my standing position in my back yard, which is lower than the proposed extension to the building my photos do not show as accurately the overlooking of my pool as if I was able to take photos from the proposed upstairs of the Applicant’s two storey building.*

*Lastly I apologise for getting this letter to you all possibly one day late since the Notice appears to have been posted to me on 6<sup>th</sup> September, 2022 but because your Department closed early on Friday 23<sup>rd</sup> September, 2022 and remained closed in Monday 26<sup>th</sup> September, 2022 and as your website appeared not to be working, I was only able to view the plans for this application late yesterday afternoon (27<sup>th</sup> September, 2022.*

*I have attached hereto a copy of the Notice and stamped envelope in which it was posted to me and I look forward to hearing from you once a date has been set for the hearing of this application.*







**PLANNING DEPARTMENT ANALYSIS**

## **General**

The application for an addition to one duplex/semi-detached unit with associated internal renovations located on Denham Thompson Way., George Town.

## **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Site Plan**

The Department requested the applicant to submit a proper site plan outlining what is exactly on site & being proposed as it does not match images shown on the LIS system, however to date nothing has been submitted. The Board should determine if the submitted site plan accurately reflects what is shown on the LIS system.

### **2) Site Coverage**

Regulation 9(8)(h) of the Development & Planning Regulations (2022 Revision) states “*the maximum site coverage for detached houses, duplexes, guest houses and apartment buildings or townhouses is 30% of the lot size.*” The proposed increase in floor area would put the total site coverage at 32.09% a difference of 2.09%.

### **3) Side Setback**

Regulation 9(8)(j) of the Development & Planning Regulations (2022 Revision) states “*the minimum side setback is 15’ for a building of more than one storey*”. The proposed new stairs for the proposed renovation encroaches the side setback boundary and would only be 6’-10” from the adjoining parcel boundary (7C 79) a difference of 8’-2”. Also, this measurement is based on the site plan being accurate and there is some question if that is the case as noted above in discussion item 1).

At 11:30am, Blair Lilford appeared as the applicant and Rob Johnson appeared as his agent. Pedro Reis and Sheridan Brooks-Hurst appeared as objectors. Summary notes are provided as follows:

- Mr. Johnson provided several comments:
  - This is a renovation of a two storey townhouse
  - It is an older structure from the 1990’s
  - His client started demo before Covid by scraping out the interior
  - He then did the covered porch in the back
  - He then got a letter from Planning to stop work
  - The demo was on the inside, but there is a dumpster on site
  - He thought it would be a submission to BCU because there was no change to the footprint
- Mr. Lilford advised that they bought here 16 years ago, it is their family home
- The Authority asked if there is any additional square footage and Mr. Lilford replied no.

- Mr. Johnson noted the site plan was from a survey and the side of the building is 10' from the boundary, but not 15' as is required now. He advised that the stairs were recently built as part of the construction of the new concrete roof and they are set back 7' so they need a 3' variance. He then noted that the site coverage issue comes from the stairs. He advised there is no additional square footage, there is a new concrete slab roof where there used to be a sloped roof.
- Mr. Lilford advised there was a screened in patio.
- The Authority asked how the roof is supported and Mr. Johnson replied there are walls on the side and glass in the back.
- The Authority asked if the work is completed and Mr. Johnson replied that the roof is completed.
- The Authority asked the Director if planning permission and/or Building permit is required to change the roof to a concrete roof. The Director responded that prior planning permission and Building permit would have been required. Since no permits were sought, no inspections were done.
- The Authority asked for input from the objectors.
- Ms. Brooks-Hurst provided several comments:
  - She explained she had additional photos she wished to hand out. She provided a copy for the applicant and he advised he was fine with them being given to the members. Ms. Brooks-Hurst provided copies for the members (see Appendix 2)
  - She is concerned that there was no consultation and the letter was misleading
  - This will set a bad precedent
  - The homes were built by the same person and designed so there was no overlooking, now she will consider selling because her privacy is lost
  - She is afraid to go outside
  - She objects to the setbacks and they park right up to the wall
  - She knows the applicant has spent money, but that shouldn't affect the Authority
  - There are supposed to be 2 parking spaces, but there is no way there can be 2 spaces
- Mr. Johnson noted there are duplexes in the area and the owners park in the back, facing the buildings.
- Mr. Reis noted the concrete structure with stairs overlooks his property.
- The Authority noted that he is concerned about privacy.
- Mr. Reis provided several comments related to the parking arrangement on the property and his view that there isn't enough space.
- Mr. Lilford explained there is an easement over his parcel and the arrangement for parking in the back for the people that live there. He noted that Mr. Reis is the only one that parks at the front.
- The Authority asked the objectors if they would feel the same way if this was a second floor with a roof and windows and interior occupied spaces.



- Mr. Reis replied he would still have an issue with privacy.
- Ms. Brooks-Hurst replied it would depend on where the windows are.
- The Authority noted that four of these units were developed and asked if any of the others had a balcony.
- Mr. Lilford replied that Mr. Reis has a back balcony with Spanish tiles. He explained he wanted the stairs to access the solar panels and air conditioners.
- Ms. Brooks-Hurst provided comments on the vegetation being cut down repeatedly and that includes vegetation from her property also along the boundary.

**2.4 PATRICK HIGGINSON (Patrick Higginson) Block 45A Parcels 95, 96 & 97 (P21-1297) (\$15,000) (MW)**

Application for land clearing & filling.

**Appearance at 1:00**

**FACTS**

<i>Location</i>	Rum Point Dr., North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.91 ac. (83,200 sq. ft.)
<i>Current use</i>	Vacant

**BACKGROUND**

March 1, 2022 (CPA/06/22; item 2.24) – the application was adjourned until there is an application for the primary development of the site to consider

May 11, 2022 (CPA/13/22; item 2.3) – the application was adjourned for the following reasons:

- 1) The applicant shall submit a revised site plan detailing the proposal on a comprehensive site plan. The site plan should depict areas left in its natural state, the proposed building pad, areas to be cleared, and the trees that will remain on the property.
- 2) The applicant shall submit a cover letter outlining the details of the proposal.

September 28, 2022 (CPA/23/22; item 2.24) – the application was adjourned to invite the applicant to appear before the Authority to discuss the proposal in more detail and also to address the concerns of the DOE.

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

- 1) The applicant shall submit a revised plan showing the only Parcel 96 (land side only) being cleared.
- 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 the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The Authority has taken into account the comments from the Department of Environment, but disagree with the conclusion contained therein. The Authority is of the view that the applicant's stated reasons for clearing the land are reasonable and the clearing will be limited to Parcel 96 only.

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The application site comprises primary dry shrubland and forest habitat, as shown in Figures 1 and 2. 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.*



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

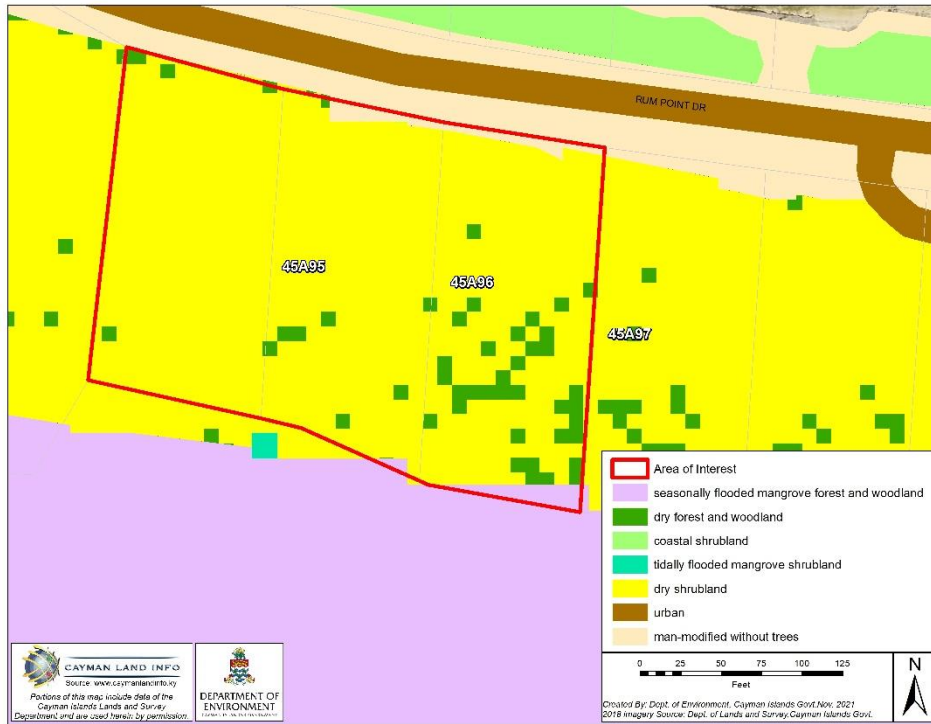


Figure 2: DOE's 2013 Habitat Map showing application site outlined in red

*Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human uses. For this reason, the DoE does not support speculative or wholesale clearing of land. In principle, land clearing should be reserved until the development is imminent (through the granting of planning permission). This allows the opportunity for the property owner to retain as much native vegetation as possible. Native vegetation is best suited for the habitat conditions of the site and requires less maintenance which makes it a very cost-effective choice.*

*Primary habitat can be retained and incorporated into the development's landscaping plans to be utilized in a variety of ways. For example:*

- *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 remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species), and*
- *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.*

*Therefore, in conclusion, without any proposal for development, the DoE recommends that the application is refused permission. Clearing of land should not occur until development has been approved and is imminent to allow sites to continue to provide habitat and ecosystem services as retention of vegetation provides benefits to the property owner and the surrounding area.*

## **APPLICANT'S LETTER**

*As per your request via your letter of June 29, 2022, I would like to respond to your requests. On the attached site plan I have depicted areas I plan to leave in a natural state, areas to be cleared and the trees that will remain on the property. You requested a proposed building pad but as I did not submit a development plan and have no building plans currently I have not been able to supply a plan since there is no current plan for any building. As stated in our meeting with the board, our plan is to fill the holes on the land with fill and also add topsoil for planting of trees and shrubs on the properties at this time. When and if we decide to build on the properties in the future, we would then submit a building/development plan.*

*The 3 lots are exclusively karst limestone, ie, ironshore. There is very little to no soil on the property*

*As such there are also very few trees on the properties due to the harsh environment and rocky terrain.*

*The land is covered mostly with vines and shrubs, such as Maiden Plum. There are a few trees and most of them I plan to keep as they are near the boundaries and the roadway as my plan is to keep the boundaries and perimeters or the lots in a natural (wild) state.*

*My intention is to cut a 15 foot access path in the middle of lot 96 to allow access to all three properties via lot 96. I would also cut a 15 foot path to lots 95 and 96 at the midsection.*

*These paths are shown on the attached drawing.*

*The drawing shows via dark outline the perimeter areas to be left as it.*

*Along the road I would leave a 20 foot strip in natural state, as is.*

*Along the perimeter of my lot 95 and lot 67 I would leave a 10 foot strip as is.*

*Along the perimeter of my lot 97 and lot 98 I would leave a 10 foot strip as is.*

*At the rear (southside) of the lots I would leave a 10 foot strip as is.*

*Between my lots I would leave a 15 foot strip as is.*

*My plan is to add many trees and shrubs along each of the perimeters once I have cleared and have access to the property. That's my main objective in this endeavor as I have grown several hundred trees and shrubs for this purpose. The trees I will plant will butt up to the natural perimeters and provide a privacy barrier between the lots and roadway and the neighboring properties.*

*The trees on the property which I plan to keep in place are 3 Birch, 1 Cabbage Palm, and 3 Fig (Ficus) trees.*

*These trees are in addition to the trees included in the perimeters left in natural state.*

*The trees and shrubs I will be adding to the property mostly are seed/fruit bearing and will greatly enhance the habitat for birds and other vegetarian animals that might encounter the area.*

*I hope you will see that my endeavor will improve the area for both man and beast.*

*Thanks for your consideration of my plan.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a land clearing & filling located on Rum Point Dr., North Side.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) DOE Comments**

The DOE have raised concerns regarding the land clearing & filling which has been noted above.

The Board should consider if the submitted plan & applicant letter is acceptable & meets the Board's requirements to grant planning permission.

## **SUPPLEMENTARY ANALYSIS**

There have been no changes to the proposal and the applicant was invited to appear to better explain the application.

At 1:00pm, Mr. & Mrs. Higginson appeared as applicants. Summary notes are provided as follows:

- The Authority asked if they had seen the comments from DOE and Mr. Higginson replied yes. Mrs. Higginson asked if the DOE was here and the Authority replied they were not. Mr. Higginson noted he had hoped they would be here because he wanted to address them.
- Mr. Higginson provided several comments:
  - the Authority asked for a plan and they have provided one showing the areas that would be left alone
  - the perimeters would be pretty much left untouched
  - there would be an entrance at the top and two on the sides to get a lawnmower through
  - they have been growing plants for a couple of years and have around 1,000 and they want to plant them here
  - there is a ridge about a hundred feet back where they eventually want to build a house
  - they want to preserve wildlife and by planting plants the wildlife will increase
  - they won't touch the beach side
- Mrs. Higginson noted that they are very aware of conservation and they want to create habitat for bees to pollinate, they have been doing this in Newlands and want to do it in North Side.
- Mr. Higginson noted they want to put some bee boxes out there too.



- The Authority asked how wide would the vegetation be along the boundaries. Mr. Higginson replied 10' to 20'.
- The Authority asked if he would fill the rocky areas and Mr. Higginson replied no.
- Mrs. Higginson noted that some people remove the rock and sell it and Mr. Higginson noted they wouldn't be taking any rock.
- Mrs. Higginson noted that the rock is very sharp and uneven so they may have to remove some, but they would keep it there.
- The Authority summarized that they want to leave 20' at the front, 10' on the sides and clear everything else except for keeping certain trees and then they want to fill pockets so they can plant plants so it seems like there is more clearing than not clearing.
- Mrs. Higginson advised that the areas not left as is would be improved. Mr. Higginson noted they would put down top soil and plant on it.
- The Authority noted that they have said a lot, such as a backhoe for rock, fill the rock, grow plants, build a house and the Authority needs to know the intent because DOE is recommending refusal.
- Mr. Higginson noted they wouldn't be building now.
- The Authority noted that they seems to be leaving only 10% of the vegetation.
- Mr. Higginson advised they are showing the significant trees and a 10' strip around the boundaries. The Authority noted that they seem to be saying that the plan doesn't show everything that they will keep and Mr. Higginson said that is correct and noted there are not a lot of trees on the site, it's more like bushes with a lot of maiden plum. He explained he wants a curbed driveway for the future development of the site with a 4,000 sq ft slab on the ridge. He noted they would build on the middle lot. Mrs. Higginson advised that they can leave the left and right as is and show the middle as being improved.

**2.5 MAYRA SWABY (Benitez & Sons Ltd) Block 4B Parcel 488 (P22-0402) (\$35,000) (JP)**

Application for an after-the-fact house.

**Appearance at 1:30**

**FACTS**

<i>Location</i>	Thistle Lane, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.29 ac. (12,632.4 sq. ft.)
<i>Parcel size required</i>	32,500 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	288.28 sq. ft.
<i>Total building site coverage</i>	19.05%
<i>Required parking</i>	4
<i>Proposed parking</i>	4

**BACKGROUND**

September 28, 2022 (**CPA/23/22; item 2.10**) - Members resolved to adjourn determination and invite the applicant to appear before the Authority to discuss concerns regarding:

- 1) Lot size (12,632.4 sq ft v 32,500 sq ft)
- 2) Rear setback (10' 2" v 20')

March 22<sup>nd</sup>, 2022 – enforcement notice issued for unauthorised house - CE22-0045

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

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

Reasons for the decision:

- 1) With the exception of the lot size and rear setback, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot size and the minimum required rear setback per Regulations 9(8)(d),(e) and (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 lot size and setback as follows:

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

## **AGENCY COMMENTS**

### **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.*

## **APPLICANT'S LETTER**

*We would be Grateful for your consideration in respect to the following planning variances which relates to our client's Ms. MAYRA SWABY ILLEGAL ADDITION (P22- 0402) on 4B 488. Please note the below variance request.*

*REAR SETBACK AND LOT SIZE VARIANCE, We ask permission for this illegals buildings giving you the following reasons:*

- a. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail:*
- b. Per section 8(13)(b)(iii) of the Planning Regulation, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare*
- c. There are other similar cases near the property and in the community of West Bay.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in an established residential area in West Bay which consists primarily of single or dual residency. Multi-family developments are noted; however, these are infrequent. Currently a duplex and linked additional unit are situated on the site.

The application seeks Planning Permission to retain an unauthorised structure which is being used as self-contained accommodation. The structure constitutes a one-bedroom house.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot size variance (12,632.4 sq ft v 32,500 sq ft)**

Regulation 9(8)(d) and (e) sets out minimum lot sizes for houses and duplexes, respectively.

The existing development on site consists of a duplex and two detached houses consequently a minimum lot size of 32,500 sq ft is required for the overall development of the site.

The application site measures 12,632.4 sq ft, therefore, a shortfall of 29,867.6 sq ft is apparent.

Members are invited to consider the content of the variance letter to determine whether adequate justification exists.

## **2) Rear setback variance (10' 2" v 20')**

Regulation 9(8)(i) requires a minimum setback of 20' from the rear boundary.

The unauthorised structure is sited 10' 2".

Members are invited to consider the variance letter.

## **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

At 1:30pm, Mayra Swaby and Talbert Swaby appeared as applicants. Summary notes are provided as follows:

- The Authority asked the applicant to explain the application and the reasons for the lot size and setback variances.
- Mr. Talbert advised that when they bought the property there was a foundation which they broke down.
- Ms. Swaby provided several comments:
  - When she bought in 2016 there was a foundation
  - They were told it was a studio and was approved by the previous owners
  - She got money from her pension in 2020 to re-build the studio that was originally there
  - They didn't know they needed a permit
  - They had friends that were evicted so they put them here to live
  - Planning contacted them to say the building was illegal
  - They just rebuilt what they thought had been a studio
- The Authority asked if they were using the same footprint and Ms. Swaby replied yes.
- The Authority asked if the main building is a duplex and Ms. Swaby replied yes with the one bedroom unit behind it.
- The Authority asked if they did the work in 2020 and Ms. Swaby replied yes.
- The Authority asked if the building is completed and Ms. Swaby replied it was and has been lived in for one year.
- The Authority asked if she had any inspections, or an architect supervising the work and asked if they had a licensed electrician.
- Mr. Swaby replied they had an electrician do the work.

- The Authority asked how many electrical panels are there and Ms. Swaby replied there is one for the studio, one for the one bedroom unit and the duplex has a meter. There was continued discussion regarding the electrical service to the units on the property.

**2.6 HOME & OUTDOOR (Kozaily Design) Block 19E Parcel 149 (P22-0590) (\$2million) (JP)**

Application for a warehouse building.

**Appearance at 2:00**

**FACTS**

<i>Location</i>	off North Sound Road, George Town
<i>Zoning</i>	<b>HI</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.46 ac. (20,037.6 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	11,748 sq. ft.
<i>Total building site coverage</i>	30.1%
<i>Required parking</i>	12
<i>Proposed parking</i>	13

**BACKGROUND**

September 28, 2022 (**CPA/23/22; item 2.18**) – application for a warehouse was adjourned to enable the applicant to appear before the Authority to discuss concerns regarding the timing of development as well as the proposed lack of green space between the driveway aisle and boundary line.

April 13, 2022 (**CPA/11/22; item 2.14**) – application to modify planning permission to remove condition 2 of P20-1044 (P22-0180). CPA resolved to adhere to the original condition on CPA/17/21; item 2.3 to ensure parcels are combined. The reason for this decision was:

*“The development has been designed where driveways cross over each parcel and parking areas will be shared between the buildings therefore the Authority is of the view that the two parcels need to be combined.”*

September 8, 2021 (**CPA/17/21; item 2.3**) – application approved for two warehouse buildings (P20-1044)



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

Conditions (1-7) 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) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. The applicant should liaise directly with the NRA in submitting the stormwater management plan.
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 6) 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.**
- 7) 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 (8) listed below shall be met before a Building Permit can be issued.

- 8) 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.
- 9) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 10) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 11) 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
- 12) 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.

Additionally, once construction has started, condition (13) shall be complied with before a final Certificate of Occupancy can be issued.

13) The 30' wide access road leading from North Sound Road to the Parcel 149 shall be constructed with asphalt and approved by the Central Planning Authority. 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. The NRA shall inspect and certify road base construction prior to road surfacing activities

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

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

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

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

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

Reasons for the decision:

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**

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

#### **Water Authority**

##### **Wastewater Treatment & Disposal**

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

<i><b>BUILDING</b></i>	<i><b>UNITS/BLDG</b></i>	<i><b>GPD/UNIT</b></i>	<i><b>GPD</b></i>
<i>Ground Floor</i>	<i>6 x Toilets</i>	<i>150gpd/Toilet</i>	<i>900</i>

Second Floor	5,718 sq. ft.	5,718 x 0.15 (retail factor)	857.7
<b>TOTAL</b>			<b>1,757.7</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.*

**Traffic Rated Tank and Covers**

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

## **Water Supply**

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

- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The developer is required to notify the Water Authority's Engineering Department at 949-2387, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*

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

## **National Roads Authority**

No comments received.

## **Department of Environmental Health**

*Solid Waste Facility*

*This development will require (1) 8 cubic yard container with twice per week servicing.*

*NOTE:*

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

## **Department of Environment**

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

*The proposed filling of this land to 7ft above Mean Sea Level will reduce the site's natural capacity to retain storm water. Therefore, it is recommended that only the proposed development footprint is filled and the areas surrounding remain unfilled in order to retain the drainage capacity for the rest of the site and aid with stormwater management. It is also recommended that any remaining native vegetation be retained, along with incorporating native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost effective and sustainable choice for landscaping.*

## **Fire Department**

Stamped approved plans

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located on the outskirts of the Heavy Industrial zone north of the airport. The application is a resubmission of the previously approved scheme and now comprises one parcel which is bound to the east, west and north by existing industrial buildings. To the south, a gas station was recently approved for a different applicant.

The application seeks Planning Permission for one warehousing building comprising 12 units.

### **Zoning**

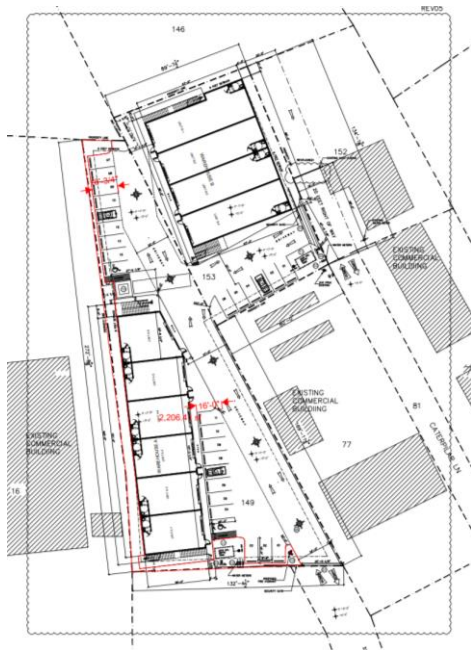
The property is zoned Heavy Industrial.

### **Specific Issues**

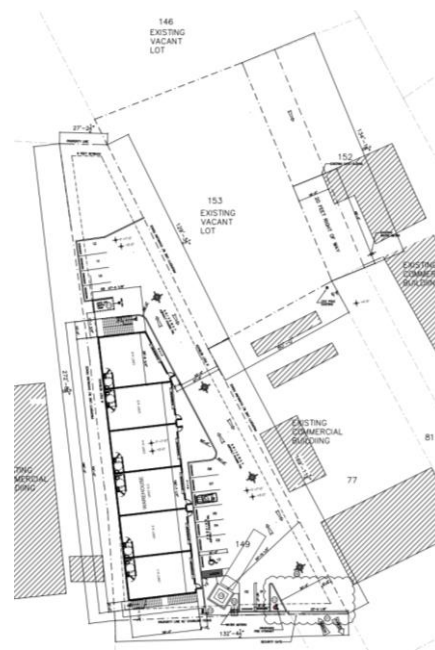
#### **1) Driveway aisle and boundary fence**

The recent submission omits any curbing along the eastern boundary of the driveway. This results in no clear demarcation for users of the driveway and no protection afforded to the existing chainlink fence.

Previously approved plan:



Current submission:



The Department acknowledges this is a minor issue and can be overcome by way of a condition seeking curbing of the driveway aisle, however, members attention is simply drawn to this.

### **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

At 2:00pm, Elias Kozaily, Jonathan and Alain El Haddad appeared on behalf of the applicant. Summary notes are provided as follows:

- Mr. Kozaily explained they had made some adjustments for landscaping and provided a USB flash drive with the revised plan which the Authority reviewed.
- In response to a question, Mr. Kozaily explained the types of vegetation that would be used.



**2.7 MARILIN EBANKS (AD Architecture) Block 5B Parcel 129 (P22-0755) (\$10,000) (NP)**

Application for a food truck & storage container.

**Appearance at 2:30**

**FACTS**

<i>Location</i>	West Church Street in West Bay
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification Results</i>	Objection
<i>Parcel size</i>	0.1 acre
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	food truck & container
<i>Building Footprint</i>	233 square feet
<i>Parking Required</i>	2 spaces
<i>Parking Provided</i>	3 spaces

**BACKGROUND**

October 26, 2022 (**CPA/26/22; item 2.5**) – the application was adjourned to invite the objector to appear before the Authority once again.

**Decision:** It was resolved to grant planning permission for one (1) year only, subject to the following conditions:

- 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.
- 2) The food truck and container shall be removed from the site no later than one (1) year from the date of this decision.

Reasons for the decision:

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

Revision). Specifically, the Authority is satisfied that the food truck will serve the needs of the community.

- 2) The Authority is satisfied with the gravel surface of the parking area as approval has been granted for one year only.
- 3) The Authority is of the view that there are no objections that would warrant refusing permission as contrary to the objector's contention, the proposed development is not situated on the objector's property.

### **AGENCY COMMENTS**

The following comments have been received to date:

#### **National Roads Authority**

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

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

#### **Department of Environment**

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

*The application site is man-modified, however, it is noted that there is a mature mahogany tree on site. It is recommended that the mahogany tree is retained and incorporated into the site design.*

#### **Water Authority Cayman**

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

*Mobile food service providers shall provide details on the following:*

##### ***1. Potable Water:***

- a. Source:*
- b. Storage tank: type, volume and location within mobile unit.*

##### ***2. Wastewater generated during preparation and clean-up of food:***

- a. Plumbing fixtures: list number and type, include dimensions of sinks.*
- b. Storage tank: type, volume and location within mobile unit.*
- c. Discharge: describe method and location of where contents are transferred for treatment and disposal.*

##### ***3. Wastewater generated from sanitary fixtures:***

- a. Restroom facilities: list number and type of facilities provided.*
- b. Storage tank or treatment system: type, volume and location within or outside mobile unit.*
- c. Discharge: describe method and location for treatment and disposal.*

##### ***4. Type of food service:***

- a. Sells only pre-packaged items or items prepared at a permanent site (indicate location of permanent site of preparation kitchen).*

#### **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.*

**Fire Department**

The Fire Department has stamp approved the drawings.

**OBJECTION LETTER**

*I am replying to you about the Food Truck applying to use our property and also to store a 20' container on the property.*

*I strongly object to this. It is a private property, and would take away from the look the investors worked so hard to build and what we buyers were attracted to. I have tenants in mine and feel it would drop the value of my rental. The people living there should not be subjected to people off the street coming on to our property and spoiling the privacy and quiet atmosphere that exists there. Not to mention security risks. I can't imagine why this has even been considered.*

*My block and parcel numbers are: Block 5B parcel 369.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject property is located on West Church Street in West Bay, at the corner of Elizabeth Street.

The proposal is for a food truck (73 Sq ft) and storage container with 3 parking spaces in an existing gravel area. There would be outdoor seating and a portable toilet on site.

**Zoning**

The property is zoned Neighbourhood Commercial.

**Specific Issues**

**1) Zoning**

Per Section 3.02 of The Development Plan 1997, uses in the NC zone will include, shops, businesses, small scale professional buildings as well as grocery stores that service the needs of the community. Likewise, per Regulation 13(1)(b), uses in the NC zone are intended to cater principally for the needs of persons resident in, or in the vicinity, of the zone. The Authority needs to determine if the proposed use is consistent with these objectives.

**2) Gravel Parking**

The applicant is proposing to utilize the existing gravel parking area. The Authority should discuss whether this is suitable in this instance.

**3) Concerns of the Objector**

It is noted that the objection letter refers to the proposal happening on her property. This is not accurate. The proposal is located on 5B 129 and the objector lives at 5B 369, which is located south of the subject parcel, across Elizabeth Street.

At 2:30pm, Marilyn Ebanks and Josen Ebanks appeared as the applicants. Summary notes are provided as follows:

- The Authority noted that the objector was not in attendance and as this was their second opportunity, the Authority could proceed to consider that application.
- Mr. Ebanks provided a handout to address the comments from the Water Authority (see Appendix 3). He noted he would address the objections verbally.
- The Authority asked if there is a water meter on site and Mr. Ebanks replied yes, since July.
- The Authority asked them to address the objections.
- Mr. Ebanks explained the objector is related to his wife and they are not using her property since the truck will be on his wife's property. He noted that the three units the objector is talking about are on the Heritage Holdings site.
- The Authority noted that in their letter to the Water Authority they mention they want to eventually build warehouses and as the site is zoned Neighbourhood Commercial that use may be questionable.
- The Authority asked what their time frame is for the food truck.
- Mr. Ebanks noted they are finalizing plans for the site. He noted that CUC only allows a temporary connection for 1 year so they would like to utilize the site for 1 years until the other plans are approved. He also noted that they would eventually buy a different type of unit while they raise money from this one.
- The Authority asked that if it is approved are they okay with a temporary time frame. Mr. Ebanks noted they would need at least 6 to 9 months.
- Ms. Ebanks added that they would need 12 months.
- The Authority asked if the container is for storage and Ms. Ebanks replied yes. Mr. Ebanks noted that the truck is small and has no storage.
- The Authority asked the size of the container and Mr. Ebanks replied 20'. The Authority asked if they would dress up the container and Mr. Ebanks replied they would.

## 2.8 VERDA EBANKS (Baer Development) Block 20D Parcel 326 (P22-0458) (\$8,000) (BES)

Application for an after-the-fact 6' wall around the perimeter of the property.

### Appearance at 3:00

#### **FACTS**

<i>Location</i>	Palmdale Avenue in George Town
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Notification result</i>	Not Required
<i>Current use</i>	House & Detached Garage

#### **BACKGROUND**

CE22-0012 – enforcement notice issued for unauthorized construction of a wall

November 9, 2022 (CPA/27/22; item 2.6) – The current application was adjourned and the applicant was requested to revise the plans to set back the wall 4' from the roadside boundary, to set back the gates 12' and to have the gates swing inward. Subsequent to the meeting, it was brought to the Department's attention that the wall was built and was subject to the above noted enforcement notice. The applicant was contacted and was requested to appear before the Authority to address the matter.

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

- 1) The curved portion of the wall at the corner of the two roads shall be reduced to 4' in height in order to sufficiently address the concerns of NRA and the applicant is directed to liaise with the Department for details in this regard. The wall height must be reduced within 60 days of the date of this decision. The remainder of the perimeter wall is approved at 6'.
- 2) The exterior of the wall must be finished with a rendered surface within 60 days of the date of this decision.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Reasons for the decision:

- 1) A condition of approval will be included requiring the portion of the wall on the corner to be reduced to 4' in height.
- 2) A condition of approval will be included requiring the exterior of the wall to have a rendered finished in order to improve the visual appearance.

### **AGENCY COMMENTS**

#### **National Roads Authority**

As per your memo dated April 29<sup>th</sup>, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

**Please note NRA recommended minimum intersection sight distance requirements, which are as follows,**

**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. However, the NRA requests that the CPA require the applicant to set back the wall 3 feet to allow for a pedestrian footpath. And also the gates should swing inward towards the subject parcel, so as not to interfere with the road traffic.**



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Palmdale Avenue in George Town.

The property contains an existing house.

The applicant is seeking planning permission for a 6 foot high after the fact wall along the property boundaries. It is the Department's understanding that the wall is partially constructed.

The application originated as a result of enforcement action.

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Road setbacks**

Regulation 8(18) states that walls along roads need to be setback a minimum of 4' from the roadside property boundary. The Regulations also states that gates need to be setback a minimum of 12' from the roadside boundary. In this instance the proposed wall is on the boundary and there are two proposed gates that are also on the roadside property boundary.

#### **2) Proposed Fence Height**

CPA Guidelines state that the maximum height of a fence shall be 4 feet. The applicant is applying for a 6 foot high wall. The Authority should determine if the wall height is acceptable in this instance.

## **SUPPLEMENTARY ANALYSIS**

As noted in the Background section of the report, subsequent to the November 9 meeting, it became known that the wall exists and the applicant was invited to appear before the Authority to address the situation.

At 3:00pm, Verda Ebanks appeared as the applicant. Summary notes are provided as follows:

- The Authority asked why was the wall built without approval.
- Ms. Ebanks replied that the police chase people through the area and they jump over her wall so her mother decided to go higher. The Authority asked how often this happens and she replied all the time.
- The Authority asked if they have dogs in the yard and Ms. Ebanks replied they do, but they have to lock up the pit bull because it is too aggressive.
- The Authority asked how the wall will be finished, such as plaster, marmoran or paint.
- Ms. Ebanks replied they plan to plaster and paint. She also noted that if it is a problem, she can take off a row of blocks.
- The Authority noted that would help given NRA's comments for sight lines.
- Ms. Ebanks explained that in the back where people jump over they want the wall as high as the neighbours have.

- The Authority explained she can go up to 4' without permission.
- Ms. Ebanks noted it is a block wall with wire. The Authority asked if it is razor wire and she replied, no, it is chain link. She also noted that she would replace the chain link fence with a wall. The Authority asked how tall it would be and Ms. Ebanks replied 6'.
- The Authority summarized by stating that the application is for a 6' wall around the entire site, but she has only started building at the front and she will take down the front by 1 row of blocks.
- Ms. Ebanks noted that she would take the front down to 4' at the corner.
- The Authority asked of the gates swing in or out and Ms. Ebanks replied they are sliding.

**2.0 APPLICATIONS**  
**APPEARANCES (Items 2.8 to 2.27)**

**2.9 NORTH SOUND WAY PROPERTY HOLDINGS LTD. (Coe Group) Block 19E Parcel 248 (P22-0708) (\$5.0 million) (NP)**

Application for a cement plant.

**Ian Pairaudeau declared a conflict and left the meeting room. Handel Whittaker sat as Acting Chair.**

**FACTS**

<i>Location</i>	Seymour Road in George Town
<i>Zoning</i>	<b>Heavy Industrial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	1.22 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Building Footprint</i>	20,978 sq. ft.
<i>Building Area</i>	21,915 sq. ft.
<i>Site Coverage</i>	79.2 % (parking & buildings)
<i>Parking required</i>	22
<i>Parking proposed</i>	14

**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).
- 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 Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall 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) With the exception of the site coverage and septic tank setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision). Specifically, the proposed development complies with the provisions of Regulation 12(1).
- 2) The proposed application does not comply with the maximum allowable site coverage and minimum required septic tank setback per Regulations 8(1) and (5) 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 additional site coverage and lesser setback as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
- 3) The driveway for the adjoining property is not considered a road therefore Regulation 8(18) does not apply to the sliding gate next to the driveway.
  - 4) The Authority is satisfied that an adequate number of parking spaces has been provided per Regulation 12(2)(g).
  - 5) The Authority is satisfied with the location of the solid waste enclosure being located on 19E 246.
  - 6) The Authority is satisfied with the height of the silos per Regulation 12(2)(b) given that the proposed plant is located within an area where there are other cement plants and towers of similar height.
  - 7) The Authority has taken into account all agency comments and advises as follows:
    - a) Water Authority's comments can be addressed through conditions of approval and through the building permit process.
    - b) Department of Environmental health comments can be address through the building permit process.
    - c) Regarding the comments from the Department of Environment, the Authority offers the following:
      - Issues related to air quality, disposal of waste materials and worker protection do not fall within the remit of the Authority, therefore no conditions of approval can be included pertaining to these issues as they could not be properly administered and would not be enforceable.
      - Regarding comments pertaining to visual impact, the Authority is of the view that the DOE has taken the words "aesthetic value" out of context of their meaning within Sections 2(d) and (f) of the National Conservation Act. Essentially, the words have been improperly applied to the subject application. However, the Authority does concur with DOE's view that *"In addition the proposed cement plant is located in an area zoned for Heavy Industrial, hence this location is considered to be environmentally appropriate for this type of development and ~~the~~ thus the associated environmental impacts relating to visual impacts are likely to be minimal."*

## **AGENCY COMMENTS**

Comments received to date are noted below.

### **Water Authority**



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

#### Wastewater Treatment & Disposal

- The developer shall provide a **septic tank(s)** with a capacity of at least 1,000 US gallons for the proposed, based on the following calculations:
- 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 4'6" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). 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 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).*

*Given the type of development (i.e. a cement plant), the scale and the location of the proposal, the project was screened for an Environmental Impact Assessment (EIA) as outlined in Schedule 1 of the National Conservation Council's Directive for EIAs issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act (NCA). The EIA Screening Opinion was considered and endorsed by the National Conservation Council (NCC) at their workgroup session on the 7<sup>th</sup> of September 2022. The NCC's endorsement and the EIA Screening Opinion are both provided in Appendix 1 of this review. It was determined that whilst there are environmental impacts associated with this project, as detailed below and in the EIA Screening Opinion, **the project does not require an EIA to be conducted prior to fulfillment of Section 41 of the NCA.***

#### *The Site*

*The site is man-modified (as shown in Figure 1 below) and is zoned as heavy industrial. The site is considered to be of limited ecological value. Nonetheless, there are environmental concerns about waste management, air quality and visual impacts from the proposed development.*

#### *Waste Management*

*The site plans do not appear to outline how residual concrete or cement slurry will be disposed of. It has been common practice to rinse the cement trucks and dispose of the residual concrete and slurry into remote areas including wetlands and/or potentially environmentally sensitive habitats. The practice of emptying waste or washing residual cement into areas not designated for such (including natural areas) should not be allowed. This practice can be discouraged and avoided by provision of appropriate facilities within a site boundary. The cement plant should be designed so that operators have a clear process for managing their wastes, for example by accommodating excess cement and cement residues. This should be included in an Operations and Maintenance Plan for the cement plant.*

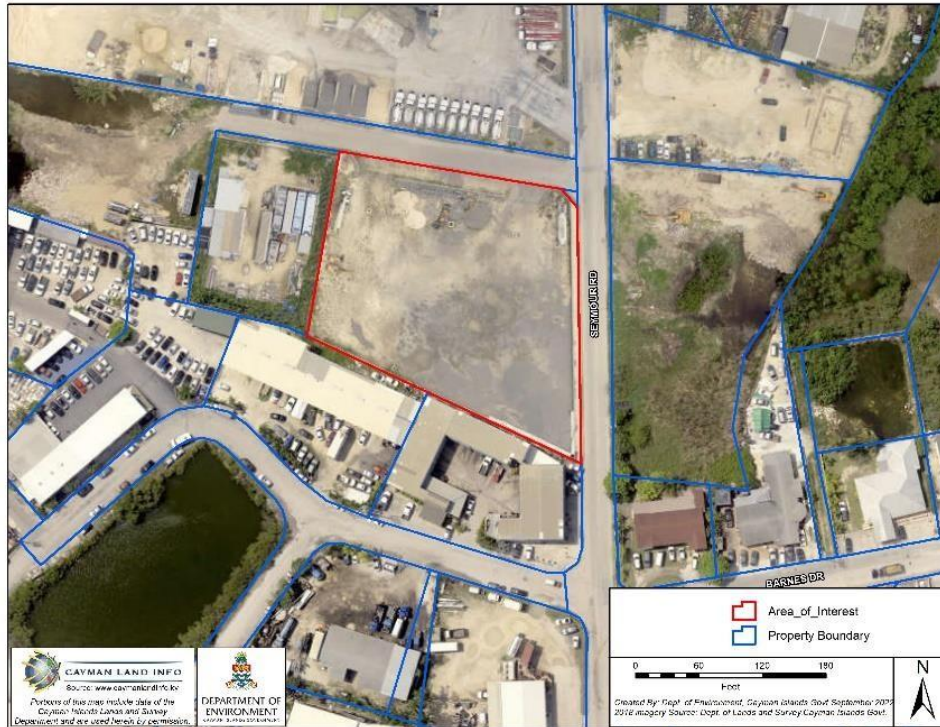


Figure 1. The site of the proposed cement plant outlined in red (Source: LIS 2018)

### Air Quality

*Cement plants can emit many pollutants into the atmosphere such as cement and silica dust and particulate matter (PM). Inhalation of these pollutants can cause health issues such as asthma, cardiovascular disease, severe lung disease and cancer. Therefore, it is strongly recommended that best management practices are adhered to and that the cement plant is designed in a way that can mitigate against PM, cement and silica dust emissions. An Air Quality Assessment along with an Operations and Maintenance Plan should be required to ensure that people working at the plant or in the surrounding area are not negatively impacted by the plant.*

### Visual Impacts

*Most people primarily experience their environment through visual cues, hence the normal and appropriate incorporation of Visual Impact Assessments into EIAs. Furthermore, the NCA makes numerous mentions of aesthetic value including under 2(d) and (f) which contain definitions of adverse effects on aesthetic values. The EIA Directive also makes reference to landscapes.*

*The silos will be 97ft tall, which is approximately 6 to 7 storeys. The proposed plant is located within an area where there are other cement plants and towers, such as the National Cement Plant which is located between the Esterley Tibbetts Highway and the application site. Therefore, the precedent has been set for structures of a similar height in this area. In addition the proposed cement plant is located in an area zoned for Heavy Industrial, hence this location*

*is considered to be environmentally appropriate for this type of development and the thus the associated environmental impacts relating to visual impacts are likely to be minimal.*

### Conclusions

While the proposed development does not require an EIA, the DoE considers that there are some environmental issues, detailed above which should be addressed. Therefore, if the CPA is minded to grant planning permission for the cement plant, the following conditions of approval are recommended:

- The applicant shall submit an Air Quality Assessment which will include best management practices that shall be adhered to.
- The applicant shall submit an Operations and Maintenance Plan which will identify how waste materials from the operations will be handled and how people working at the plan will be protected against health impacts.

### **Department of Environmental Health**

In order to complete the review the following is required:

1. The specifications for the bag packing machine must be submitted for review and approval.

### **APPLICANT'S LETTER**

Before you today is the new SuperMix Cement Storage Facility. The new facility will be the newest of all the cement plants that are located within the area and will set a new standard for its appearance in creating a new look for a generally cluttered looking area; we are taking the approach to create more Architecturally pleasing buildings in appearance and introducing more landscape, in the form of taller growing trees and more shrubbery type landscaping to soften the area., and to create a more greener site than most developments in the area.

The largest building that's on site is the bulk bag cement storage; this building houses the lifting cranes and palletizing equipment needed for the removal of the trailered bulk bags and storing them in a specific order. The bulk bags themselves average from one ton to three ton bags; because of these weights the equipment needed is very heavy duty, such as lifting excavators and front end loaders and various equipment of that nature which require higher than average vertical heights to operate. This building is also used to control the cement dust mitigation, as all the operations are indoors and not outdoors.

As shown on the Site Plan and Floor Plan; the bulk storage building floor space is dedicated for just the storage of cement and the equipment need within. There is a general office and administration located in this building also which is accessed from the exterior of the building. Located onsite is also the bulk cement storage silos, and the automated bagging and bag storage building.

#### *Existing Development on Site:*

The existing site is currently used for aggregate storage and miscellaneous activities used for SuperMix Concrete Plant which is next door separated by an access road. Ultimately with the new cement storage facility, the general operations for Supermix will be transformed to a much more efficient method of operation.

### *CPA & Planning Variances:*

*As with any developments being designed and applying for Planning Permission, there are bound to be variances that are needed to be sought in order to move forward. We have tried to provide a project that would be free of variances but unfortunately we have a few variances that we will be seeking these are as follows:*

1. *Parking Count from 17 spaces to 14 spaces*

*In our opinion the parking count that we currently have is more than sufficient for our operation, as provided on Sheet A-Site A, we have a breakdown of the required parking spaces that cater to our operations. As shown on the site plan; the parking layout is strategic to our design along with the functionality of access to the concrete plant. This facility is not open to the general public for any sales. All sales of products are carried out at Supermix Concrete plant that has its own parking area and Paramount Building located off of North Sound Way.*

*With our staff parking as shown we are providing additional parking that can be utilized for Supermix Concrete Plants Staff if needed.*

2. *Site Coverage 79% vs 75%*

*Looking at the site plan provided; we have maximized the site as efficiently as possible without any detriment to any of our neighbors and considering that Heavy Industrial Land is at a premium and also scarce in general. We honestly don't see this being a major issue, when considering that we have provided a fully functional new operation that works for our industry and doesn't negatively affect the area in general. The Buildings and Silos are the given size that's needed to cope with the growth of our development rate and demand of cement products for our islands. We would therefore ask for the site coverage variance of 4% increase.*

3. *The Garbage Enclosure is located on neighboring lot Block 24E parcel 246 (Supermix Concrete Plant Site) Our two sites function as one in the general scope of the operation; we have to transverse from and to between properties at give times and the solid waste that's generated by the Cement Storage Facility will be transported to the garbage dumpster on a scheduled time as needed to be collected by DEH.*

*In closing, we have provided as much information as possible to explain our project to its totality; should you require more information please do not hesitate to contact us.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located in George Town on Seymour Road.

The proposal is for a cement storage building, cement bagging building, 4 silos, and a security building.

#### **Zoning**

The property is zoned Heavy Industrial.



## **Specific Issues**

### **1) Height of Silos**

There are four proposed silos with a height of 103 feet each.

Height in a Heavy Industrial zone is at the discretion of the CPA and the Authority should discuss the proposed silo height.

### **2) Proposed Solid Waste Enclosure**

The proposed location of the solid waste enclosure is situated on an adjacent parcel of land also owned by the applicant (19E 246). As a result, there is no solid waste proposed for the subject parcel.

### **3) Site Coverage**

Regulation 8 (1) states, among other matters, that in no case may the building plus the car parking area exceed 75 percent of the lot, except in the General Commercial zone.

In this instance the proposed lot coverage (building plus parking) is 79.2 percent.

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

### **4) Septic setback**

The proposed septic tank is located 12'9" from the north property line.

According to Regulation 8(8), the septic tank should be setback 20 feet from the north side boundary.

The Authority should discuss whether a variance is justified in this instance.

### **5) Gate Setback**

The proposed north entrance/exit gate is setback 8 feet from the proposed north boundary.

Regulation 8(14) states that a gate shall be setback a minimum distance of 12 feet from the roadside property boundary.

The Authority should discuss whether a variance is justified in this instance.

### **6) Parking**

According to Regulation 8(1)(v), a total of 22 parking spaces are required to be provided on site.

The applicant is proposing a total of 14 parking spaces.

The Department would note that a significant amount of floor area proposed is devoted to storage uses.

The Authority should discuss whether a variance is justified in this instance.

**2.10 WORLD WIDE GREEN LTD. (OAD) Block 48B Parcel 10 (P22-0423) (\$18,401,600) (NP)**

Application for 39 apartments, pool, fence/wall and sign.

**FACTS**

<i>Location</i>	Bodden Town Road in Pease Bay
<i>Zoning</i>	<b>Beach Resort Residential &amp; Public Open Space</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	2.67 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	18,219 sq. ft.
<i>Building Area</i>	92,008 sq. ft.
<i>Site Coverage</i>	24%
<i>Number of Units Allowed</i>	53
<i>Number of Units Proposed</i>	39
<i>Number of Bedrooms Allowed</i>	160
<i>Number of Bedrooms Proposed</i>	93
<i>Parking Required</i>	59
<i>Parking Proposed</i>	59

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

- 1) The applicant shall provide confirmation from a licensed land surveyor of the shoreline frontage measurement.

**AGENCY COMMENTS**

Agency comments received to date have been provided below:

**Department of Environment**

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

**Area within Meagre Bay Pond Protected Area**

*The northern part of the parcel, north of Bodden Town Road, is located within the Meagre Bay Pond Protected Area. Meagre Bay Pond is one of Cayman's oldest protected areas.*

*It was protected in 1976 under the Animals Sanctuary Law. A 300 ft buffer, with the southern boundary as Bodden Town Road, was also included around the pond. Therefore, the area of the site to the north of Bodden Town Road is part of the Meagre Bay Pond Protected Area. The pond itself, Block 48B Parcel 2, is also protected. Animal Sanctuaries became Protected Areas under the National Conservation Act (NCA), 2013 and are defined in Schedule 4 of the Act.*

*Meagre Bay Pond supports Pygmy Blue Butterfly (Part 1 Schedule 1 protected species) habitat, which is one of the smallest butterflies in the world and is only found on Grand Cayman. This butterfly's wingspan is up to  $\frac{3}{4}$  inch. It is only found in salt-marsh areas where its larval food plant, glasswort (*Salicornia perennis*), is present and abundant. It also depends on the pink flowers of sea purslane (*Sesuvium portulacastrum*) as a source of nectar. If the butterfly's habitat is destroyed through clearing and filling, then the species will be impacted as it will not have food for its larval (caterpillar) stage.*



*Figure 1. A Pygmy Blue Butterfly (*Brephidium exilis thompsoni*)*

*The area of the site that forms a part of the Meagre Bay Pond Protected Area is predominantly mangroves. Mangroves are a Part 2 Schedule 1 Protected Species with a Conservation Plan in effect.*

*Under Section 32 of the NCA, it is an offence within a protected area to damage, destroy or otherwise cause the loss of a natural resource, to clear land, deposit rubbish, litter or waste of any kind and dredge, quarry, extract sand or gravel, discharge waste or any other matter or in any other way disturb, alter or destroy the natural environment. **It would therefore be an offence for the applicant to clear, disturb or alter the natural environment north of Bodden Town Road, whether or not the applicant has been granted planning permission.***

*Therefore, any construction operations plan must ensure that operations are contained to the southern parcel. Furthermore, the scale of development is very large. We do not consider this scale of development appropriate for adjacent to a Terrestrial Protected Area.*

#### Natural Environment

*The site is man-modified. The beach of the subject parcel is a turtle nesting beach. All marine turtles are Part 1 Schedule 1 Protected Species under the NCA.*

*The environment at the application site may not be fitting for a development of this size given the off-shore environment with seagrass and the high likelihood of sargassum influxes. The DoE has previously expressed its concerns with managing expectations of new developments and reiterates them for this proposal. Much of Grand Cayman's advertising is based on the Seven Mile Beach experience but this facility will not provide the same easy wading and swimming. Promotional materials for new developments are often altered or selective so that they do not reflect the environmental conditions at a site.*

*For this reason, the DoE has concerns over meeting and managing owner expectations. Often developers express that they are aware of the natural attributes of a site and its limitations, only to present a proposal after development is underway or complete to modify the shoreline or offshore environment. The DoE would not support the modification of the shoreline or offshore environment to facilitate this development.*

#### Removal of the Beach Ridge

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

*Removing or levelling the beach ridge reduces the site's resiliency against wave overtopping and removes that sand from the beach system permanently. The DoE recommends that the basement parking is removed in order to improve the resiliency of the site and reduce the amount of sand excavation required and that sustainability measures such as building on piles are included in the design. Any beach-quality sand that is excavated as a part of the construction should be retained on-site.*

#### Recommended Conditions

*If the Central Planning Authority or Department of Planning is minded to approve the proposed development, we recommend the inclusion of the below conditions for turtle friendly lighting and to manage construction impacts on turtles:*

- 1. The applicant shall, prior to the issuance of a Building Permit, prepare and submit a turtle friendly lighting plan which minimises the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>.*
- 2. Prior to the commencement of works, the applicant or applicant's agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- 3. Beachside construction fencing associated with the works shall be installed and positioned at least 75 feet from the coastal property boundary and as far landward as possible to minimise impacts on the turtle nesting habitat. The fencing shall be erected so that it fully encloses the beach-facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles from entering the construction site or digging under the fencing. The property owner shall contact the DoE to check for the presence of turtle nests prior to the installation of the fence and written approval shall be obtained from the DoE that no nests will be impacted by the installation of the fence. The DoE shall inspect the fence after installation and written approval shall be obtained from the DoE that the installed fence is suitable for the exclusion of turtles.*
- 4. All construction material shall be stockpiled landward of the beachside construction fencing.*
- 5. No construction work, vehicle access, storage of equipment/materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November yearly) without the express consent of the DoE.*
- 6. If the construction is using insulating concrete forms (ICFs), 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 turtle nesting beach.*
- 7. Exterior lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE.*
- 8. Once construction is complete and the exterior lighting fixtures and specifications for visible light transmittance have been installed, prior to the issuance of the Certificate of Occupancy, the DoE will inspect the exterior lighting and/or specifications for visible light transmittance for compliance with the approved turtle friendly lighting plan.*

9. *Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. The express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*
10. *If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*

**DIRECTED CONDITION**

*The northern portions of the subject parcels lie within a Protected Area as defined in the National Conservation Act (2013) and therefore, any physical development (including land clearing, material storage, any form of construction etc.) within this portion of the parcels would constitute:*

- i) *an offence under section 32 of the NCA (2013), and*
- ii) *an adverse effect resulting in the physical destruction or detrimental alteration of a protected area which requires the express permission of the NCC under sections 41 (4 and 5) of the NCA (2013).*

*In the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE therefore **respectfully directs** that the following condition be imposed under Section 41 (5)(a) of the NCA (2013) by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

1. ***The area of the site falling within the Meagre Bay Pond Protected Area shall remain in a natural state. There shall be no land clearing, excavation, filling, stockpiling of construction materials or equipment storage in the area of the site falling within the Meagre Bay Pond Protected Area.***

*This condition is directed to avoid direct adverse impacts on a Protected Area (the Meagre Bay Pond Protected Area). The condition also benefits the applicant by helping to avoid the accidental commission of an offence.*

*A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Development Control Board/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).*

**Department of Environmental Health**

*This application is recommended for approval with the following conditions:*

*Generator: The specifications for the generator which provides information on the noise levels generated is required. The minimum information required is the overall sound*



pressure level (dBA), the distance from the equipment this measurement was taken, and the octave band analysis of the sound level.

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

*Specifications for Onsite Solid Waste Enclosure*

Container size 8 yd<sup>3</sup>

Width 10 ft

Depth 10 ft

Height 5.5 ft

Slab Thickness 0.5 ft

Water (hose bib), drain, Effluent Disposal well; guard rails

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

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

**Fire Department**

The Fire Department has stamp approved the drawings.

**Water Authority**

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 9,900 US gallons per day (gpd), based on the following calculations.**

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Beach Groves	24 x 2-Bed Units	225gpd/2-Bed	5,400
	15 x 3-Bed Units	300gpd/3-Bed	4,500
<b>TOTAL</b>			<b>9,900</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 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject property is located on Bodden Town Road in Pease Bay.

The proposal is for 39 apartments, a pool, 4' wall, sign (38 square feet) and a generator.

**Zoning**

The property is zoned Beach Resort Residential and Public Open Space. The portion of the land zoned POS is situated on that portion of the property located north of Bodden Town Road and is not subject to the development proposal.

**Specific Issues**

**1) Suitability for Apartments**

Regulation 15 (2) states that apartment buildings are permitted in locations considered by the Authority to be suitable.

In this instance the proposed apartments are situated in a relatively undeveloped portion of Bodden Town Road.

Therefore the Authority should determine if this is a suitable location for 39 apartments.

## **2) Additional Public Right of Way**

The subject property contains an existing public right of way to the sea that has been accounted for in the design.

Regulation 15(6) states that a minimum six foot wide right of way to the sea shall be set aside for each 200 feet or part thereof of frontage. The regulations does not specify where “frontage” is to be measured. The parcels has 200’ of shoreline frontage and 238’ of frontage on Bodden Town Road. If the latter measurement is used then the applicant would be required to provide an additional 6’ wide public right of way to the sea.

**2.11 PUBLIC WORKS DEPARTMENT Block 38C Parcel 162 (P22-0252)(P22-0253)(\$4.0 million)(NP)**

Application for an assembly hall/hurricane shelter and generator building.

**FACTS**

<i>Location</i>	Bodden Town Public School
<i>Zoning</i>	<b>Institutional</b>
<i>Notification</i>	No objectors
<i>Parcel Area</i>	10.07 acres
<i>Proposed Building Area</i>	14,987 sq ft
<i>Proposed Parking</i>	86
<i>Required Parking</i>	CPA Discretion

**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).
- 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 Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the

stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall 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**.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Specifically, the Authority is satisfied with the number of parking spaces provided per regulation 14(6).

## **AGENCY COMMENTS**

The following Agency comments have been received to date.

### **Fire Department**

The Fire Department has stamped approved the drawings.

### **Water Authority Cayman**

*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 4,468.5 US gallons per day (gpd), based on the following calculations.***

<b>BUILDING</b>	<b>UNITS/BLDG</b>		<b>GPD/BLDG</b>	<b>GPD</b>
Proposed Hall	Auditorium	4,833 sq. ft.	5,958 sq. ft. x 0.75 (school factor)	4,468.5
	Office	182 sq. ft.		
	Kitchen	943 sq. ft.		
<b>TOTAL</b>				<b>4,468.5</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 4'7" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

#### **Grease Interceptor Required**

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



*Generator and Fuel Storage Tank(s) Installation:*

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

*[https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013\\_1445632994.pdf](https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf)*

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

*We also recommend the planting of native species in the landscaping scheme and particularly to provide shade for the school. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-*

*appropriate, require less maintenance and generally less 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. Native vegetation can also serve as a teaching asset for the school and can be used in a variety of activities. Local plants are especially valuable in helping learn about our natural environment as they reflect the local conditions and can attract local wildlife providing a lasting resource from which students can learn.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposal is for a 14,987 square foot combination assembly hall and hurricane shelter building located on the northern part of the Bodden Town Public School complex.

The assembly hall would accommodate 690 persons and the hurricane shelter would accommodate 290 persons.

### **Zoning**

The property is zoned Institutional.

### **Specific Issues**

#### **1) Parking (86 provided vs CPA Discretion).**

Regulation 14(6) states that parking requirements for any building other than a church or place of worship shall be at the discretion of the Authority.

Regulation 8(1)(ii) also indicates that a Place of Public Assembly shall provide one parking space for every four seats. In this instance, 173 parking spaces would be required.

The applicant is proposing to provide 86 paved parking spaces, including five accessible spaces.

The Department would also note that additional “temporary or overflow” parking in times of emergency could be provided on the hardcourt and football pitch that are also located on this property.

The Authority should discuss the amount of parking that is required to be provided.

#### **2.12 GELROY CONNOR (Island Drafting) Block 72C Parcel 152 (P20-0711) (\$40,000) (NP)**

Application for a retail store expansion.

**Gillard McLaughlin declared a conflict and left the meeting room.**

## **FACTS**

<i>Location</i>	Sea View Drive in East End
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	2,1788 sq ft
<i>Parcel size required</i>	10,000 sq ft
<i>Current use</i>	Retail Store
<i>Proposed use</i>	Retail Store
<i>Proposed Building Footprint</i>	236 sq ft
<i>Existing Building Area</i>	341 sq. ft.
<i>Parking Required</i>	3
<i>Parking Proposed</i>	3

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

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

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

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

Reasons for the decision:

- 1) With the exception of the front and rear setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
- 2) The proposed application does not comply with the minimum required front and rear setbacks per Regulation 9(7)(i) of the Development and Planning Regulations (2018 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
  - a) The proposed addition simply extends the existing building walls and follows the existing front and rear setbacks;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

### **AGENCY COMMENTS**

Comments from agencies that have responded to the circulation of the plans are provided below.

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

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

**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 (attached) Septic Tank Inspection Form that can also be downloaded from the Water Authority's website via the following link: <https://bit.ly/2RO8MBB>. The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.***

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

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

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

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

7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

### **Water Supply**

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

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

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

### **Fire Department**

The Fire Department has submitted stamp approved drawings for the proposed expansion.

### **Department Of Environmental Health**

*DEH has no objections to the proposed in principle. However, the location of the solid waste facility must be identified on the drawing and submitted to DEH for review and approval.*

### **National Roads Authority**

*As per your memo dated September 18 th , 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided. The NRA has no objections or concerns regarding the above proposed development*

### **Department of Environment**

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

### **APPLICANT'S LETTER**

A variance letter is expected to be submitted by the applicant's agent prior to the CPA meeting date.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located in East End on Sea View Drive.

The property is the site of a small (341 square feet) retail convenience store and the application is to add 236 square feet to the premises.

Adjacent landowners who reside on the island were notified by Registered Mail and no objections have been received. The Authority has indicated that the method of notification was satisfactory.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

**1) Front Setback (10' vs 20')**

In accordance with Regulation 9(7)(i), the required front setback is 20 feet.

The applicant is proposing a 10 foot setback.

In this regard, it is noted that the proposed front setback matches the existing front setback of the existing building.

**2) Rear Setback (10' vs 20')**

In accordance with Regulation 9(7)(i), the required front setback is 20 feet.

The applicant is proposing a 11 foot setback.

In this regard, it is noted that the proposed rear setback is greater than the existing rear setback (1 foot) of the existing building.

**2.13 KAREN EBANKS (AD Architecture) Block 5B Parcel 155 (P22-0753) (\$1,133,375) (NP)**

Application for a house.

**FACTS**

<i>Location</i>	Boggy Sand Road in West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	17,424 sq ft
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	House



**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) With the exception of the lot size and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot size and the minimum required side setbacks per Regulations 9(8)(d) and (j) 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 and setbacks as follows:

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

### **AGENCY COMMENT**

#### **Department of Environment**

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

*The application site is predominately man-modified with a very small area of mangrove vegetation at the most northern boundary as shown in Figure 1, separated from the site by what appears to be a wall. Therefore, the mangrove vegetation shall be retained as the plans do not explicitly depict the removal of these mangroves. Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013), with an adopted Species Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or the granting of a National Conservation Council Section 20 Permit.*

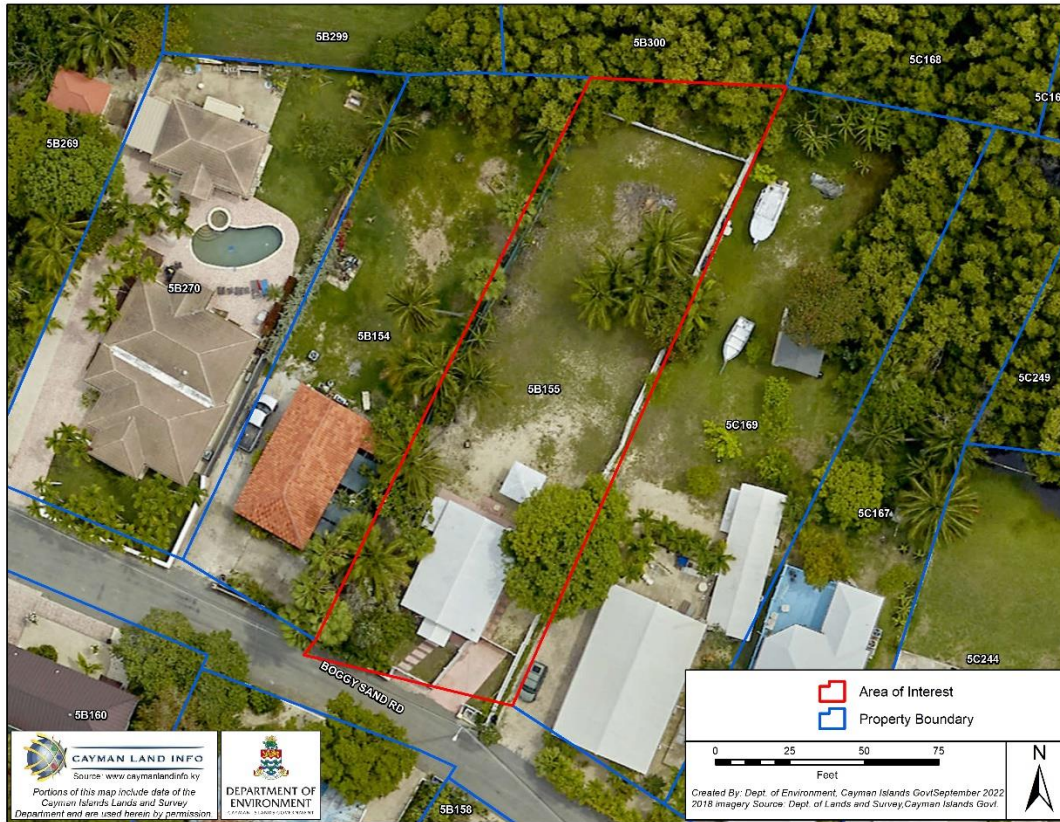


Figure 1: LIS 2018 Aerial Imagery showing the application site outlined in red

The DoE is aware that practices such as sanding down polystyrene used as part of wall finishing and window moulding can result in polystyrene beads getting blown into surrounding areas in significant quantities. These beads are very difficult to remove once they are blown out into the open or into the natural environment.

Therefore, if the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission to minimise impacts on the surrounding area.

1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas.
2. The mangroves at the northern boundary shall be retained in situ. Removal of these mangroves requires planning permission or a National Conversation Council Section 20 Permit

**APPLICANT’S LETTER**

In relation to the above-mentioned subject, we hereby requesting your good office to grant us an approval for the following variances:

1. **Lot Area** – *The lot area of the property is 17,424.00 square feet which is less of 2,576.00 sf. (12.88%) in compliance to the minimum requirement of 20,000 sf. There is an old existing house that was built during the 90's and the client have been doing treatments due to the molds and termites which is not safe and comfortable for them to live. The proposed house is intended to replace the old house in the future and or otherwise after all the treatment to be use as a guest house to accommodate their relatives that come to the island and can give extra income for a short-term rental to compensate the expenses for such.*
2. **Side Setback** – *The proposed house was designed a bit on sideways to avoid the existing vegetation on site. The proposed side setbacks of 11'-8" on the west and 14'-7" on the east side of the property were establish to avoid the existing vegetation (coconut trees) and to add more at the backyard of the property. The client has asked the adjacent neighbors and informed such proposal ahead of time and has no objection about it.*

*Despite of the above-mentioned request, we are mindful and took considerations of the provisions under the following regulations:*

*Regulation 8 (13)(b)*

- (i) where the characteristics of the proposed development are consistent with the character of the surrounding area:*
- (ii) unusual terrain characteristics limit the site's development potential; or*
- (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public.*

*We are looking forward for your kind consideration and approval on this matter.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on Boggy Sand Road in West Bay.

The property contains an existing detached house and the proposal is to add a second detached house to the north.

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Lot size**

Regulation 9(8)(d) requires a minimum 10,000 square feet per dwelling.

The proposal is to add a second dwelling and the minimum lot area required would be 20,000 square feet.

The subject parcel has 17,424 square feet.

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

## 2) Side setbacks

Regulation 9(8)(j) requires a minimum side setback of 15 feet for a two storey structure.

The proposed west side setback is 11'8" and the proposed east side setback is 14'7".

The Authority should consider whether side variances are warranted in this situation.

### 2.14 **KAMLAWATTIE and INDERJIT SEERAM (Bhoopaul Seeram) Block 32D Parcel 272 (P22-0509) (\$350,000) (JP)**

Application for an addition to an existing house to create a duplex.

#### **FACTS**

*Location* Pebble Beach Drive, Lower Valley

*Zoning* **LDR**

*Notification result* No objectors

*Parcel size proposed* 0.3344 ac. (14,566.45 sq. ft.)

*Parcel size required* 20,000 sq. ft.

*Current use* Residential

*Proposed building size* 3705 sq. ft.

*Total building site coverage* 21.6%

*Required parking* 2

*Proposed parking* 2

#### **BACKGROUND**

August 3<sup>rd</sup>, 2022 (**CPA/19/22; item 2.4**) – Members adjourned determination of an application for to request revised plans demonstrating a duplex with a common wall which achieves 25% connectivity between the two units

November 22, 2011 (**Administrative Approval**) – House approved (P11-0919)

**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.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). In this regard, the Authority notes that the revised plans now depict a duplex and the lot size complies with Regulation 9(8)(e).

### **AGENCY COMMENTS**

#### **Department of Environment**

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

*The application site is predominately man-modified and of limited ecological value. We recommend the retention of any mature vegetation outside of the footprint of the proposed house. We also recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of*

*the Cayman Islands, requiring less maintenance and irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

## **APPLICANT'S LETTERS**

### **Letter #1**

*I have been asked to write a variance letter about the Rear Setback line, which was beyond Planning Regulation for Propose Private Home to be on Block & Parcel 32D 272. I would like to mention that I have made adjustment on the SITE DRAWING. The Lot Size of 153 ft. x 95 ft, the Rear Setback line is now 20 feet.*

### **Letter #2**

#### **EXTERNAL STAIR CASE**

*To justified an external Staircase of a two Storey Private home of which already benefit from internal access to second floor. This external stair as a second stairs of the building, will created more easy access to upper floor, when moving Big and Heaving furniture that requires larger turning spaces.*

*Relatives and friends visiting, or families gathering, a second stairway will greatly help freely and faster moving up and down from upper floor. It is also a quick and easy method of exiting upper floor in an emergency.*

#### **DORMER WINDOW**

*A Dormer Window requested by Client for this Proposed house will provided some means of natural light in attic space, and can provide easy access to the top of Roof itself, if check up or minor repairs are needed. Also add some sort of cosmetics features to the project.*

### **Letter #3**

*I am writing a variance letter, requesting a minimum Lot Size.*

*I requested to add a two Storey Private Dwelling Home on Block & Parcel 32D 272, with lot size of 14,535 SQ. FT.*

*This development is within the minimum limits of the Property line, and all Setback distances that are created to meet the building code regulation for Cayman Islands Planning.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in the Lower Valley area of the Island off Beach Bay Road, within a developing subdivision which is characterised by detached dwellings set within reasonable lots.

The application seeks Planning Permission for an additional house within the lot.

### **Zoning**



The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot size variance (14,566.45 sf v 20,000 sf)**

Regulation 9(8)(d) requires a minimum lot size of 10,000 sf per unit. The proposed development results in a minimum lot size requirement of 20,000 sf.

The lot measures 14,566.45 sf.

The Department advised the agent to refer to the Regulations for guidance on justifying and identifying the exceptional circumstance for the inadequate lot size. Members are invited to consider the content of the variance letter and determine whether the threshold for demonstrating ‘sufficient reason to grant a variance and an exceptional circumstance’ has been met.

#### **2) Independent access**

Design of the proposed house incorporates an external staircase to provide independent access to the upper floor.

Members are invited to note the resultant building appears as a duplex and has capacity of such by closing off the internal staircase.

#### **3) Parking entrance**

During review it became apparent the driveway entrance was inadequately designed and a request for 15’ radii was issued.

Revised plans submitted which annotates 15’ radii, however, this appears incorrectly labelled. The plans still fail to detail 15’ radii.

### **SUPPLEMENTAL ANALYSIS**

Revised plans received detailing the proposal being connected to the existing dwelling resulting in a duplex. The connection between the two dwellings is a laundry/storage area. This connection satisfies the 25% common wall requirement. It is also noted that the second kitchen has been removed from the proposed dwelling unit. The design still includes an external staircase, but it has been relocated to the opposite side of the building.

Members are invited to consider the acceptability of the duplex design.

**2.15 GOLD WATER LTD. (AD Architecture) 14CF Parcel 84 (P22-0859) (\$1.4 million) (NP)**

Application for a 6 unit warehouse building and a 2 unit commercial building.

**FACTS**

<i>Location</i>	School Road in George Town
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	20,908.8 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Building Footprint</i>	7,410 sq. ft.
<i>Building Area</i>	8,462.0 sq. ft.
<i>Site Coverage</i>	76.08 % (parking & buildings)
<i>Parking Required</i>	14
<i>Parking Provided</i>	14

**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).
- 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 Policy Development, Policy Drafts.*

- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall 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) With the exception of the site coverage, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage per Regulation 8(1) 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 additional site coverage as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
- 3) The Authority is satisfied that the application is consistent with the provisions of Regulation 13(1)(b) and notes the other existing warehouse developments in the same subdivision.

### **AGENCY COMMENTS**

Comments received to date are noted below.

#### **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 & Disposal**

- The developer shall provide a **septic tank(s)** with a capacity of at least 2,000 US gallons for the proposed, based on the following calculations:

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Commercial	2,152 sq. ft.	2,152 x 0.15 (retail factor)	328
Warehouse	6 x Toilets	150gpd/Toilet	900
<b>TOTAL</b>			<b>1,228</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 4'6" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.  
**For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:**
  8. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.
  9. All dimensions and materials shall be provided for any site-built tanks.
  10. Manhole extensions are permitted up to a maximum of 24" below finished grade.
  11. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
  12. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
  13. The Water Authorities updated 2020 effluent disposal well specifications.
  14. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

**Potential High-Water Use**

**The plans submitted do not indicate the types of tenants to be included. Therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater**

generation is limited to employee restrooms/breakrooms. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.

### **Water Supply**

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

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

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

### **Department of Environment**

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

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

### **Department of Environmental Health**

*Solid Waste Facility:*

*This development requires (1) 8 cubic yard container with 3 times per week servicing. Specifications for Onsite Solid Waste Enclosures*

*Container size 8yd<sup>3</sup>*

*Width 10 ft*

*Depth 10ft*

*Height 5.5ft*

*Slab Thickness 0.5ft*

*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.*

### **APPLICANT'S LETTER**

*Following a thorough market analysis, we are proposing a project that fits the parameters set out by the Government for the future of George Town and its revitalization plan. Our project sets out to fill an existing demand and void in the district. With economical activity resuming in George Town as well as numerous real estate developments underway, there is a growing need for commercial warehousing in the immediate area. In fact, we already have a long list of potential clients within the local business community for their storage needs.*

*Our proposed project would be a mixed development of six urban warehouses as well as two commercial retail spaces, both boasting contemporary architectural design and elevating the neighbourhood as a whole.*

*The structure will feature a flat roof and would opt for a modern commercial architectural finish.*

*Here are some points, we would like to highlight for the board to consider.*

*In the past months, warehouse projects were approved by the board within the same vicinity with similar circumstances ( on neighbourhood commercial zoning) . 14CF179, 14BG52 which are neighbouring lots on the same street (School rd )and 13EH98 located on Bodden rd. . The units are not met for heavy logistical operations, but for smaller storage needs like documents/ small merchandise that require safe and moisture-resistant storage area. All activity will remain within the confines of the building itself, as the sole usage will be to facilitate existing businesses in the area by servicing their need for storage within their proximity. In no way this project will be detrimental to the neighbourhood. .*

*We're also asking for a 1.08% site coverage variance, the additional coverage was necessary To allow a more functional layout, which will have a minimal impact on the east side landscape strip. It's important to note that there's a 4' existing concrete wall which will completely overshadow it anyhow. We're placing a special emphasis on the landscape both in the plant selection and regular maintenance.*



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in George Town on School Road.

The proposal is for a 6,310 square foot warehouse and 2,152 square foot commercial building (2 storey). There would be 14 parking spaces.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **1) Suitability for Warehouses**

The subject property is zoned Neighbourhood Commercial.

Regulation 13 (1)(b) states the following:

“Neighbourhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone”.

The Authority should determine if the subject property is a suitable location for warehouse and storage uses, as well as other uses that tend to occupy these types of structures over time (auto repair, workshops, etc.). In this regard, the Authority should note that a 3 unit warehouse was approved on 14CF 179 on April 3, 2020 and that a storage building was approved on 14BG 52 on October 19, 2018.

#### **2) Site Coverage**

Regulation 13 (11) states, among other matters, that in no case may the building plus the car parking area exceed 75 percent of the lot, except in the General Commercial zone.

In this instance the proposed lot coverage (building plus parking) is 76.08 percent.

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

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

Application for three storage containers.

### **FACTS**

<i>Location</i>	Bodden Town Road, Breakers
<i>Zoning</i>	<b>BRR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.22 ac. (96,703 sq. ft.)
<i>Current use</i>	Tourism/residential

*Proposed building size* 468 sq. ft.  
*Total building site coverage* 17.1%

## **BACKGROUND**

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

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

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

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the visual appearance of the storage containers. The Authority requests if the containers have already been purchased that the applicant submit photographs.

## **AGENCY COMMENTS**

### **Department of Environment**

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

*The Department confirms that we have no comments.*

## **APPLICANT’S LETTER**

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

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

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

#### **1) Suitability**

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

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

## **SUPPLEMENTARY ANALYSIS**

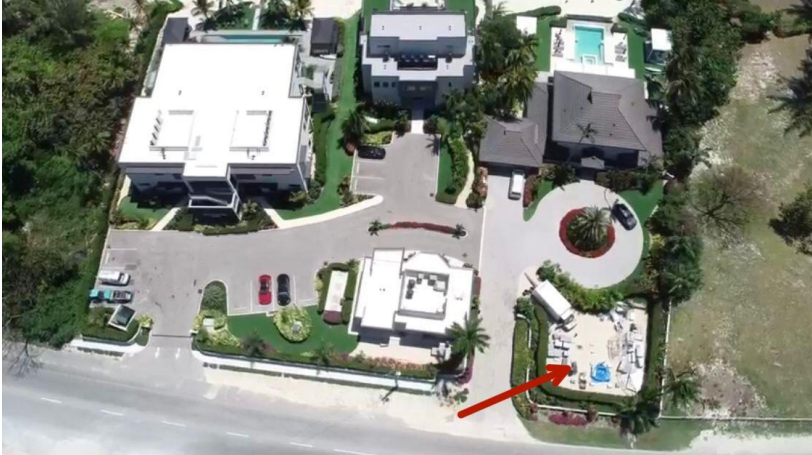
The applicant has considered the previous reasons for adjournment and would like further consideration given and reflection upon the following submission:

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

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

*In choosing these particular units we believed that they would align with the aesthetics of the property for their intended use as storage for supplies, kayaks and other watersports equipment, especially since they are hidden from view. Our hope is that this will satisfy the Central Planning Authority’s request and knowing that they will not be visible either from the road or the interior of the property will assist you in making a favorable decision to approve their installation.*

*Picture One*



*Picture Two*



**2.17 ALVIN WILLIAMS (AD Architecture Ltd) Block 14D Parcel 350 (P22-0365) (\$25,000) (JP)**

Application for an after-the-fact addition to an apartment unit.

**FACTS**

<i>Location</i>	Templeton Street, George Town
<i>Zoning</i>	<b>HDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.02 ac. (910 sq. ft.)
<i>Current use</i>	Residential
<i>Proposed building size</i>	1402 sq. ft.
<i>Total building site coverage</i>	92.4%

**BACKGROUND**

December 2, 2021 (**CE21-0198**) – enforcement notice issued for unauthorised addition to apartment unit (H2). The current application was submitted in response.

October 6, 2022 (CE22-0157) – enforcement notice issued for unauthorized addition to apartment unit (H3). The time frame for compliance has not yet expired.

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

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

Reasons for the decision:

- 1) With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required side setback per Regulation 9(6)(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.

### **AGENCY COMMENTS**

#### **Department of Environment**

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

### **APPLICANT'S LETTER**

*On behalf of our client and in relation to the above-mentioned subject, we hereby requesting your good office to grant us an approval for the rear setback variance of the ATF addition to the existing apartment. There are existing units on site (same building) that have same addition to their units. Our client has added the same space to make an additional room to use as a storage. The addition is not materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public. There is an existing 6' high chain link fence that separate the ATF addition to the adjacent property at the back.*

### **PLANNING DEPARTMENT ANALYSIS**

## **General**

The application site is located in an established residential area of George Town and forms part of a townhouse terrace. Surrounding to the north, east and west by existing neighbouring properties and a vacant parcel to the south.

The application seeks retrospective planning permission for the retention of an unauthorised addition to a townhouse.

## **Zoning**

The property is zoned High Density Residential.

## **Specific Issues**

### **1) Side setback (2'-1" v 10')**

Due to the orientation of the lot the north and south boundaries are deemed side boundaries.

Regulation 9(6)(i) requires a setback of 10'.

The application seeks permission to retain an addition which has been constructed 2'-1" from the boundary.

Members are invited to consider the content of the variance letter in determining whether exceptional circumstance exists.



**2.18 KEITH TIBBETTS (TAG) Block 13D Parcels 55 & 390 (P22-0683) (\$10,000) (NP)**

Application for a parking lot.

**FACTS**

<i>Location</i>	Grackle Road in George Town
<i>Zoning</i>	<b>High Density Residential</b>
<i>Parcel size</i>	10,018.8 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Gravel Parking Lot

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

Conditions (1-3) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading.*

- 1) The applicant shall submit a Stormwater Management Plan required which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 2) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 3) 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.

- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion **prior to utilization of the car park.**

**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.**

Reason for the decision:

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

## **AGENCY COMMENTS**

### **Department of Environment**

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject properties are located between Grackle Road and the ACE Hardware building on Godfrey Nixon Way.

The applicant seeks permission to create a 31 space temporary parking lot for staff of ACE Hardware, including two accessible parking spaces

### **Zoning**

The properties are zoned High Density Residential.

### **Specific Issues**

#### **1) Gravel Surface**

The applicant's agent has indicated that the parking lot is to be temporary and used by staff of Ace Hardware.

Typically the Authority requires parking lots to be either asphalt or concrete.  
The Authority should discuss the proposed parking lot surface material.

## 2) Height of Proposed Fence

The applicant is proposing a six foot high chainlink fence abutting Grackle Road.  
CPA Guidelines state the maximum height of a fence should be 4 feet.  
The Authority should discuss the proposed fence height.

### 2.19 TIFFANY RANKINE Block 38E Parcel 260 (P22-0890) (\$5,000) (NP)

Application for land clearing and filling.

#### **FACTS**

<i>Location</i>	Angle Ridge Drive in Beach Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	13,490.5 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	House

**Decision:** It was resolved to adjourn consideration of the application until an application for planning permission for the primary development of the site has been submitted.

#### **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 predominately primary dry forest and shrubland. 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.*

*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 asked the Department of Planning if a cover letter had been provided, and as of the date of this review (19 October 2022), no letter had been submitted as part of the planning*

application. 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. Clearing the site prematurely removes the choice to retain native vegetation within the future development. Once planning permission for a development 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. Premature clearing removes the value the habitat could provide in the time between the clearing and the actual development of the parcel.*

*We also encourage applicants to retain as much native vegetation as possible to incorporate 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.*

*As there has been no justification submitted for the land clearing, the DoE recommends that the application is refused or deferred until a proposal for the development or use of the land has been applied for and planning permission has been granted.*

### **APPLICANT'S LETTER**

*I am writing to humbly request your consideration of my application (Record # P22-0890) to clear and fill Block/Parcel 38E 260 of which I am the sole proprietor of.*

*I purchased the Block/Parcel 38E 260 in in late 2019. As a young Caymanian, I have dreamed of owning a home in my homeland and the purchase of the land was the starting line in that journey.*

*To date, I am currently in the process of finalizing my architectural plans (floor plan, site plan and elevation plans) for planning submission. I am aiming to submit these plans within the next month or two (before of the end of the year).*

*I made the request to clear and fill Block/Parcel 38E 260 by mechanical means as it will be a financial undertaking that is out-of-pocket. Therefore, with humble anticipation that in the near future I would hopefully obtain planning approval for my house plans and a building permit, I hope to minimize the financial burden that I would face at that time.*

*Additionally, it is my hope that with the land cleared and filled, it would increase in value. With this increased valuation, I hope to gain equity to contribute to my*

*construction loan amount. I am determined to see my dream come to fruition and I have tried to make strategic decisions throughout the process.*

*Thank you for taking the time to consider this application and I look forward to an opportunity to discuss any further queries that you may have.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Angle Ridge Drive in Beach Bay.

The property is currently vacant and the application is to clear the parcel to the boundaries and fill.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) No application to develop the site**

Recently the Authority has expressed concern for applications to clear land when there is no application submitted for the development of the property. In this instance, the Authority needs to determine if the applicant's letter satisfactorily addresses this concern.

## **2.20 RENFORD BARNES (TSC Architecture) Block 25B Parcel 74 (P19-1064) (\$35,625) (JP)**

Application for after-the-fact additions to a dwelling.

### **FACTS**

<i>Location</i>	Logwood Way, Prospect
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.25 ac. (10,890 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	3123 sq. ft.
<i>Total building site coverage</i>	28.68%

### **BACKGROUND**

July 3, 2018 (**CE18-0088**) – enforcement notice issued for unauthorised additions to dwelling

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

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

Reasons for the decision:

- 1) With the exception of the front and rear setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
- 2) The proposed application does not comply with the minimum required front and rear setbacks per Regulations 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 Renford Barnes who recently applied to the department for his three bedrooms residence however he has not met the rear setback and 466 sq ft. of his residence was built after the fact; and as such he is applying for a variance. The client reasoning; he wants to utilize the property so that it meets the needs of his family. Knowing his reasoning, the proposal will not be materially detrimental to persons residing or working in the vicinity to the adjacent property, notices served on adjacent landowners to the neighborhood, or to the public welfare. It is further noted, that the adjoining property owners of Block 25B Parcels 359, 115, 357, and 358 have been notified of the application and notices was sent out.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site occupies a corner lot in an established subdivision of Prospect with roads forming the south and east boundaries. Neighbouring residential units bound the site to the north and west.

The application seeks Planning Permission for the retention of unauthorised additions to the dwelling, specifically rear addition and porch and front addition.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Front setback**

The required front setback is 20' per Regulation 9(8)(i) and the setback for the atf addition is 18' 4". The applicant has addressed the issue in their letter.

#### **2) Rear setback**

The required rear setback is 20' per Regulation 9(8)(i) and the setback for the atf addition is 11' 7". The applicant has addressed the issue in their letter.

#### **2.21 NATIONAL ROADS AUTHORITY Block 19E Parcels 106 & 121 (P22-0900) (\$30,000) (NP)**

Application for a 6' wall.

### **FACTS**

<i>Location</i>	David Foster Drive in George Town
<i>Zoning</i>	<b>Marine Commercial</b>
<i>Notification result</i>	Not Required
<i>Current use</i>	House

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

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

Reason for the decision:

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

## **APPLICANT'S LETTER**

*On behalf of my client, I would like to request a 2 ft. high variance for the height of the proposed concrete wall. The Government has encroached on two private residences creating a highway next door.*

*Therefore, the client would like to have a 6 ft. high concrete wall which was requested by NRA and the client for privacy and for sound buffer between the highway and the residence.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject parcel is located on David Foster Drive in George Town.

The property contains an existing house.

The applicant is seeking planning permission for a 6 foot high wall along the roadside property boundary.

### **Zoning**

The property is zoned Marine Commercial.

### **Specific Issues**

#### **2) Wall height**

CPA Guidelines restrict the height of a fence or wall to a maximum 4 feet in height.

The applicant is seeking permission for a 6 foot high concrete wall.

It should be noted that the wall will be setback 6' from the roadside boundary as the NRA will also be installing a 6' sidewalk.

## **2.22 JAMES AND GILLIAN OWEN (ARCHITEXTURA) Block 12C Parcel 117 (P22-0280) (JP)**

Application to modify planning permission for cabana/pavilion to relocate its location.

### **FACTS**

<i>Location</i>	Andrew Drive, Snug Harbour
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2777 ac. (12,096.61 sq. ft.)
<i>Current use</i>	Residential
<i>Proposed building size</i>	3081 sq. ft.
<i>Total building site coverage</i>	21%

### **BACKGROUND**

November 17, 2020 (**ADMIN**) – application for cabana/pavilion approved (P20-0954)



**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 be modified to change the location of the cabana/pavilion.

All other conditions of the previous grant of planning permission remain applicable.

Reasons for the decision:

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

### **APPLICANT'S LETTER**

*On behalf of the applicant, we hereby apply for a variance on the above property for the following reasons:*

1. *A variance on the pavilion orientation and location to align with the existing swimming pool. We were not aware that the existing swimming pool was built within the rear setback of the property. Consequently, we have resubmitted a site plan showing the pool correct location within the rear setback.*
2. *The owners in hindsight have decided that it is best to move the pavilion away from the master bedroom for privacy reasons and to align it closer to the existing pool. The pavilion is an open outdoor entertainment structure and hence a setback variance would have minimal impact on the neighbouring properties.*

*We believe that the characteristics of the proposed development are consistent with the character of the surrounding area; and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and finally, the adjoining property owners has been notified of the application for a variance on the lot size.*

*We respectfully request a variance on size and position of the pavilion and look forward to your favourable review and kind consideration of our application.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located off SMB corridor in the Snug Harbour area, an established residential subdivision. Neighbouring residential properties are sited to the north, east and west with the subdivision road running to the south.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Rear setback (15' v 20')**

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

The proposed modification will result in the structure being sited 15' from the rear boundary.

Members are invited to consider the content of the variance to determine whether an exceptional circumstance exists to grant a variance.

#### **2.23 CAPTAIN EUGENE EBANKS (Decco) Block 9A Parcel 844 (P22-0932) (\$10,000) (NP)**

Application for after-the-fact land clearing.

**Christine Maltman declared a conflict and left the meeting room.**

### **FACTS**

<i>Location</i>	Morgan's Lane in West Bay
<i>Zoning</i>	<b>Neighbourhood Commercial and Marine Commercial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	10.7 acres
<i>Current use</i>	Storage Containers
<i>Proposed use</i>	None

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

- 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.
- 2) Any additional land clearing is subject to the submission of a separate application for planning permission.

Reason for the decision:

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

### **AGENCY COMMENTS**

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).*

*It is noted that this application is for the after-the-fact clearing and filling of a 1072 ft<sup>2</sup> area of tidally flooded mangroves. In December 2021, the DoE received a complaint from a member of the public about the clearing and filling of mangroves in this location. As a result the DoE notified the Department of Planning and issued a Cease and Desist Order in accordance with section 30(1)(a) of the National Conservation Act 2013 (NCA) for all works associated with the 'take' of mangroves. The unpermitted 'take' of mangroves is in contravention of Section 33 (1)(a) and (2)(a) of the NCA and the Mangrove Species Conservation Plan (2020). The Cease and Desist Order was sent out via registered mail to the registered address held by the Lands and Survey Department.*

*Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or a National Conservation Council Section 20 Permit. Therefore the DoE would **not** support the removal of any of the remaining mangroves on the site. With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. If the Applicant wishes to trim the mangroves, this **must** be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (<https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>) to prevent committing an offence under the National Conservation Act (2013)*

*In addition, given the type of material used to fill the area, the mangroves, especially the black mangroves, will not recover naturally therefore we recommend that the fill material*

*is removed. The fill material should be removed so that the area can return to its natural elevation and should be done in a manner where no additional mangroves are impacted.*

*If the Central Planning Authority or Department of Planning is minded to grant planning permission for the after-the-fact land clearing and filling, we recommend the inclusion of the following as conditions of the planning permission:*

- 1. All existing mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020). Should there be any trimming of the mangroves, it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here: <https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>.*

### **APPLICANT'S LETTER**

*As owners of Block 9A Parcel 844, we are in receipt of an enforcement notice and Charge and Summons for the following works on the site:*

- Unauthorized clearing of mangroves and filling of land without the grant of planning permission; and*
- Unauthorized siting of metal shipping containers without the grant of planning permission.*

*Unfortunately, due to an oversight at the company's registered office we were not made aware of the enforcement notice until the Charge and Summons was issued.*

*In 2011, Morgan's Marina Village Ltd. purchased the property from the current Licensee and established an agreement to allow him continued use of the site. Upon receipt of the Charge and Summons, we learned the licensee temporarily stores shipping containers (10-14 days) on the site from time to time to support his businesses. This happened to be the case during Hurricane Grace, where a storm surge caused a few containers to be swept into the mangroves. In order to pull them out, it was necessary to lay down marl so equipment could be used to return the containers to their staging area. The total area disturbed amounted to 1,072 sf.*

*The licensee has removed all but two containers from the site. The two containers that remain have existed in their location for over ten years and can be seen in the below aerial photo from 2013. It is our understanding that these two containers are not subject to enforcement per 18(1) PDA. If the Licensee wishes to store additional containers, he is now aware of the requirement to apply for planning permission to do so.*



*To address the unauthorized land clearing, the licensee will submit an After-The-Fact application for Clearing & Filling of Land by Mechanical Means along with notifications to the immediate adjacent properties. CPA determined a high watermark survey would not be required for this application, as discussed at their August 31<sup>st</sup> meeting.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Morgan’s Lane in West Bay.

The property is currently occupied by a few storage containers and the application is for after the fact clearing of 1,066 square feet (41 X 26) of the subject property and some filling.

### **Zoning**

The property is zoned Neighbourhood Commercial and Marine Commercial.

### **Specific Issues**

The Authority may wish to consider the after-the-fact nature of the works and should note the comments from the Department of Environment.

## **2.24 LESLIE HARVEY (Whittaker & Watler) Block 15B Parcel 323 (P22-0923) (\$8,000) (MW)**

Application for a 5’ chain link fence.

### **FACTS**

<i>Location</i>	Walkers Rd., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.41 ac. (17,859.6 sq. ft.)
<i>Current use</i>	Vacant

### **BACKGROUND**

August 18, 2022 (CE22-0135) – an enforcement notice was issued for unauthorized land clearing

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

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

Reason for the decision:

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 5' chain link fence to be located on Walkers Rd, George Town.

### **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 chain link fence will be 5'-0” in height with 5'-4” posts, it's shown to extend from the eastern fronting boundary and extend along the southern property boundary.

It should be noted that the fence will be set back 4' from the Walkers Road property boundary.

#### **2.25 FRANK SCHILLING (Arco Ltd) Block 11D Parcel 105 (P22-0506) (\$100,000) (JP)**

Application for an artbox – a glass structure for displaying of art

**Christine Maltman declared a conflict and left the meeting room.**

## **FACTS**

<i>Location</i>	The Grove commercial complex, West Bay Road
<i>Zoning</i>	N/C
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	3.694 ac. (160,910.64 sq. ft.)
<i>Current use</i>	Commercial/residential
<i>Proposed building size</i>	250 sq. ft.
<i>Required parking</i>	1
<i>Proposed parking</i>	1 offsite

## **BACKGROUND**

October 27, 2021 (**CPA/22/21; item 2.2**) – application for pergola and outdoor bar with offsite parking approved (P21-0635)

Extensive history since Planning Permission first granted for a mixed use development consisting of commercial and residential on February 19th, 2018 (CPA/03/18; item 2.4) (P17-1181)

**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 Certificate of Completion **prior to the utilization of the structure.**

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). In this regard, the Authority notes that the applicant is providing one additional parking space in the off-site location previously approved.

## **AGENCY COMMENTS**

Comments from the Department of Environment and Fire Service are noted below.

### **Department of Environment**

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



## **Fire Department**

Stamped approved plans

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The Grove is a mixed use complex located on West Bay Road.

Application seeks Planning Permission for the construction of a structure for the display of artwork.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

#### **1) Parking**

The applicant's agent has been contacted to clarify the intent of the structure as it is not clear if it is intended to simply display art for people to view from outside or is it intended to function as a small gallery for patrons to enter and interact. If it is the former then additional parking wouldn't be required, but if it is the latter then technically 1 additional parking space would be required. To date, the applicant has not provided written clarification.

As the current development has maximised parking potential within the site, the applicant is proposing to provide a parking space outside of the application site. The application is supported by a deed of variance in relation to the previously accepted offsite parking to increase the provision of parking by 1 parking space.

Members are invited to consider the acceptability of additional off-site parking.

## **3.0 DEVELOPMENT PLAN MATTERS**

### **3.1 JAY'S HERITAGE HOLDINGS LTD RZ22-0002; Block 31A Parcel 29 (RM)**

Application for Amendment to Development Plan 1997 from Agricultural/Residential and Low Density Residential to Agricultural/Residential, Low Density Residential and Commercial.

### **FACTS**

<b>Location:</b>	Lower Valley
<b>Parcels:</b>	31A29
<b>Current Zoning:</b>	Agricultural/Residential, Low Density Residential
<b>Proposed Zoning:</b>	Agricultural/Residential, Low Density Residential and Commercial

<b>Ownership:</b>	Private
<b>Total Parcel Size:</b>	293 Acres
<b>Subject Zoning Area:</b>	150 Acres

**Decision:** It was resolved to not pursue the proposed rezone as it is not consistent with the draft National Planning Framework submitted to the Ministry PAHI on September 29, 2022 based on a resolution of the Authority at its meeting on September 14, 2022.

### **APPLICANT’S LETTER**

The applicant is seeking an amendment to the Development Plan from Agricultural/Residential and Low Density Residential to Low Density Residential and Commercial (either General Commercial or Neighbourhood Commercial). This rezone concerns the southern portion of Block 31A Parcel 29. The northern part of the parcel would remain Agricultural/Residential

The purpose of the application is explained in the applicant’s letter, as follows:

*“On behalf of our client, Jay’s Heritage Holdings, we are applying to amend the Development Plan 1997 by rezoning Block 31A Parcel 29 (the site) from Low Density Residential (LDR) and Agriculture / Residential (A/R) to LDR, General Commercial (GC) or Neighbourhood Commercial (NC) and A/R.*

#### *1. Reasons for Application*

*The reasons for the proposed amendment to the Development Plan 1997 are:-*

- a) The area of the site is approximately 293 acres even though there is no stated area on the Land Register.*
- b) The proposed extension of the E-W Arterial (165’ road reserve) dissects the Site in two on the southern quadrant. The area south of the proposed E-W Arterial extension is some forty-six (46) acres and the area north of the proposed extension will therefore be approximately two hundred forty-seven (247) acres.*
- c) The subdivision of the site by the proposed extension into two “parcels” will render the fronting portions of the parcels more suited to non-residential developments, and*
- d) If and when this road is constructed there will be the need for commercially zoned lands to provide for the motoring public traversing the arterial and nearby residents.*

#### *2. Existing Zoning*

*Drawing #A-101, "EXISTING ZONING" show the extent of the current zoning designations on the site. The LDR zone is approximately sixty-two (62) acres and the A/R zone roughly two hundred thirty-one (231) acres.*

*The surrounding zones are LDR on the southerly and westerly sides south of the proposed E-W Arterial and A/R on the North, East, and West sides North of the E-W Arterial.*

3. *Proposed Amendment to the Development Plan 1997*

*The proposed amendment seeks to*

- a) rezone the existing LDR plus some A/R north of the proposed E-W Arterial to General Commercial or Neighbourhood Commercial. The area being approximately one hundred (100) acres.*
- b) Adjoining the northern boundary of the proposed commercial zone will be approximately fifty (50) acres of LDR / MDR, and*
- c) The remainder of the site, approximately one hundred forty-three (143) acres, will remain zoned A/R (see Drawing # A-102).*

*To support the application, we submit*

- a) A Site Plan showing the approximate boundaries of the existing zoning (A-101),*
- b) A Site Plan showing the approximate boundaries of proposed zoning (A-102),*
- c) A copy of the Registry Index Map,*
- d) A copy of the Land Register, and*
- e) The client's cheque in the amount of C\$5,000.00.*

*We trust that the foregoing is self-explanatory, but should you have any questions please do not hesitate to contact the undersigned.*

## **DEPARTMENT OF PLANNING ANALYSIS**

### **Site details**

The application concerns a 293 acre 'L' shaped parcel, which is located to the east of North Sound Estates in Bodden Town. The parcel is vacant and undeveloped, consisting of mangrove and woodland to the north and man-modified bush vegetation to the south. A network of dyke roads cross the parcel in the central sections.

### **Character and Land Uses of Surrounding Area**

The subject parcel is located in Lower Valley, to the southwest of what is generally considered to be the 'Central Mangrove Wetland'. The southern portion of the parcel – approximately 62 acres – is currently zoned Low Density Residential (LDR) and forms part of a vast swathe of LDR zoning that extends from Prospect to Bodden Town. The remainder of the parcel – approximately 231 acres – is currently zoned Agricultural/Residential and similarly forms part of a large swathe of such zoning, broadly extending to North Side and Frank Sound Road.

At present the parcel is landlocked with no road access, although ‘Section 1’ of the East-West Arterial extension is currently under construction and will bring the road to within approximately 1,000ft of the southwest corner of the subject parcel. Future expansion of the East-West Arterial (‘Section 2’) would dissect the parcel, although this is subject to an Environmental Impact Assessment that is currently being undertaken.

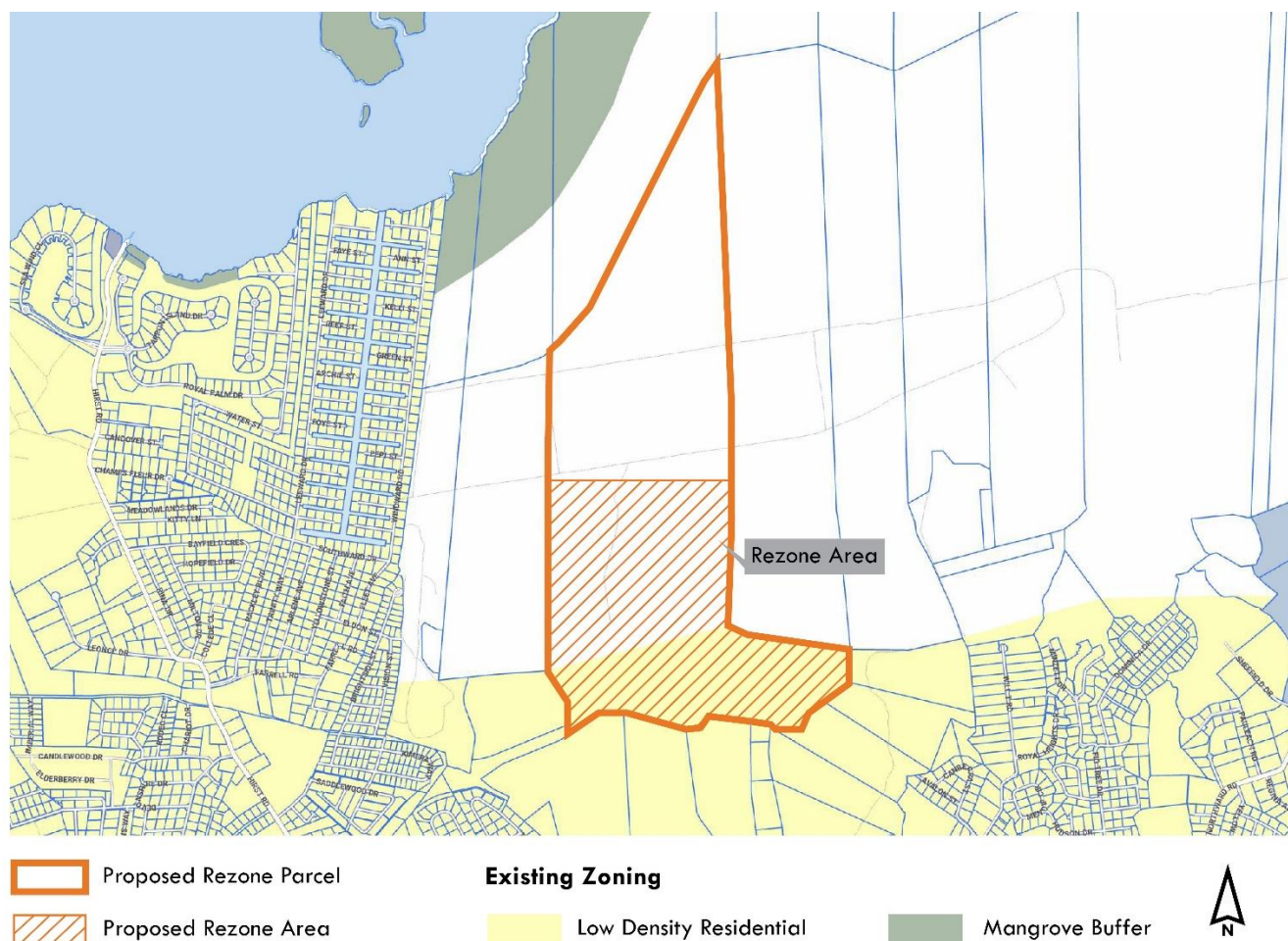


Figure 1: Zoning and location map (Source: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky))

### Zoning Considerations

The proposed rezone would introduce approximately 100 acres of commercial zoning (the applicant has not defined whether this would be General Commercial or Neighbourhood Commercial). In this district of Bodden Town there is currently just 50.4 acres of Commercial zoning (all of which is Neighbourhood Commercial), and this makes up a very small percentage of the total land area in the district, at just 0.37%. The proposal would triple the area of commercial zoning in the district to 150.4 acres, which would then make up 1.09% of the total land area in the district.

More widely, across the whole of Grand Cayman there is currently 1,170 acres of commercial zoning (462 acres of General Commercial and 708 acres of Neighbourhood Commercial). The proposal to add 100 acres of commercial zoning would represent an 8.54% increase in the total of commercial zoning.

In addition to considerations over the size of the commercial area, there is also the question of the proposed location. The applicant has stated that the proximity of the future road corridor is a main justification, in order to ‘*provide for the motoring public traversing the arterial and nearby residents*’. However, given that the nearest commercial centre – Savannah Countryside – is located 0.97m away from the subject parcel the Authority is invited to consider matters of suitability for commercial zoning in this location and whether it would be considered ‘spot zoning’. Additionally, there are considerable environmental concerns regarding development in this location, along with the timing of the application in relation to the ongoing Environmental Impact Assessment for the East-West Arterial, which are identified within the Department of Environment response (see section 5).

In terms of the proposed Low Density Residential (LDR) zoning, the application would result in a net reduction from 62 acres at present to 50 acres. The key different however is that the area being zoned LDR would be located further north in the parcel and would therefore lead to a reduction in Agricultural/Residential zoning from 231 acres currently to 143. The Authority should also be mindful that while the application site plan refers to Low Density Residential, the applicant’s cover letter (section 3.b.) is unclear and refers to either Low or Medium Density Residential.

## **AGENCY COMMENTS**

### **Department of Environmental Health**

*“DEH has no objections to the proposed rezone.”*

### **Cayman Islands Fire Service**

*“The fire department save comments for future development.”*

### **National Roads Authority**

Comments requested on 22/08/2022 – None received.

### **Water Authority**

*“Please be advised that the Water Authority has no objection to the proposed rezone. Requirements for water and wastewater will be determined when development of the parcel(s) is proposed.”*

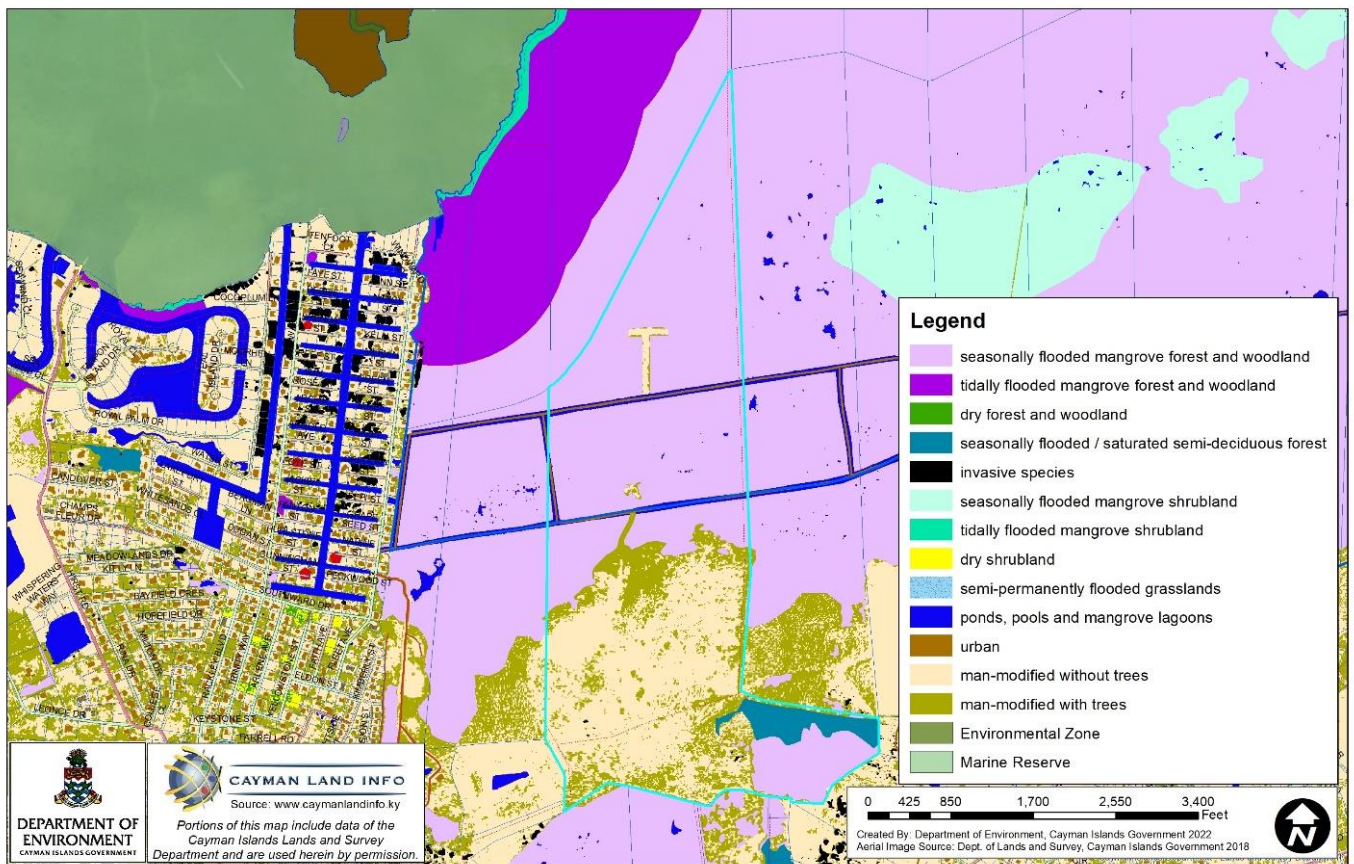
### **Department of Environment**

*“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 (NCA), 2013).*



### Site Overview

The application site contains a mixture of primary seasonally flooded mangroves and man-modified areas as shown in Figure 1.



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 northern section of the parcel which contains the seasonally flooded mangroves is also a part of the Central Mangrove Wetlands. The vegetation in the man-modified area has regrown and continues to provide an ecological benefit, such as drainage and habitat for native flora and fauna.

### Legal Status & Benefits of Mangroves

As a large portion of the northern section of the parcel is mangrove habitat, the Applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the NCA with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.

*Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of marine and terrestrial species.*

*Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. They are also an important natural asset for the Cayman Islands and form part of Cayman's Natural Capital Accounts. Mangrove wetlands are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks. The large-scale removal of significant tracts of mangrove habitat reduces the Island's natural carbon sequestration potential and the removal of mature vegetation and de-mucking of mangrove sites releases captured carbon into the atmosphere. The removal of mangrove habitat reduces the Islands' Natural Capital asset and removes the ecological services the habitat currently provides.*

*Mangrove forests also function as natural sponges that trap and slowly release surface water. Trees, root mats and other wetland vegetation slow the speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, mangrove wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.*

### ***Parrot Nesting***

*The Black Mangrove trees (*Avicennia germinans*) within this site are also an important nesting and foraging habitat for the Grand Cayman Parrot (*Amazona leucocephala caymanensis*). The IUCN status of the Grand Cayman Parrot is vulnerable. The Grand Cayman Parrot is a Part 1 Schedule 1 protected species under the NCA meaning that it is protected at all times. The 'take' of a Grand Cayman Parrot is an offence under the Act. It is important to note that the NCA has a very broad definition of "take" which includes, disturbing or impeding a specimen in any way, and includes any attempt to take or incidental take. Cayman Parrots are secondary cavity nesters needing a large, hollowed-out space in a tree to nest. This means they are dependent on a limited supply of existing cavities in forest trees to make their nests. These cavities tend to be in older or dead trees and include Black Mangrove trees within this parcel.*

*The parrots also forage for food in these areas. The retention of native vegetation on sites ensures there is a native food source for the parrots all year round hopefully reducing the likeliness of parrots feeding on valued food crops such as introduced fruit trees.*

*Parrots are a resilient species, but with a small habitat range, climate change pressures (such as more severe storms and hurricanes) and the conversion of land for human uses, the long-term future of these birds depends on the ability to preserve forests and build sustainably.*

### ***Loss of Agricultural/Pasture Land***

*The DoE believes the southern section of the parcel was historically used as pasture land. We recommend that the Department of Agriculture be consulted on this application and similar applications in the future to advise on the potential loss of agricultural land which is already at a premium in Cayman. As historically good agricultural land is lost, proposals to clear primary habitat for agricultural use will likely increase. The conversion of good agricultural land for development purposes places greater pressure on already declining areas of primary habitat.*

### ***East-West Arterial Road***

*As evidenced by the Applicant's cover letter, the current proposal for rezoning is reliant on the proposed East-West Arterial road. The proposed East-West Arterial road is currently the subject of an ongoing Environmental Impact Assessment (EIA), due to the potential effects on flooding and drainage of nearby communities and the hydrology and ecology of the Central Mangrove Wetlands. The EIA will help to refine the specific route of the road and will determine the design required to maintain a suitable hydrological regime. The outcome of the EIA also has the potential to affect current and proposed land-use along the road corridor; for example, the EIA may recommend stormwater management techniques such as the requirement of retention ponds in specific areas. Therefore, as a general principle, the DoE strongly recommends that there should be no rezoning of land along the road corridor until the results of the EIA are available to properly inform those decisions. Determining this application prior to receiving the results of the EIA would be premature and would set a precedent for other landowners along the road to rezone.*

### ***Conclusion***

*For the reasons outlined throughout this review, the DoE strongly recommends that the application be held in abeyance until the outcome of the EIA for the East-West Arterial road is received. As the Applicant's proposal is reliant on the proposed East-West Arterial road, the Applicant will not be disadvantaged as the EIA must be completed prior to the road being constructed. We also remind the Applicant that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (2013) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting of planning permission or a National Conservation Council Section 20 permit.*

### ***Department of Agriculture***

*"Subject to your query contained in the email dated October 5, 2022, re "Application for rezone". Please be informed that a site assessment was carried out by the Department of Agriculture on the property located at Block 31A, Parcel 29 on October 18, 2022.*

*As per the documentation provided the said parcel of land is zoned as Low Density Residential, in its present state. The findings are as outlined in the points below.*



1. *The land is located in an area that has been designated class VI soil type. This type of land includes soils that are not suitable for cultivation can be used for poor pasture or forest.*
2. *The natural vegetation is predominantly buttonwood mangrove plants, small amount of logwood along with swamp grasses and outcrops of flat rocks and very little soil.*
3. *There land is noticeable flood prone and ponding of water was visible in different sections, algae was present under the marsh grasses and outcrops of sedges were seen growing*
4. *If this land were to be cleared by bulldozing, the area would become very wet to allow for any type major type of agricultural activities without manipulation. However, it may be more suitable for construction.*

*In summary, the limitations to traditional commercial agricultural activity on this parcel of land are severe. Hence our finding is that the land, in its present state, is unsuited to traditional commercial agricultural activities.*

*Some Pictures have been included to provide supporting visual. The land would require serious modification to make it useful for cultivation.*



Mangrove button wood





Poor quality swamp grasses



Rocky Outcrop of flat rock



Marsh grass with algae beneath

**3.2 LOOKOUT HOLDINGS LTD RZ22-0001; Block 43A Parcel 61 and Block 44B Parcels 231, 233 and 234 (RM)**



Application for Amendment to Development Plan 1997 from Medium Density Residential to Neighbourhood Commercial.

### **FACTS**

<b>Location:</b>	Anton Bodden Drive, Bodden Town
<b>Parcels:</b>	43A61, 44B231, 44B233 & 44B234
<b>Current Zoning:</b>	Medium Density Residential
<b>Proposed Zoning:</b>	Neighbourhood Commercial
<b>Ownership:</b>	Private
<b>Total Parcel Size:</b>	9.25 Acres
<b>Subject Zoning Area:</b>	9.25 Acres

### **BACKGROUND**

April 6, 2005 (P04-0678) (CPA/07/05; Item 2.20) - CPA resolved to grant planning permission for a 49,194 sq. ft. multi-unit Commercial Plaza on Block and Parcel 43A61. The proposed scheme included two larger ‘anchor’ tenants and twelve smaller tenant units. The Planning Department analysis within the CPA minutes states the following:

*“The property is currently zoned Medium Density Residential and is slated to be rezoned to Neighbourhood Commercial should be proposed amendments to the Development Plan be approved.*

*The Department is of the opinion that the site is suitable for the proposed development for the following reasons:*

- The site is in proximity to a large residential subdivision and essential community services such as the police station, civic centre and health clinic. The subject site is situated within this node of community development and would be a good choice for the provision of commercial development to serve the needs of the community. It is for these reasons that the site is proposed to be rezoned to Neighbourhood Commercial, which zone would encourage the proposed type of development”*

**Decision:** It was resolved to not pursue the proposed rezone as it is not consistent with the National Planning Framework submitted to the Ministry PAHI on September 29, 2022 based on a resolution of the Authority at its meeting on September 14, 2022.

### **APPLICANT’S LETTER**

The applicant is seeking an amendment to the Development Plan from Medium Density Residential to Neighbourhood Commercial. This concerns four parcels in total:

- Block 43A Parcel 61 (4.399ac)
- Block 44B Parcel 231 (0.6ac)
- Block 44B Parcel 233 (1.25ac)
- Block 44B Parcel 234 (3.00ac)

The purpose of the application is explained in the applicant's letter, as follows:

*“Please find the attached application to re-zone the above parcel from Low Density Residential [sic] to Neighborhood Commercial. All parcels are close to Anton Bodden Drive and would better serve the existing neighborhood as a mixed commercial and residential development.”*

## **DEPARTMENT OF PLANNING ANALYSIS**

### **Site details**

The application concerns four adjacent parcels, which are located to the south of Anton Bodden Drive in Bodden Town. The parcels are mostly vacant and undeveloped, consisting of bush vegetation. A small section in the eastern part of 43A61 has been developed for a single-storey Retail / Commercial / Professional building and associated parking, which is currently occupied by a small convenience retail store.

The topography of the land is quite even at around 4ft above sea level.

### **Character and Land Uses of Surrounding Area**

The subject parcels lie within a large area of Medium Density Residential zoning. However, a short distance to the northeast are a number of Institutional zones, while a large area of Neighbourhood Commercial zoning is located approximately 500ft to the southwest.

Figure 1 displays the proposed rezone area and the surrounding land-use context.

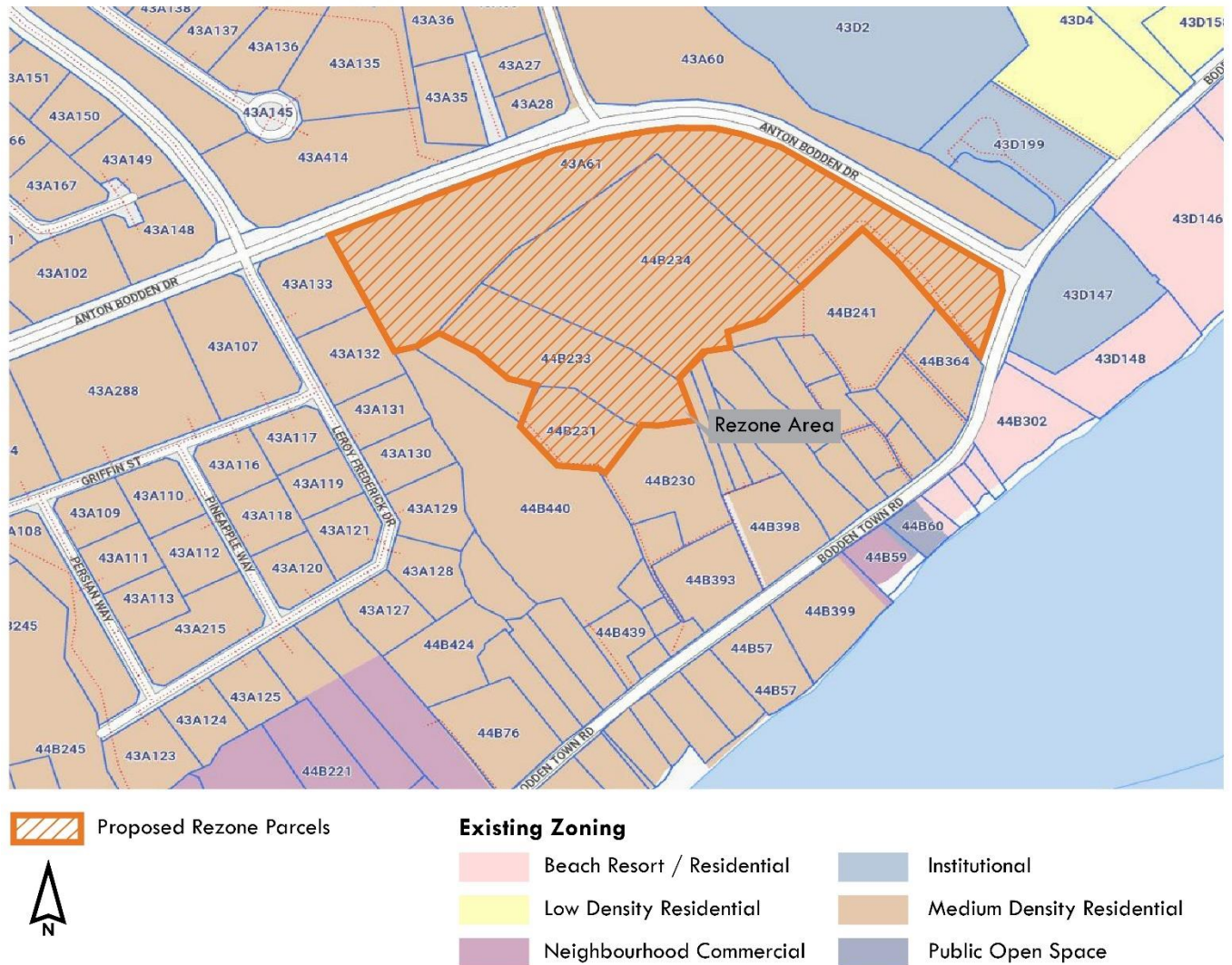
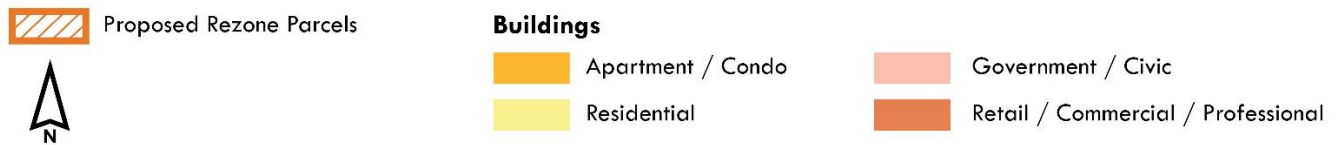


Figure 1: Zoning and location map (Source: [www.caymanlandinfo.ky](http://www.caymanlandinfo.ky))

A mixture of single-family dwellings, apartments and duplexes are present in the nearby residential areas while a substantial retail / commercial building – ‘Evron Plaza’ - is located nearby, to the northwest. To the east of the subject property, across Anton Bodden Drive, are a number of Government / Civic buildings including Bodden Town Police Station, Bodden Town Civic Centre and the Jesse Ritch Memorial Health Centre.

Figure 2 displays the type of buildings on both the subject parcels and within the surrounding area.



### Zoning Figures and Comparison

In this district of Bodden Town, commercial zoning makes up a very small percentage of the land area, at just 0.37%. This 50.4ac of commercial zoning is made up entirely of Neighbourhood Commercial zoning. Rezoning the 9.25ac of subject parcels to Neighbourhood Commercial would be an 18% increase in the total of Neighbourhood Commercial Zoning in Bodden Town, although this would still only make up a very small percentage (0.43%) of the total land area in this district.

More widely, Neighbourhood Commercial amounts to 1.5% (708ac) of the total land mass in Grand Cayman. It can be argued therefore that the proposed rezone would bring Bodden Town district more in-line with the average for Grand Cayman. In addition, the subject parcels are located in what can generally be considered to be the ‘town centre’ of Bodden Town and would therefore help to reinforce the commercial centre of this district.



## **AGENCY COMMENTS**

### **Department of Environmental Health**

*“DEH has no objections to the proposed rezone.”*

### **Cayman Islands Fire Service**

*“The fire department save comments for future development.”*

### **National Roads Authority**

Comments requested on 28/07/2022 – None received.

### **Water Authority**

*“Please be advised that the Water Authority has no objection to the proposed rezone. Requirements for water and wastewater will be determined when development of the parcel(s) is proposed.”*

### **Department of Environment**

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

*The application site is man-modified and consists of some secondary regrowth. We have no objections of the mixed use nature of a Neighbourhood Commercial Planning Zone. Nonetheless the impacts on infrastructure, traffic, and drainage on the surrounding area should be evaluated prior to the approval of the rezone. There should be no land clearing associated with this application and therefore any future development including land clearing should be the subject of a separate consultation with the National Conservation Council.”*

## **4.0 PLANNING APPEAL MATTERS**

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

#### **5.1 SHEILA, VERONA AND JOHN WOODS Block 44B Parcel 105 (CE22-0228) (BP)**

The Authority was advised that a Maintenance of Land notice had previously been authorized per Section 29A of the Development and Planning Act. The Authority was also advised that during the process of attempting to serve the notice, the Department became aware that the owners of the property do not reside on Island. Attempts were made repeatedly to obtain a means of serving notice and eventually 6 months elapsed from when the notices was authorized meaning a new notice would have to be served. The Authority determined that until a realistic means of serving the owners was found, there was no benefit in authorized another Maintenance of Land notice at this time.

**5.2 CLARBELL & RAFAEL MARTINEZ Block 14E Parcel 411 (CE22-0142) (BP)**

The Authority viewed photographs of the property and building and determined that there was no evidence to support the issuance of a Maintenance of Land notice per Section 29A of the Development and Planning Act and the Department is directed to close the case.

**5.3 TWILIGHT DEVELOPMENT LTD Block 31A Parcel 65 (CE22-0188) (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 takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5.4 ROBERT SHERENGO Block 28C Parcel 238 (CE21-0209) (TY)**

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

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

**5.5 SUNNIL DHOWN Block 23B Parcels 108, 109, 110 and 111 (P22-0241) (NP)**

The Authority was reminded of an application for apartments that had been considered on the subject parcels and the zoning issues that pertained to the application. In summary, the Authority acknowledged that there were three different zones; LDR, BRR and POS and the area where the old South Sound Road was located has no zoning. The applicant's attorney contacted the Department with two options to address the matter; the first being to pursue the provisions of Sections 9(2) and (3) of the Development and Planning Act and the second option being to rezone the parcels to BRR with a new strip of land being set aside along the western boundary which would be zoned POS. The Authority determined that the preferred option is for the applicant to apply to rezone the parcels as outlined in option two.



## **6.0 CPA MEMBERS INFORMATION/DISCUSSION**

### **6.1 REGISTERED MAIL PROCESS**

The members discussed a concern that there are growing reports of the postal service causing significant delays in the processing of registered and certified mail and this is causing problems with the Section 15(4) notification process as owners are receiving notice of applications for planning permission beyond the 21 day commenting period which denies their ability to file objections. The Director is to investigate the matter further.

The meeting adjourned at 5:30pm. The next meeting of the Central Planning Authority is scheduled for *Wednesday, December 7, 2022 at 10:00 a.m.* in in Conference Room 1038, 1<sup>st</sup> floor, Government Administration Building.



Ian Pairaudeau

Chair



Haroon Pandohie

Executive Secretary

c.c. All members of the Central Planning Authority

# **Appendix 1**

**Notice of National Conservation Council Decision**

**Ref: Screening Opinion for a Cement Plant and Storage Facility for North Sound**

**Property Holdings**

- 1) The proposed action is Planning Approval by the Central Planning Authority for a cement plant and storage facility for North Sound Property Holdings.
  - a. The proposed development, a cement plant and storage facility for North Sound Property Holdings, is a proposal for four cement silos, one bulk cement storage building, one cement bagging plant building, and administrative office and a security station.
- 2) The proposed action is related to an industrial development, which falls within Schedule 1 (those proposed activities which need to be screened to determine if an Environmental Impact Assessment is required) of the National Conservation Council's Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act.
- 3) The proposed development was considered by the National Conservation Council at its working group session of 7 September 2022.
- 4) Council noted a variety of factors, including but not limited to
  - a. The 19 August 2022 Screening Opinion for a Cement Plant and Storage Facility for North Sound Property Holdings, prepared by the Department of Environment for the Council.
  - b. That the proposed silos are 97 feet tall which is approximately equal to a 6 to 7 storey building. The application site is man-modified, and located on Seymour Road in Industrial Park, George Town. Given the presence of existing silos in the surrounding area, and heavy equipment and other traffic, and the distance from Esterley Tibbetts Highway, it is likely that the visual and noise impacts will be minimal. (Though there is a strong potential for fine dust particles to become a nuisance to this and nearby parcels, including visual impacts.)
  - c. The planning application has contained no detail around air pollution control. There is no Operational Plan or detail on air pollution control equipment to ensure that there are no nuisance or hazardous effects from fugitive dusts from the site and general emissions from the concrete plant. The environmental impact of the practice of dumping the tank residue from concrete mixing trucks into the environment should also be addressed through the Operational Plan. Waste handling should be considered at this stage, and the design of the Proposed Development should include provisions for handling tank residue.

- 5) Under section 41(3) of the National Conservation Act, 2013, the views of the Council shall be taken into account by the Central Planning Authority when making their decision on the proposed action.
  - a. It is strongly recommended that the Central Planning Authority require the Applicant to submit an Air Quality Assessment and Operations Plan which would provide mitigation with respect to dust emissions and air pollution control equipment to protect the lives and health of not only workers at or near the cement plant, but anyone who may be regularly exposed to the emissions from this facility. The Operations Plan would also identify how tank residue will be handled to avoid operators disposing of this material in an uncontrolled manner into the environment.
- 6) Council decided that the proposed decision does not need to be informed by an EIA in order for these concerns to be appropriately addressed.
- 7) And that this decision would need to be ratified at the next suitable General Meeting of the National Conservation Council.
- 8) It should be communicated to the Central Planning Authority, and by the Central Planning Authority through their usual and sufficient means of communication to the appropriate parties, that the Central Planning Authority and a person aggrieved by a decision of the National Conservation Council may, within 21 days of the date on which the decision of the Council is received by them, appeal against the Council decision to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).



**John Bothwell** – Secretary, National Conservation Council



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DEPARTMENT OF  
ENVIRONMENT  
CAYMAN ISLANDS GOVERNMENT

**Screening Opinion for a Cement Plant and Storage Facility for North Sound Property Holdings**  
**19 August 2022**

**Executive Summary**

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The Proposed Development, a cement plant and storage facility for North Sound Property Holdings, is a proposal for four cement silos, one bulk cement storage building, one cement bagging plant building, and administrative office and a security station. The silos are 97 feet tall which is approximately equal to a 6 to 7 storey building. The application site is man-modified, and located on Seymour Road in Industrial Park, George Town.

The three main environmental impacts considered were terrestrial ecology/waste management, air quality and visual impact. The planning application has contained no detail around air pollution control. There is no Operational Plan or detail on air pollution control equipment to ensure that there are no nuisance or hazardous effects from fugitive dusts from the site and general emissions from the concrete plant. The environmental impact of the practice of dumping the tank residue from concrete mixing trucks into the environment should also be addressed through the Operational Plan. Waste handling should be considered at this stage, and the design of the Proposed Development should include provisions for handling tank residue.

**It is strongly recommended that the Central Planning Authority require the Applicant to submit an Air Quality Assessment and Operations Plan which would provide mitigation with respect to dust emissions and air pollution control equipment to protect the lives and health of not only workers at or near the cement plant, but anyone who may be regularly exposed to the emissions from this facility. The Operations Plan would also identify how tank residue will be handled to avoid operators disposing of this material in an uncontrolled manner into the environment.**

With respect to visual impact, given the presence of existing silos in the surrounding area and the distance from Esterley Tibbetts Highway, it is likely that the visual impacts are minimal.

**The Department of Environment is of the opinion that the Proposed Development does not require an EIA in order for these concerns to be appropriately addressed.**

## **Introduction**

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is one requiring an EIA (i.e. requires an EIA), is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCA, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Development falls within Schedule 1, i.e. an industrial development, and, industrial processing, manufacturing or other projects.

The screening criteria include:

- The type and characteristics of a development;
- The location of a development; and
- The characteristics of the potential impact.

These screening criteria have been considered with respect to the Proposed Development in order to determine whether an EIA is required.

## **The Site**

The site is located at Block 19E Parcel 248, on Seymour Road in Industrial Park, George Town. The site is zoned as heavy industrial. The site was used as farmland in the earliest aerial imagery from 1958. In 1999, it was cleared again and appears to have been filled and used for industrial purposes.

## **Proposed Development**

### **Description of the Proposed Development**

The Proposed Development includes four cement silos, one bulk cement storage building, one cement bagging plant building, an administration office and a security station. The silos are 97 feet tall above ground level, as shown in Figure 1 below. No details on any Operations Plan or environmental mitigation have been submitted.



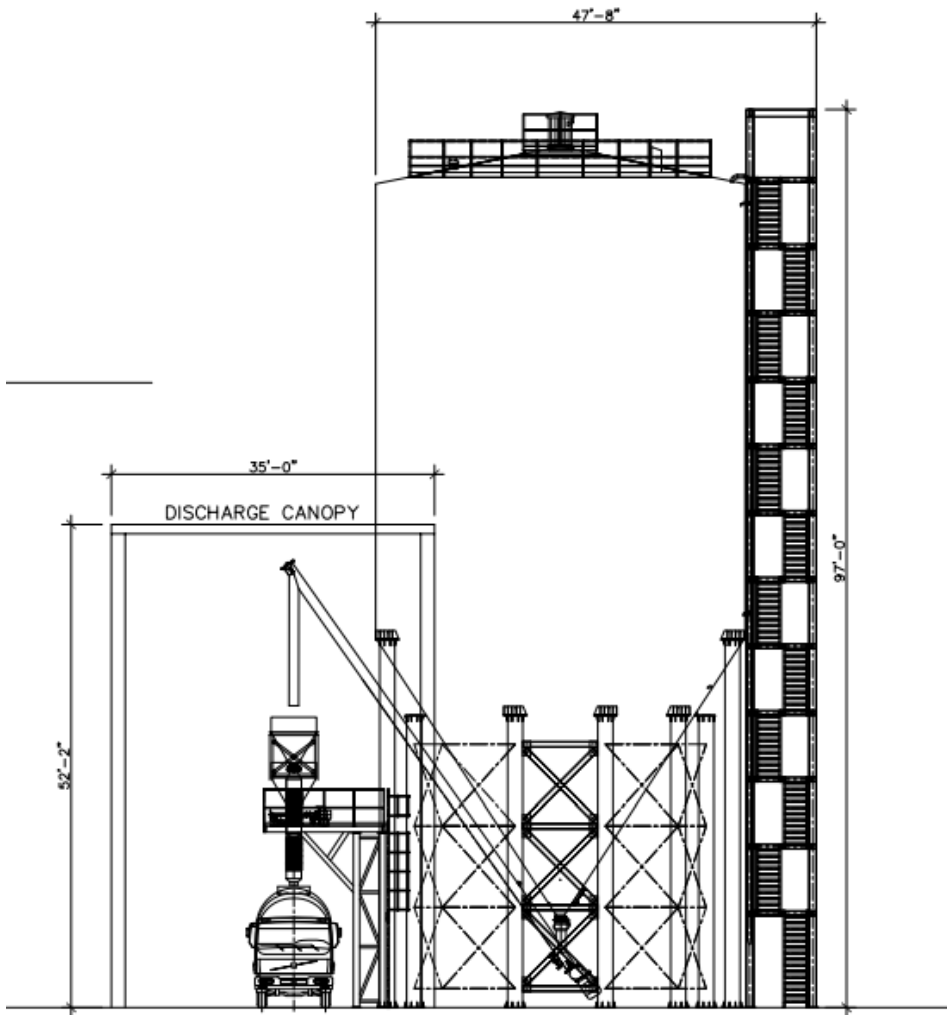


Figure 1. The elevation drawings of one of the four cement silos, showing a proposed height of 97 feet.

### Characteristics of Potential Impact

The baseline conditions, the potential impact of the Proposed Development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects. There are the potential for likely significant effects with respect to air quality and visual impact, and an offsite impact on terrestrial ecology/waste management. These effects are evaluated further below.

### Terrestrial Ecology/Waste Management

The site is man-modified and of limited ecological value. However, there is a common practice of washing concrete truck tanks at remote, potentially environmentally sensitive locations. The residue from the tanks needs to be contained and properly handled or disposed of. The cement plant should be designed in such a way that provision is made for accommodating residue from the tanks, so that operators have a clear process for addressing tank residue. This should be included in the Operations Plan.

## Air Quality

Although the site is zoned heavy industrial, there is a strong potential for fine dust particles to become a nuisance to nearby parcels including the highly trafficked Esterley Tibbetts Highway. Overall, given the industrial nature of this area and the existing cement plants and landfill, the air quality in this area is likely poorer than average in Cayman.

Cement plants emit many pollutants into the atmosphere. Cement dust is particularly noxious. The risk of cancer by inhalation or aspiration of cement dust is very high, especially for people living near cement factories. Silica dust causes silicosis and severe lung disease, and the presence of chromium compounds in cement dust can lead to cancer<sup>1</sup>.

The best way to mitigate the impact of dust and PM emissions from a cement plant is through good design, maintenance and operating practices. Shown in Figure 2 below, the *Industry Environmental Guide for Concrete Batching* produced by Brisbane City Council (2015) includes a number of mitigation measures to avoid or minimize dust leaving concrete batching plants and impacting the surrounding environment and community.

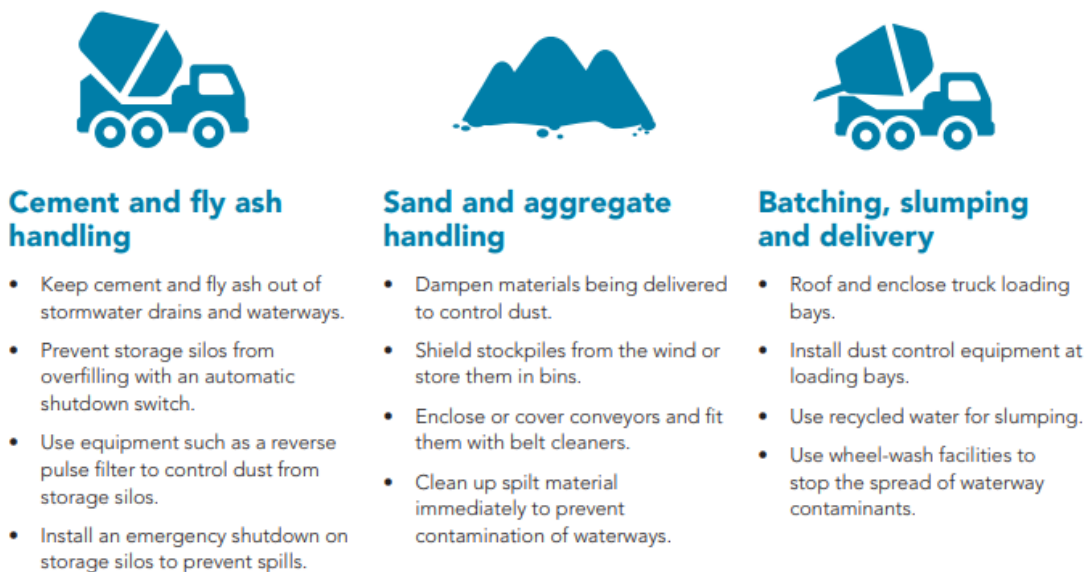


Figure 2. Actions businesses can take at various stages of the concrete production process to protect the environment and surrounding community. These are explained in greater detail within individual chapters of the *Industry Environmental Guide for Concrete Batching* produced by Brisbane City Council (2015).

The Applicant has not provided any detail on how dust emissions will be controlled and whether there will be air quality monitoring and air pollution control equipment, or operational measures to prevent air pollution.

***It is strongly recommended that the Central Planning Authority require the Applicant to submit an Air Quality Assessment and Operations Plan which would provide information and mitigation with respect to dust emissions and air pollution control equipment to protect the lives and health of not only workers at the cement plant, but anyone who may be regularly exposed to the emissions from this facility.***

Air quality is the remit of the Department of Environmental Health and therefore they should be consulted with in the review of the Air Quality Assessment and the Operations Plan.

### Visual Impact

Most people primarily experience their environment through visual cues, hence the normal and appropriate incorporation of Visual Impact Assessments into EIAs. Furthermore, the NCA makes numerous mentions of aesthetic value including under 2(d) and (f) which contain definitions of adverse effects on aesthetic values. The EIA Directive also makes reference to landscapes.

The silos will be 97 feet tall, which is approximately 6 to 7 storeys. The proposed development is located within an area containing other concrete plants. Cement plant silos are located adjacent to Esterley Tibbetts Highway at the National Cement Plant at Block 13D Parcel 471, which is between the highway and the Application Site. The exhaust towers at CUC are at least 140 feet in height. Overall, the location is likely appropriate for the type of development, and the environmental effect of visual impact is likely to be minimal.

### Conclusions

While the DoE does not recommend the Proposed Development be the subject of an EIA, it is incumbent upon the CPA to ensure that dust and air quality are appropriately addressed through an Air Quality Assessment and Operations Plan. In addition, the Operations Plan should identify how waste will be handled on site, so that there is a managed alternative to the common practice of operators of concrete mixing trucks dumping concrete waste and tank residue into the environment.

**After considering the Screening Opinion detailed above, the NCC is required to issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43 (1).**

# Appendix 2





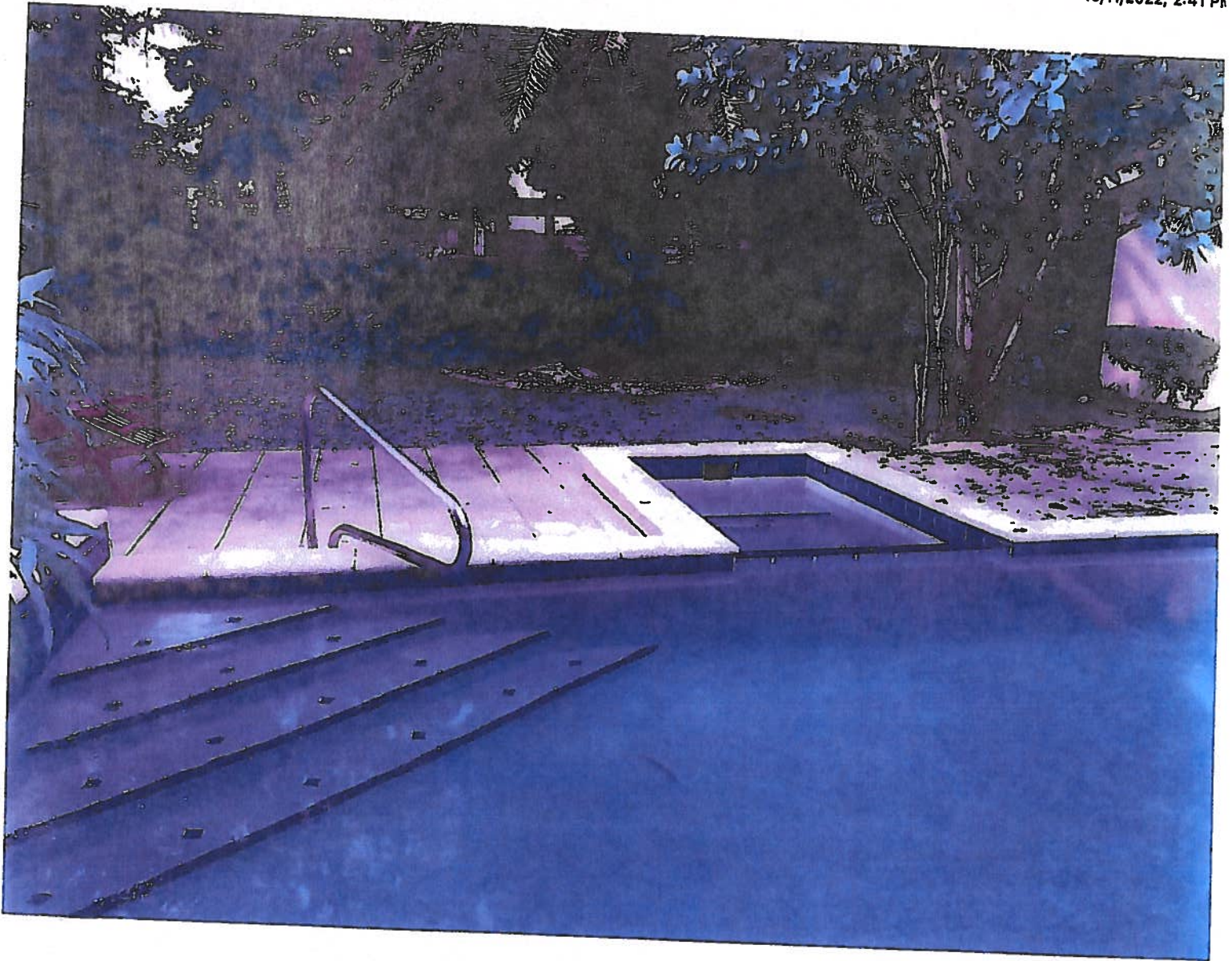
















# Appendix 3

## **November 23, 2022 CPA Meeting**

### **2.7 @ 2:30pm**

#### **Potable Water**

The food truck is connected to a water main which has its own meter on the property.

The food truck also has potable water tank which holds 30 gallons. It's located underneath the vehicle (RH).

Its rectangular plastic tank made of approved FDA polyethylene resins.

#### **Wastewater Generated During Preparation & Clean-up of Food**

List number and types

The FT has a total of 3 separate sinks.

1 Triple Sink – 36 Inch -

1 Double Sink – 28 Inch -

1 Single Hand Sink – 17 Inch -

Wastewater generate during preparation & cleanup will be removed and discharged by a business approved to do so. Either Entech or Massive will be contacted depending on availability.

This tank is located underneath the vehicle (LH) and holds 36 gallons of water. It's made of the same material of the potable tank using the same approved FDA polyethylene resins.

#### **Wastewater Generated from Sanitary Fixtures**

We've obtained permission from Mr Delroy Edwards who operates a grocery store within a 100yards of the FT for the use of the restroom facilities. We'll be given a key to those facilities.

#### **Type of Food Service**

We intend to prepare foods that will be fried within the FT such as fried chicken, fried pork, Tacos, French fries, fried plantain chips. The FT has an electric cooktop, therefore that gives us the ability to prepare burgers and steaks.

The long-term plan for the property will be to have my warehouse erected there. Until those plans have been submitted and approved, I wish to utilize my property to operate from.

#### **Water Supply**

I refer to the statement made in the Potable Water concern.

Marilyn Ebanks