

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **25 September 2024 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

24th Meeting of the Year

CPA/24/24

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Peterkin Berry

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

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

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

List of Applications Presented at CPA/24/24

- 2.1 ANTHEA MATTHEWS (Platinum Crew General Maintenance and Repair) Block 28B Parcel 328H1 (P24-0113) (\$270,000) (JS) 5
- 2.2 KEL THOMPSON (TAG) Block 7C Parcel 13 (P24-0471) (\$12.0 million) (NP) 7
- 2.3 RSI PROPERTIES LTD. (Paradise Drafting Ltd.) Block 23C Parcels 212 & 215 (P24-0168) (\$6,000,000) (MW) 18
- 2.4 TONIE BROWN (PPDS) Block 65A Parcels 33 and Block 69A Parcels 1, 2 and 84 (P24-0484) (\$25,000) (NP) 28
- 2.5 FS INC (Johnson Design & Architecture) Block 43D Parcel 175 (P23-0624) (\$100.0 million) (NP) 40
- 2.6 JAMES STERLING (JIMMY) EBANKS (Garden City Designs) Block 68A Parcel 119 (P23-0486) (\$35,000) (EJ) 60
- 2.7 SEAVIEW CAPITAL HOLDINGS LTD. (MJM Design Studio) Block 59A Parcel 213 (P23-1183) (\$1,000,000) (EJ) 65
- 2.8 JUSTIN THAXTER (Carvel Group) BLOCK 52B PARCEL 63 (P23-0459) (\$10,400) (AS) 84
- 2.9 COURTNEY CUMMINGS (Whittaker & Watler) Block 43A Parcel 131 (P24-0708) (\$652,080) (NP) 86
- 2.10 SOUTH NEWBURY CORP (Elegant Design Cayman Ltd.) Block 23B Parcel 81 (P22-1038) (\$1,200,000) (EJ) 94
- 2.11 RONALD DAVIS (DDL Studio Ltd.) Block 33B Parcel 1055 (P24-0697) (\$60,000) (MW) 103
- 2.12 MEDARDO MARTINEZ (Cayman Survey Associates Ltd.) Block 48C Parcel 219 (P23-0683) (\$900) (MW) 111
- 2.13 BIRCH TREE HOLDINGS (PPDS) Block 4C Parcel 643 (P24-0200) (\$100,000) (EJ) 112
- 2.14 GEORGE MCKENZIE (PGS LAND LTD.) Block 45A Parcel 115 (P24-0224) (\$45,000) (JS) 116
- 2.15 TREVOR WATKINS (Eric Cronier) Block 22E Parcels 441 & 545 (P23-1187) (\$3,000) (MW) 123
- 2.16 DIEGO RODRIGUEZ (AE DESIGNS) Block 48C Parcel 61 (P24-0354) (550,000) (JS) 124
- 2.17 LOOKOUT HOLDINGS LTD. (Abernethy & Associates) Block 43A Parcel 409 Rem 2 (P24-0792) (NP) 127
- 2.18 KADIE-ANN AMOY PROSPERE (PPDS) Block 43E Parcel 334 (P24-0734) (\$5,000) (NP) 128

- 2.19 MAR DEVELOPMENT (J&R Construction) Block 44B Parcel 4 (P24-0176) (\$1,100,976) (EJ) 131**
- 2.20 SELVIN RICHARDSON (Whittaker & Watler) Block 43E Parcel 284 (P24-0626) (\$990,000) (EJ) 140**
- 2.21 JARON LESLIE (Architectural Designs & Cayman Contemporary Style) Block 38D Parcel 93 (P24-0480) (\$550,000) (AS) 142**
- 2.22 CRAIG ARTHUR (BENITEZ & SONS LTD.) Block 23C Parcel 249 (P24-0584) (450,000) (JS) 149**
- 2.23 DWAIN COOKE (AE DESIGNS) Block 15E Parcel 321 (P24-0607) (1.4 million) (JS) 151**
- 2.24 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 4B Parcel 792 (P23-0861) (\$126,000) (KM) 153**
- 2.25 NHDT (Whittaker & Watler) Block 72B Parcel 182 (P24-0367) (\$151,800) (MW) 154**
- 2.26 EAMON WILSON (BDCL Architects) Block 22E Parcel 319 (P24-0593) (\$3,000) (EJ) 155**
- 2.27 LG CONTRACTING LTD. (Tropical Architectural Group) Block 19E Parcel 237 (P24-0524) (\$1,582,100) (MW) 157**
- 2.28 CAYMAN ISLANDS NATIONAL WEATHER SERVICE STATION (Tropical Architectural Group Ltd.) Block 20E Parcel 356 (P24-0446) (\$10,000) (MW) 162**
- 2.29 CF HIGH SCHOOL (Kariba Architecture) Block 20E Parcel 87 (P24-0707) (\$900,000) (NP) 169**
- 2.30 GEORGE HUNTER (OAD) Block 68A Parcel 70 (P24-0667) (\$60,000) (NP) 174**
- 2.31 LISA & KEVIN SCHIRN (PPDS) Block 13D Parcel 9 (P24-0750) (\$8,000) (NP) 177**
- 2.32 SERENA WHITTAKER (OAD) Block 49C Parcel 55 Rem 1 (P24-0449) (\$133,400) (NP) 179**
- 2.33 ISLAND PROPERTIES LTD. (TAG) Block 1C Parcel 279 (P23-1151) (\$5,000) (NP) 182**
- 2.34 RONNIE ANGLIN (Benitez & Sons Ltd) Block 4C Parcel 157 (P24-0583) (EJ) 183**

APPLICANTS ATTENDING THE AUTHORITY’S MEETING

Applicant Name	Time	Item	Page
Anthea Matthews	10:30	2.1	4
Kel Thompson	11:00	2.2	7
RSI Properties	11:30	2.3	18
Tonie Brown	1:00	2.4	28
FS Inc	1:30	2.5	40
James (Jimmy) Ebanks	2:00	2.6	60
Seaview Capital Holdings	2:30	2.7	66
Justin Thaxter	3:00	2.8	85

1.1 Confirmation of Minutes CPA/23/24 held on 11th September 2024

1.2 Declarations of Conflicts/Interests

Item	Member

2.0 APPLICATIONS
APPEARANCES (Items 2.1 to Item 2.8)

2.1 ANTHEA MATTHEWS (Platinum Crew General Maintenance and Repair) Block 28B Parcel 328H1 (P24-0113) (\$270,000) (JS)

Addition to a house.

Appearance at 10:30am

FACTS

<i>Location</i>	Roberta Way in Savannah
<i>Zoning</i>	Low Density Residential
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	6,747 sq. ft.
<i>Building area existing</i>	1,304 sq ft
<i>Footprint existing</i>	1,304 sq ft
<i>Building area proposed</i>	1,601 sq ft
<i>Footprint proposed</i>	1,002 sq ft
<i>Site coverage allowed</i>	30 %
<i>Proposed site coverage</i>	34.18 %
<i>Current use</i>	House
<i>Proposed use</i>	House addition

BACKGROUND

May 8, 2024 (CPA/14/24; item 2.12) - It was resolved to adjourn the application for the following reason:

- 1) The applicant is required to submit revised plans showing a minimum 10' side setback and a maximum site coverage of 30%.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Site Coverage
- 2) Front setback
- 1) Rear setback
- 2) Side setback

APPLICANTS LETTER

We are requesting a variance for the above referenced block and parcel to seek relief for the acquired **ENCROACHING NORTHERN SETBACK, ENCROACHING EASTERN SETBACK, SEPTIC TANK ENCROACHING WESTERN SETBACK AND THE PLOT COVERAGE EXCEEDING 30%**. I hereby submit it to the Department of Planning. For the reasons outlined below, the proposed dwelling will be beneficial to us and the community and the district of newlands.

- Granting the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located.
- The granting of the variance will have no effect on any adjoining or nearby properties. The requested zoning relief will not cause any detriment to the common good. As the literal interpretation and strict application of the applicable zoning requirements of this chapter would cause substantial undue and unnecessary hardship to the current property owner.
- We would like to note that the size and the quality of 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. the requested variance would be consistent with the spirit and purpose of this chapter and the district of newlands as our new home will blend and will prove beneficial to the citizens of newlands community.

Thank you for your consideration

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Roberta Way in Savannah.

The application is for the addition to an existing house.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Site Coverage (30%. vs 34.17%)

The required site coverage is 30% as can be seen in section (9) (8) (h), the proposed site coverage is 34.17%.

2) Front Setback (20' vs 8'6")

The required front setback is 20ft as can be seen in section (9) (8) (i). The proposed location for the septic tank falls within the required setback and is 8'6" from the boundary.

3) Rear Setback (20' vs 14'10")

The required rear setback is 20ft as can be seen in section (9) (8) (i). The proposed rear setback is 14'10".

4) Side Setback (20' vs 5'9")

The required side setback is 20ft as can be seen in section (9) (8) (j). The proposed side setback is 5'9".

SUPPLEMENTARY ANALYSIS

The plans have not been revised as requested by the Authority and the applicant asked for an appearance before the Authority to discuss the application.

2.2 KEL THOMPSON (TAG) Block 7C Parcel 13 (P24-0471) (\$12.0 million) (NP)

Application for 34 apartments, pool, cabana, seawall and sign.

Appearance at 11:00am

FACTS

<i>Location</i>	South Church Street, George Town
<i>Zoning</i>	Beach Resort Residential
<i>Notification Results</i>	Objections
<i>Parcel size</i>	2.36 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Dwelling
<i>Proposed use</i>	34 apartments and ancillary structures
<i>Building Footprint</i>	24,897 sq ft
<i>Building Area</i>	47,441 sq ft
<i>Site Coverage Permitted</i>	40%
<i>Site Coverage Proposed</i>	24.2 %
<i>Units Permitted</i>	47
<i>Units Proposed</i>	34
<i>Bedrooms Permitted</i>	141
<i>Bedrooms Proposed</i>	68
<i>Parking Required</i>	51
<i>Parking Proposed</i>	70

BACKGROUND

Existing house appears on the 1971 aerials

July 10, 2024 (CPA/18/24; item 5.1) – The Authority waived the need for a new HWM survey

Recommendation: Discuss the application for the following reasons:

- 1) DOE s41(4) comments
- 2) Suitability for Apartments
- 3) Side setbacks
- 4) NRA comments
- 5) Right of Way to the Sea
- 6) Concerns of the Objectors

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments received from the DOE, Water Authority, NRA, Fire Department, and DEH.

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The application site is man-modified, with aerial imagery showing a house on the property since at least the 1950s. The site features ironshore coastline and is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act (NCA)) (refer to Figure 1 for context).



Figure 1. The application site and adjacent Marine Protected Area with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

The natural, permanent vegetation line on the site is sited between 145-150 feet from the Mean High Water Mark, suggesting that sea water incursion occurs up to this point. Figure 2 shows the parcel in the Nor'wester of February 2024.



Figure 2. Aerial imagery from the Nor'wester of 2024 showing the waves extending up to the natural vegetation line, note the fuel storage tanks of Jackson Point beyond. (Aerial Imagery Source: RCIPS, 2024).

The site is not within a reef protected lagoon and deep water is located close to shore. therefore, it is particularly important to ensure that any development of the parcel is sited appropriately.

Advice to Applicant

Approximately 50% of the site is proposed to be covered by areas of hardstanding (buildings and parking area included), as such drainage of the site and surrounding area is likely to be a concern. It is important to contain run-off on the site, and prevent oil, gasoline, and other fluids being washed off the parking surface in the rain and entering the Marine Protected Area. As such, we highly recommend that the applicant considers the use of appropriately-designed permeable or porous paving wherever possible. Permeable paving and the underlying layers can help by naturally filtering out many contaminants or sediments before they are able to reach the groundwater, in comparison to surface water run-off which carries the contaminants directly into the sea.

Although the proposed development meets the minimum required setbacks from the sea as per the Development and Planning Regulations (2024), with the extent of seawater incursion exceeding 150 feet from the Mean High Water Mark, we recommend that no habitable structures are placed at least within this zone. The consequences of construction too close to the sea were clearly evidenced during inclement weather in February 2024,

with several coastal developments suffering damage and flooding due to waves. As such, we highly recommend the applicant revisits the layout so that any habitable structures are located as far landward as possible. Figure 3 shows a nearby property that has been located too close to the sea, and also the effect of a man-made cut in the ironshore bringing the sea closer to the development.



Figure 3. Aerial imagery from the Nor'wester of February 2024 showing the waves overtopping the seawall at a nearby development. The existence of a man-made cut in the ironshore has brought the waves further into the development. (Aerial Imagery Source: RCIPS, 2024).

Man-made Cut in Ironshore

Although the original plans indicated that the proposed development was to include a “man-made cut in the ironshore”, the DoE notes that the drawings have been revised to remove this. It should be noted that the applicant consulted with the DoE’s Technical Review Committee and our concerns with the formation of a “sea pool” were highlighted at this time.

Given the location of the site directly adjacent to a Marine Protected Area, any excavation of the ironshore is likely to negatively impact the Marine Protected Area during construction as well as operation. Adverse impacts resulting from the excavation of ironshore and construction of sea pools include severe sedimentation, affecting water quality offshore. Following construction, the presence of the sea pool can also lead to water quality issues in close proximity to the entrance due to changes in dissolved oxygen, salinity and temperature. Therefore, if the sea pool is to be reintroduced, further consultation with the DoE is required.

Construction Impacts to Marine Protected Area

Without appropriate controls, the construction of the proposed development has the potential to adversely impact the Marine Protected Area. In particular, the Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island. EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings or panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife and enter the food chain. EPS beads that make their way to the sea can easily be mistaken by fish and birds as fish eggs, and have the potential to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.



Figures 4-6. DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

Section 41(4) Considerations

The site is adjacent to a Marine Reserve, a protected area under the NCA. It is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area as it contains sensitive marine resources.

Without appropriate controls, there would or would likely be an adverse effect on the designated protected area, namely:

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

*On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers which have been conferred through express delegation by the National Conservation Council (NCC) pursuant to section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for **the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

In order to provide the CPA with an indication of the DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project is appended. Should the CPA/Planning Department wish to propose other conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA/Planning Department's application under Section 41(4) we will supply our Section 41(5) response in line with Appendix 1 within one week.

Appendix 1 – Draft Conditions

The following contains an indication of the DoE's section 41(5) response on behalf of the NCC and a draft of the Directed Conditions which will be required to form part of the approval for this project following application under section 41(4) of the NCA.

Draft Directed Conditions

1. *All construction materials shall be stockpiled at a minimum of 50 feet from the Mean High Water Mark (MHWM) or on the landward side of the construction fencing to reduce the possibility of run-off washing material and debris into a Marine Protected Area causing turbidity and impacting important marine resources.*
2. *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

These conditions are directed to prevent run-off and debris from entering the Marine Reserve (a Protected Area) causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision

of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.

Water Authority Cayman

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

Please note that the Water Authority has adjusted its previous requirements to reflect the developer's decision to forgo the proposed Sea Pool/Ironshore Expansion.

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 7,650 US gallons per day (gpd), based on the following calculations.

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Buildings (1-6)</i>	<i>34 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>7,650</i>
<i>TOTAL</i>			<i>7,650</i>

- 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 5'10" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

Decommission Existing Septic Tank

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

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.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 Environmental Health

Solid Waste Facility: This development requires (2) 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 for deep well details.

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

National Roads Authority

Please modify the entrance so that the 15-foot radius curve is facing the road and that it begins on a tangent with the road. The intention is to facilitate a smooth transition onto and off of the roadway.

Fire Department

The Fire Department has approved the proposal.

APPLICANT'S LETTER

Further to the application submitted in relation to the above-referenced project, we hereby request a setback variance which requires a minimum of 50 ft setback from the high water mark for iron shore; and 20 ft side setback in a Beach Resort / Residential Zone per Planning Regulation 8(f) and 15 (4)(b)(i).

We would appreciate your consideration for this variance request on the following basis: Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area; Regulation 8 (13)(b)(ii), unusual terrain characteristics limit the site's development potential; and Regulation 8(13)(b)(iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;

We are writing to request approval for the setback variance for our proposed development at Block 7C Parcel 13. The site is approximately 2.36 acres in a Beach Resort/ Residential Zone, which allows up to 47 units with 141 bedrooms. Our plan, however, proposes a smaller development with 34 units and 68 bedrooms, reflecting our commitment not to overbuild the site.

While zoning permits buildings up to 55 feet high (or 4 stories), we have chosen to limit our buildings to 2 stories to better blend with the neighborhood's character, which is why we're requesting a setback variance. Also, we'd like to clarify that the man-made cut doesn't change the excavated area's boundary to the CROWN. A boundary survey confirmed by the Lands and Survey Department accurately marks the High Water Mark (HWM). As a result, our proposed development is more than 50 feet away from the HWM, eliminating the need for an HWM setback variance. See MHWN Survey for more information.

The allowed lot coverage in this zone is 30%, but our proposal will only use 24.22% of the lot. Additionally, we are providing 70 parking slots, exceeding the required 54, to ensure adequate parking.

In addition to the setback variance, our development requires a 6-foot wide public right of way to the sea. We are proposing a wider 7-foot 4-inch public right of way, which exceeds the minimum requirement and will enhance accessibility and enjoyment of the community.

Considering these points, we respectfully request that the CPA Board approve the setback variance. Our proposal stays well below the maximum allowed density, lot coverage, and building height, showing our effort to create a development that fits well with the community and minimizes traffic concerns.

Thank you for considering our request. We hope the CPA Board finds our proposal suitable and grants the necessary variance for us to proceed with this carefully planned development.

OBJECTIONS

See Appendix A.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on South Church Street in George Town.

The proposal is for 34 townhouses with 68 bedrooms and 70 parking spaces. The application also includes a pool, pool side cabana, retaining wall, sea wall, and sign.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Suitability for Apartments

The general area includes a mix of industrial, commercial, multi-family residential and single family residential. The Authority needs to determine if the site is a suitable location for apartments.

2) Right of way to the sea

The subject property has a road frontage of 239' 5" and a shoreline frontage of 181'.

Regulation 15(6) requires a minimum 6' wide public right of way for every two hundred feet of frontage or part thereof, but does not specify if frontage is on the road or the shoreline. The applicant has provided a 7'4" public right of way but it does not extend all the way to the sea.

3) Side Setbacks

Regulation 15 (b)(i) requires minimum side setbacks of 20 feet.

In this instance, the applicant is proposing a 10 foot side setback on the south side and a 16'6" side setback on the north side.

The applicant has submitted a variance letter in this regard.

4) Seaside setback

Regulation 8(10)(f) requires a minimum HWM setback of 50 feet where the shoreline is ironshore.

The applicant is proposing a minimum 29 foot setback from the existing cut in the ironshore to the proposed sea wall edge. It should be noted that the man made cut does not technically have a high water mark, therefore a variance is not actually required.

2.3 RSI PROPERTIES LTD. (Paradise Drafting Ltd.) Block 23C Parcels 212 & 215 (P24-0168) (\$6,000,000) (MW)

Application for a mixed use building; (24 apartments, 12 retail units); generator; and 12 illuminated signs.

Appearance at 11:30am.

FACTS

<i>Location</i>	Shamrock Rd., George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Notification result</i>	Objection
<i>Parcel size proposed</i>	0.9196 ac. (40,057.776 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	22,460 sq. ft.
<i>Total building site coverage</i>	18.83%
<i>Total site coverage</i>	63.15%
<i>Allowable units</i>	CPA Discretion
<i>Proposed units</i>	24
<i>Allowable bedrooms</i>	CPA Discretion
<i>Proposed bedrooms</i>	24
<i>Required parking</i>	55
<i>Proposed parking</i>	55

BACKGROUND

August 28, 2024 (CPA/22/24 Item 2.3) – It was resolved to adjourn the application and re-invite the applicant and objector to appear before the Authority to discuss details of the application.

Recommendation: Discuss the application for the following reasons:

- 1) Zoning
- 2) Roadside setback

- 3) Garbage side setback
- 4) Density
- 5) Objector's concerns

AGENCY COMMENTS (Section 7 DPA)

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

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 4,690 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Ground Floor	12 x Retail Units (7,269 sq.ft.)	0.15/sq.ft.	1,090.35
Second Floor	12 x 1-Bed Units	150gpd/1-Bed Unit	1,800
Third Floor	12 x 1-Bed Units	150gpd/1-Bed Unit	1,800
TOTAL			4,690.35

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well,***

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

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.***

The developer is advised to contact development.control@waterauthority.ky to discuss requirements to accommodate potential high-water use tenants.

Elevator Installation

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

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

Water Supply

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

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

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

National Roads Authority

As per your memo dated April 4th, 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

- *The proposed driveway is located on an un-built section of road. The applicant will need to construct the road to meet minimal **NRA specification for subdivision roads (including drainage conveyance requirement)**, up to the subject parcel.*
- *Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*
- *A six (6) foot sidewalk shall be constructed on the un-built section of road, within the property boundary, to NRA standards.*

Road Capacity Issues

The traffic demand to be generated by the above proposed development of twenty- four (24) residential units and retail space consisting of 5,718 sq. ft. has been assessed in accordance with ITE Code 220 Apartment and 820 Shopping Center. The anticipated traffic to be added onto Shamrock Road is as follows:

Dev’t Type	Expect Ed Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
Residential	160	12	2	10	15	10	5
Retail	307	7	3	2	27	8	9

<i>Total</i>	<i>467</i>	<i>19</i>	<i>5</i>	<i>12</i>	<i>42</i>	<i>18</i>	<i>14</i>
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Based on these estimates, the impact of the proposed development onto Shamrock Road is considered to be minimal.

Access and Traffic Management Issues

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

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

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

Stormwater Management Issues

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

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

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

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

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

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

Department of Environmental Health

DEH has no objections to the proposed in principle; the revisions are satisfactory.

Solid Waste Facility:

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

The enclosure must have the following installed:

- *Hose bib for wash-down*
- *Drain*
- *Garbage disposal effluent well*

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 for deep well details.

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.

Department of Environment (17-Apr-24)

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).

Site Overview

The site is man-modified, with aerial imagery showing that the site has been cleared a number of times since the early 2000s. The site is low-lying (historically consisting of wetland areas and ponds), with a maximum elevation of 5 ft above Mean Sea Level.

Advice to Applicant

The DoE recommends that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). We are encouraged to see that the roof space appears to have been designated for photovoltaic panels.

As the site is low lying and vulnerable to flooding events, we recommend the applicant considers the use of permeable or porous materials in areas of hard standing. In addition, the applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate inundation. SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

Advice to Central Planning Authority / Planning Department

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

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

- 1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is*

completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.

Fire Department

Approved for Planning Permit Only 22 Apr 24

OfReg

The change to a diesel generator is noted and from the proposed drawing submitted the approximate capacity of the tank is 300 gallons. Bollards are to be installed vehicular side of the generator.

At least a 20lbs fire extinguisher to be installed within 30ft of the generator.

Final capacity of the tank is not given, however the separation distances shown from the building is adequate.

Site may require an operating permit from OfReg depending on the final capacity of the tank.

APPLICANT'S LETTER

We are writing on behalf of our client who wishes to construct a 3-story mixed use building on the above noted parcels. The building will consist of ground floor retail units and two floors of 1-bedroom apartments above.

The parcel is zoned neighborhood / commercial.

The property is very narrow requiring the request for minor setback variances.

Variance #1

The standard setback from a roadway is 20'-0" for a building. Our client is requesting a setback of 18'-9" be considered from a small portion of the building to the interior roadway boundary line.

Variance #2

The standard setback from a roadway is 20'-0" and 6'-0" to side and rear boundary lines. Our client is requesting a setback of 6'-2" to roadway boundary and 4'-0" to side boundary line for the garbage enclosure.

We do not feel that these variances would impact the adjacent neighbours or neighbourhood detrimentally as the setbacks is on the back side of the development facing inwards towards our client's other parcels.

We therefore kindly request the CPA's review of the above requests and hopefully agree that this project presents no negative or unsuitable aspects to the existing neighbourhood. Please feel free to contact the undersigned with any questions or comments.

OBJECTIONS

*I am in receipt of your Notice of Application for Planning Permission to construct a 3 story mixed use building (1st floor commercial & 2nd & 3rd floor apartments) with setback variances, including signage on Block and Parcels 23C212, 23C 215 that **I am strongly objecting** to for the following reasons:*

- 1. Marguerite Millar suffers from **severe asthma and is highly allergic to dust**, the construction of this building will create a lot more than usual, dust in the area, our apartment is in close proximity to your planned project and we can advise you that Marguerite will suffer more severely, medically due to this. We will provide you with her medical records in proof of our objection. If this occurs you will be responsible for her more than usual medical expenses.*
- 2. The traffic in this area is already quite congested in the morning and afternoon hours and sometimes in between, this project will also add to the severity of the road traffic in our area.*
- 3. Most important is that due to you erecting a 3 story building you will have to dig quite deeply to create a safe foundation for it; to do this you will be using heavy duty jack hammers that are going to create tremors in the area and will form cracks in our apartment; our walls are now totally crack free. Please arrange to do an assessment of our entire apartment before you commence building to ascertain that our walls are structurally safe and unblemished, if by any means your construction results in our apartment being structurally damaged you will have to repair it to the state that they are now in, at your full expense. Please therefore provide us with your financial ability to do so.*

Please do not hesitate to contact us if you have any questions or require clarification of the abovementioned.

We would also appreciate the acknowledgement of the receipt of our objections and confirmation that you have understood in full the reasons for them.

We look forward to your immediate response.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a mixed-use building; (24 apartments, 12 retail units); 22,185 sq. ft., fire pump room; 275 sq. ft., emergency generator; (12) 19.7 sq. ft. illuminated signs to be located on Shamrock Rd., George Town.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Zoning

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 caters principally for the needs of persons resident in, or in the vicinity of, the zone (Regulation 13(1)(b) 2024 Revision)

The proposal includes 7,269 sq. ft. of retail, 14,916 sq. ft. of residential space and the remaining 275 sq. ft. being for an onsite fire pump room.

The Authority should note the nearest mixed-use development similar in scale to the current proposed development would be the Harbour Walk development in the Grand Harbour area approximately *(5,213.53 ft. or 0.9 miles)* away.

Also, residential development may be permitted in this zone provided it is not on the ground floor. In this instance all of the residential units are on the second & third level.

2) Roadside setback

Regulation 8(8)(b) of the Development and Planning Regulations (2024 Revision) states *"the minimum road setbacks shall be 20', unless otherwise specified by the Authority."*

The proposed development encroaches the subdivision road at *(19'-4")*, the proposed steps *(16'-2 ½")* & the proposed garbage enclosure *(9'-4")* a difference of *8" (building), 3'-9 ½" (steps) & 10'-8" (garbage)* respectively.

3) Garbage side setback

Regulation 8(7) of the Development and Planning Regulations (2024 Revision) states *"solid waste storage areas shall be setback a minimum of 6 feet from adjacent property boundaries and shall be screened with vegetation and fencing."* The proposed location for the garbage enclosure would be *5'-6 ½"* from the adjoining boundary a difference of *5 ½"* respectively.

4) Density

Regulation 8(8)(a) of the Development and Planning Regulations (2024 Revision) states *"the maximum density and minimum setbacks shall be at the discretion of the Authority."*

The applicant has proposed a total of 24 units with a total of 24 bedrooms. This equates to a density of 26.1 per acre.

When considering density in a commercial zone, the Authority would typically look for the nearest residential zone as a guide. In this instance, the closest residential zone is low density residential which allows a density of 15 apartments per acre and 24 bedrooms per acre - the proposed density of 26.1 would exceed both. The Authority should note that the proposed apartment density is also greater than what is permitted in the hotel/tourism zone and the high density residential zone which is 25 apartments per acre.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans and NRA has provided additional comments below. Although NRA indicates radius curves and a sidewalk have been added, they were already shown on the plans that were available for the Authority's review on August 28.

National Roads Authority

As per your memo dated August 5th, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA is satisfied with the revised site plan for the proposed mixed-use building as the applicant has satisfied the following:

- Access road has been paved to NRA specification for subdivision roads up to the subject parcel.*
- Entrance and exit curves no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. was added, and;*
- The addition of a six (6) foot sidewalk is now shown on the site plan within the property boundary*

However, please note that all other conditions still apply as referenced in memorandum dated April 25th, 2024.

2.4 TONIE BROWN (PPDS) Block 65A Parcels 33 and Block 69A Parcels 1, 2 and 84 (P24-0484) (\$25,000) (NP)

Application for a 64 lot subdivision (59 residential lots, 2 LPP and 3 road parcels).

Appearance at 1:00pm

FACTS

Location Queen's Highway, East End

Zoning **A/R and LDR**

Notification Results Objector

<i>Parcel size</i>	38.1 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	+11,450 sq. ft. to +21,780 sq. ft.
<i>Proposed lot widths</i>	+38'
<i>Current use</i>	Vacant

BACKGROUND

May 22, 2024 (CPA/15/24; item 2.15) (P23-0535) – Planning permission granted for 6 lot subdivision on Block 69A Parcel 84 where lot 6 was to be combined with Block 69A Parcel 2 which is now part of the current subdivision application

Recommendation: Discuss the application for the following reasons:

- 1) Access
- 2) Lot widths
- 3) Concerns of the objector

AGENCY COMMENTS (Section 7 DPR)

The Authority received comments from the DOE, Water Authority Cayman, and NRA.

Water Authority Cayman

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, however, please be advised that the connection of a proposed development to the Water Authority’s piped water supply may require an extension.

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

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

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

As seen in Figures 1 and 2, the application site contains primary dry forest and shrubland, seasonally flooded mangrove forests and shrubland, and freshwater ponds. There are some man-modified areas within the parcel as well but they contain old regrowth which still provides valuable ecosystem services. The site is also located in proximity to the Salina Reserve, a large area of undisturbed habitat owned by the National Trust and home to nearly every type of living organism in the Cayman Islands, including the endemic Blue Iguana.

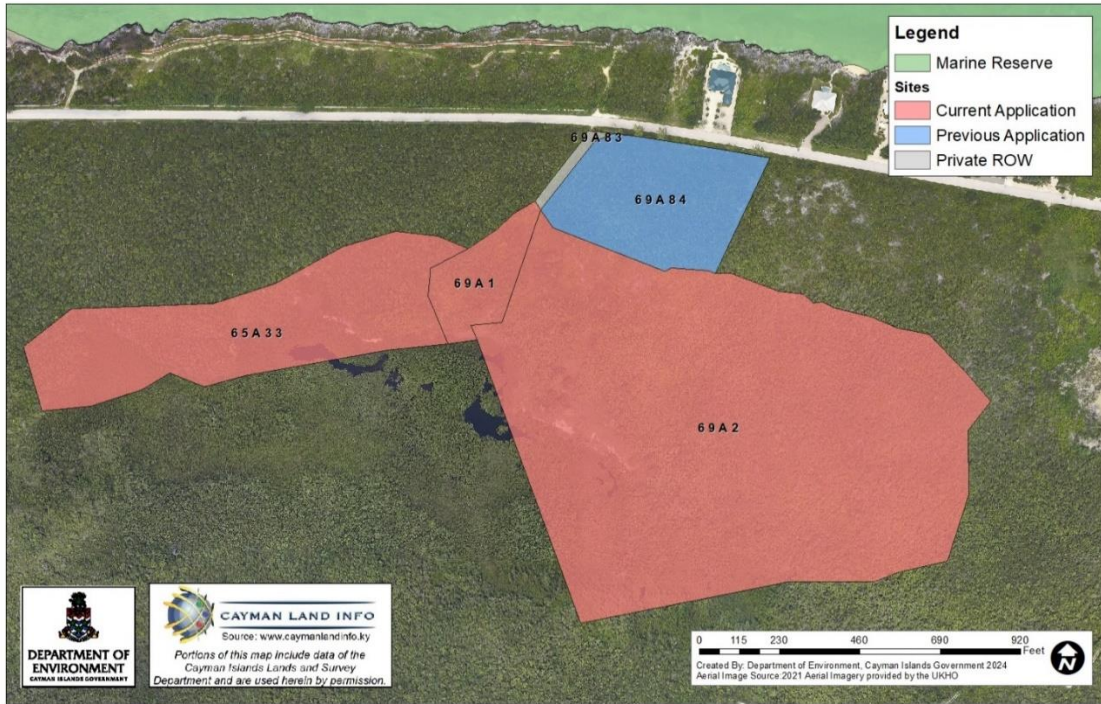


Figure 1. The current application site highlighted in red with the approved subdivision to be connected highlighted in blue (Aerial Imagery Source: UKHO, 2021).

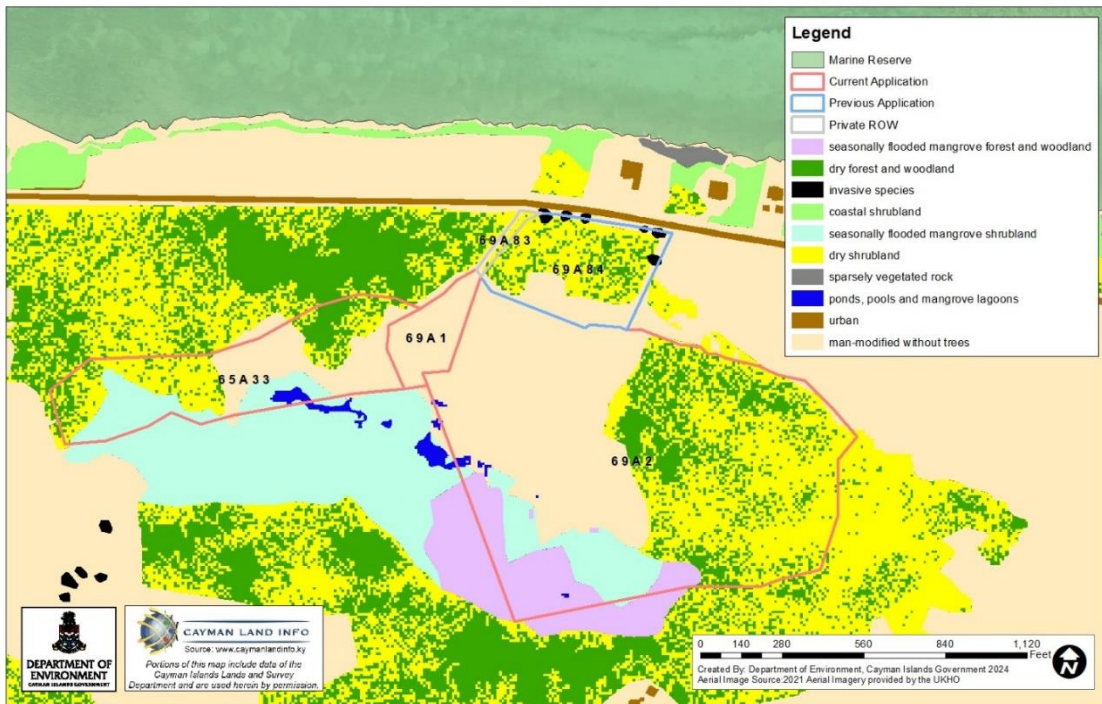


Figure 2. The current application outlined highlighted in pink with the approved subdivision to be connected outlined in blue and an overlay of vegetation data (Aerial Imagery Source: UKHO, 2021 & Vegetation Data Source: DoE, 2018).

Ecological Overview

Importance of Primary Habitat and Mangroves

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

The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (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 and implementation 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 species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

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 habitats reduces the extent and value of this natural asset and removes the ecological services the habitat currently provides.

Grand Cayman Blue Iguana

The Grand Cayman Blue Iguana (*Cyclura lewisi*) is a large herbivorous reptile unique to the Cayman Islands, found only on Grand Cayman, and listed as a Part 1 of Schedule 1 Protected Species in the National Conservation Act which are protected at all times. As seen in Figure 3 below, the application site is in proximity to the Salina Reserve where the endemic Blue Iguana typically resides. However, the Blue Iguana has an extensive dispersal range and have been recorded nesting and breeding in primary habitat outside of the Salina and Colliers Reserves. It should be noted that there has been recorded Blue Iguanas in the parcels directly south of the proposed subdivision site therefore, it is highly likely that there are Blue Iguanas present in the subdivision site as well.

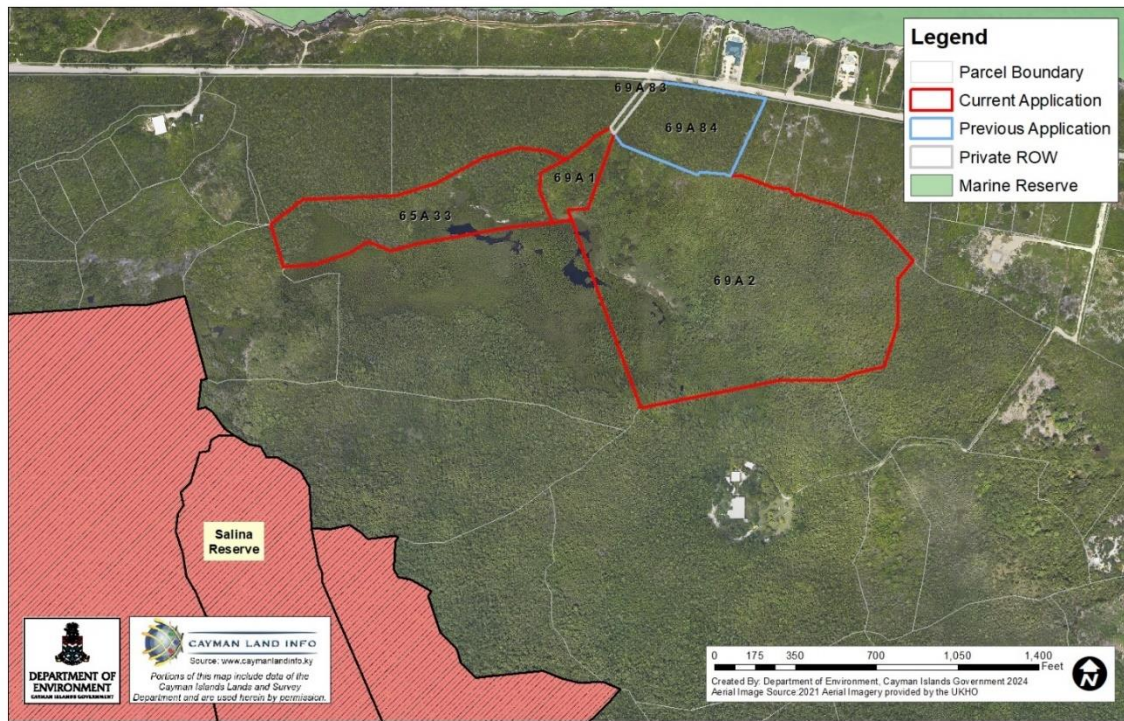


Figure 3. The application site with the proposed subdivision site highlighted in proximity to the Salina Reserve (UKHO, 2021).

The Grand Cayman Blue Iguana was once on the brink of extinction but the population has been restored through captive breeding, head-starting and release into protected areas which started in 1990 and is ongoing today. Subdivisions in primary habitat such as this one pose two main threats to the recovering species. Firstly, the installation of road infrastructure in approved subdivisions as one of the primary human-associated threats to the Blue Iguana are road kills due to cars travelling faster than the iguana or the driver can react. Secondly, the loss of primary habitat that could provide habitat to the Blue Iguana. As they recover from the brink of extinction, reproduce, and seek to establish

territory, the urbanization of valuable primary habitat continues to be a concern for the future of our wild population that relies on this habitat to forage, shelter, and nest.

Strategic Overview

The DoE is of the opinion that there has not been a demonstrated need for a subdivision of this density in this area. In the absence of an updated Development Plan providing a strategic framework for development, particularly large-scale proposals, the DoE strongly recommends that before determining this planning application, a comprehensive review of the ‘need’ for the subdivision of more parcels in the area is undertaken. The impact of a further residential subdivision on existing infrastructure and the environment of the island should be properly considered and evaluated. The overall impact on the infrastructure and population of North Side should also be considered given there would be significant pressure on the infrastructure and amenities in the area should the subdivision be built out.

Natural habitat and native vegetation can be incorporated into parks, play areas, and amenity spaces to provide multiple benefits to a community, but that opportunity is lost when the area is prematurely cleared. There are subdivisions that were cleared and filled over 30 years ago and have never been developed, resulting in biodiversity loss, proliferation of invasive species and habitat fragmentation with no social or economic benefit to offset it. If there is no intention to develop these lots, then there is no social benefit or improved living environment for the people of North Side to set against the environmental harm from habitat fragmentation and loss, as well as the resource implications that result from the construction of roads and development of infrastructure for the subdivision.

There are environmental consequences from the continued approval of large-scale subdivisions similar to this. These include:

- The construction of the roads creates a direct loss of habitat by clearing and filling.*
- The presence of the roads creates habitat fragmentation, which is a key driver of biodiversity loss because it makes natural areas smaller and more isolated from each other.*
- The road provides easier access for invasive species such as rats, cats and dogs and dumping/littering.*
- There are ‘edge effects’ where the area directly next to the road is degraded by the presence of the roads. There are barriers to moving between fragments of habitat, changes to the community composition, and changes to aspects such as climate, sunlight, nutrients, and microclimate.*

- *The development of the resultant lots increases the above effects and increases the direct loss of habitat, habitat fragmentation, presence of invasive species, and impacts on surrounding areas.*
- *It is an inefficient use of resources to have partially developed, sprawled subdivisions serving only a small number of people.*

Advice to the Applicant

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, noise and sound 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 assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- *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 DoE appreciates that the proposed Lands for Public Purpose (LPPs) contain the freshwater ponds that are on site. We strongly recommend that the proposed LPPs are retained in their natural state. The freshwater ponds on-site are naturally occurring and will increase the potential water storage of the site and aid in managing stormwater on-site. They could be incorporated into an amenity by adding a boardwalk or viewing point.

If the subdivision is approved, it may result in a large-scale conversion of the mangrove habitat to hardstanding through the installation of roads and filling of residential lots. Therefore, drainage must be properly assessed so that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties. We recommend that wetland vegetation is retained wherever possible to assist with on-site drainage.

In addition, the applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate against the inundation of the surrounding area. SuDs are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

Advice to the Central Planning Authority/Planning Department

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 condition in any planning permission to minimise impacts to this valuable habitat:

- 1. There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*

National Roads Authority

As per your email dated June 19th, 2024, 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 with the above-proposed development. Stormwater Management Issues

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

applicant shall demonstrate that the stormwater management system is capable of handling stormwater runoff from rainfall with an intensity of 2 inches per hour for a

duration of one hour, and ensuring that adjacent roadways and surrounding properties that are lower are not subjected to stormwater runoff from this site.

Infrastructure Issues

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

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

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

The roadway shall be Hot Mix Asphalt (HMA). The NRA shall inspect and certify the road base construction prior to HMA surfacing activities. All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle turning radius for a standard garbage and/or fire truck is maintained throughout the site.

APPLICANT'S LETTER

The purpose of this correspondence seeks to address lot widths and a representation submitted from a neighbouring property.

Lot widths

Regarding the proposed subdivision and its adherence to regulation requirements, we respectfully request the Central Planning Authority's consideration of a variance for the lot widths of specific residential parcels 5, 14, 17, 23, and 53.

As members are aware the land is zoned Agricultural/Residential, Regulation 21 applies Low Density Residential parameters, specifically 9(8)(g) which requires a minimum lot width of 80 ft for houses and duplexes.

In accordance with Regulation 8(13), we respectfully request the Central Planning Authority to consider and grant variances for the proposed lot widths as follows:

- 1. Lots 5, 23, and 53 are located on cul-de-sacs which results in reduced lot widths of the parcels adjacent to the road.*

2. *Lots 14 and 17 have reduced lot widths due to the curvature of the road and the existing wider lot shape being utilised to inform proposed boundaries within the subdivision:*

We believe several factors support this request and demonstrates sufficient reason and exceptional circumstance:

1. *The five parcels are designed to meet and/or exceed minimum lot sizes ensuring above average developable land is available for future projects.*
2. *The reduced lot width does not affect access to each of the five parcels, the proposed widths are adequate to accommodate future driveways and siting of garbage enclosures.*
3. *The resultant lot widths are all inward facing within the subdivision and consequently will not impact on adjacent properties located outside of the subdivision.*

Representation

We acknowledge receipt of a representation received from Ms. Carla Reid. The letter, and through further contact with Ms Reid by email, confirms the submission is not an objection but is seeking consideration by CPA.

In response to the content of the letter we confirm:

- 1) *Parcels 32 and 50 are proposed as designated LPP's, there is no intention to clear these lots.*
- 2) *We are happy to accept the standard condition regarding clearing, excavation and filling.*
- 3) *We are happy to accept a condition to reassure Ms Reid that no burning of debris will take place. A suitable condition being 'Provision shall be made for the removal of waste from the site on a regular basis during the clearing and construction period', or similarly worded alternative.*

In light of the considerations outlined above, we trust that the Central Planning Authority will recognise the merits of our request for the lot width variances and grant approval accordingly.

OBJECTOR'S LETTER

I write as the registered owner of the adjoining parcels 65A 35, 69A 25 and 69A 57.

While I have no objection to the combination of the parcels in the application nor do I have an objection to the proposed subdivision as set out in the application, I ask that If the

application is granted the following restrictions be added to any others the CPA should Impose:

1. That the proposed LPP shown on the map at Lots 32 and 50 (indicated below in purple arrows) remain In Its natural state as they form part of a pond/wetland which is also on my adjoining parcel 65A 35. This wetland is used by whistling ducks and other birds.



2. That there be no clearing, excavating or filling of the land except for the purpose of building the roads as shown in the application and that all such fearing, excavating and filling be confined to the road corridors shown

That there be no burning of the cleared road debris as it poses a risk to all adjoining land.

I would like to attend the planning meeting when this application is being heard.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in East End, south of the Queen's Highway.

The property is currently vacant and the proposal is to create 59 new residential lots, two parcels (82,904 square feet) as Lands for Public Purposes (which exceed 5%), and three road parcels.

Of the 59 proposed residential lots, 5 are located within the LDR zone and the remainder of the lots are within the Agricultural/Residential zone

Proposed residential lot sizes exceed 11,450 square feet.

Zoning

The property is split zoned Low Density Residential and Agricultural/Residential.

Specific Issues

1) Density/Lot size

Approximately 34.52 acres are zoned A/R. Regulation 21 allows 2 house per acre which, in this instance, would equate to 69 houses. The applicant is proposing 55 lots in the A/R zone. These lot all have a lot size of at least 0.5 acres.

There are 5 lots zoned LDR (lots 1 through 5) that include some small portions of A/R. These lots exceed the minimum lot size requirement in the LDR zone.

2) Proposed Lot Widths (14, 17, 23, & 53)

There is no minimum lot width in the A/R zone. If the LDR lot width requirement is applied then the 4 identified lots would fall short of the 80’ requirement. These lots are wedge shaped and on turnarounds.

3) Access

Block 69A Parcel 1 has a 20’ vehicular right-of-way over Block 69A Parcel 83. Block 65A Parcel 33 and Block 69A Parcel 2 do not benefit from the same right-of-way. The Authority would typically ask for a 30’ wide right-of-way and it is noted that Parcel 83 is 30’ wide. The Authority would also typically request proof that the necessary rights-of-way can be obtained through signed grant of easement documents before planning permission is granted for a subdivision.

2.5 FS INC (Johnson Design & Architecture) Block 43D Parcel 175 (P23-0624) (\$100.0 million) (NP)

Application for 157 apartments, cabanas & pools

Appearance at 1:30pm

FACTS

<i>Location</i>	Bodden Town Road, Bodden Town
<i>Zoning</i>	Hotel/Tourism
<i>Notification Results</i>	Objections
<i>Parcel size</i>	6.3 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments, Cabanas & Pool
<i>Proposed Building Area</i>	323,196 sq. ft.

<i>Bldg Site Coverage Permitted</i>	40%
<i>Bldg Site Coverage Proposed</i>	34.9%
<i>Total Site Coverage Permitted</i>	75%
<i>Total Site Coverage Proposed</i>	38.2%
<i>Number of Permitted Apartments</i>	157
<i>Number of Proposed Apartments</i>	157
<i>Parking Required</i>	236
<i>Parking Proposed</i>	243

BACKGROUND

November 22, 2023 (**CPA/28/23; Item 2.2**) – Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (Rev 2022) and after only reviewing the proposal in detail with the applicants regarding Section 41(3) of the National Conservation Act (2014) (NCA) and reviewing the list of definitions of adverse effects in Section 2 (a-1) of the NCA, it was resolved to adjourn the application and refer the matter to the National Conservation Council pursuant to Section 41(3) of the NCA as there may be potential adverse effects.

April 10, 2024 (**CPA/12/24: Item 2.4**) – The Authority resolved to adjourn the application for the following reason:

- 1) The plans depict a 6 storey building and that does not comply with Regulation 8(2)(e). The applicant is required to submit revised plans showing the building reduced to 5 storeys, with the reduction in storeys coming from above the parking level. The parking level must remain as it is, i.e. no encroachment into or disturbance of the beach ridge.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Height of buildings
- 2) Concerns of the Objectors

AGENCY COMMENTS

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

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 38,700 US gallons per day (gpd), based on the following calculations.

BUILDINGS	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Buildings 5-6 Phase 1	31 units each	225/300/375	7,425	14,850 GPD
Buildings 3-4 Phase 2	23 units each	225/300	5,475	10,950 GPD
Buildings 1-2 Phase 3	23- & 31-units ea.	225/300/375	5,475 & 7,425	12,900 GPD
TOTAL				38,700 GPD

- 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 10’’. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 5’12” 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.

Underground ATUs

- The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. The Water Authority will not approve buried ATUs with the exception of those proposed under approved handicapped parking* OR within non-traffic, landscaped areas of the property.

Queries regarding the burial of ATUs and additional requirements can be forwarded to development.control@waterauthority.ky.

* All components of the ATU must be located within the handicapped parking spaces.

Generator and Fuel Storage Tank(s) Installation

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s) and associated piping. The monitoring wells shall comply with the standard detail of the Water Authority linked below. All monitoring wells

shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.

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

Elevator Installation

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

Water Supply

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.

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environmental Health

Solid Waste Facility: The proposed development would require (4) 8 cubic yard containers with three times per week servicing Below are the guidelines for Onsite Solid Waste Management:

Location of enclosure

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

Minimum vertical clearance

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

Access to enclosure

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

Angle of approach

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

Turning radius The turning radius required for access to the enclosure must be adequate a 3-axil truck. The over overall length of the truck is 36 feet and the overall width is 8.5 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet.

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.

National Roads Authority

Memorandum #1 (August 28, 2023)

As per your memo dated August 14th, 2023 the NRA has reviewed the above-mentioned planning

proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

- *Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide. Therefore, a driveway of 16ft. does meet NRA standards.*
- *A six (6) foot sidewalk shall be constructed on Bodden Town Road, within the property boundary, to NRA standards.*
- *Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*
- *The NRA would like the CPA to advise the applicant to accommodate a bus stop along Bodden Town Road and recessed in the sidewalk.*
- *One-way driveway aisles with perpendicular parking are required to be Twenty-Two (22) ft.*

Road Capacity Issues

The traffic demand to be generated by a residential development of 157 apartment units has been assessed in accordance with ITE Code 220 - apartment. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Bodden Town Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
1,044	80	16	64	97	63	34

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

Access and Traffic Management Issues

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

Stormwater Management Issues

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

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

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

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

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

Memorandum #2 (November 7, 2023)

As per your memo dated October 19th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections regarding the above revised proposed six apartment building, three pools, and two cabanas. The applicant has satisfied NRA concerns with the entrance & exit curves, widths of the one & two-way drive way aisles, increasing the sidewalk, and adding a bus stop on Boden Town Road. However, all other conditions still apply as referenced in memorandum dated August 28th, 2023.

Department of Environment (September 14, 2023)

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).

Site Overview

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

The sandy eastern portion of the application site and the neighbouring parcels to the east have experienced turtle nesting activity this 2023 turtle nesting season. Given the height and density of the development, there is also the potential for artificial lighting associated with the proposed development to impact turtle nesting habitat to the west and the east of the proposed site.

Strong Currents

The Department wishes to highlight that there are strong currents in this area. The water that comes over the reef exits through the break in the reef at this location as shown in Figure 1 below. These currents may make it unsafe for some in-water activities such as offshore swimming and snorkeling.

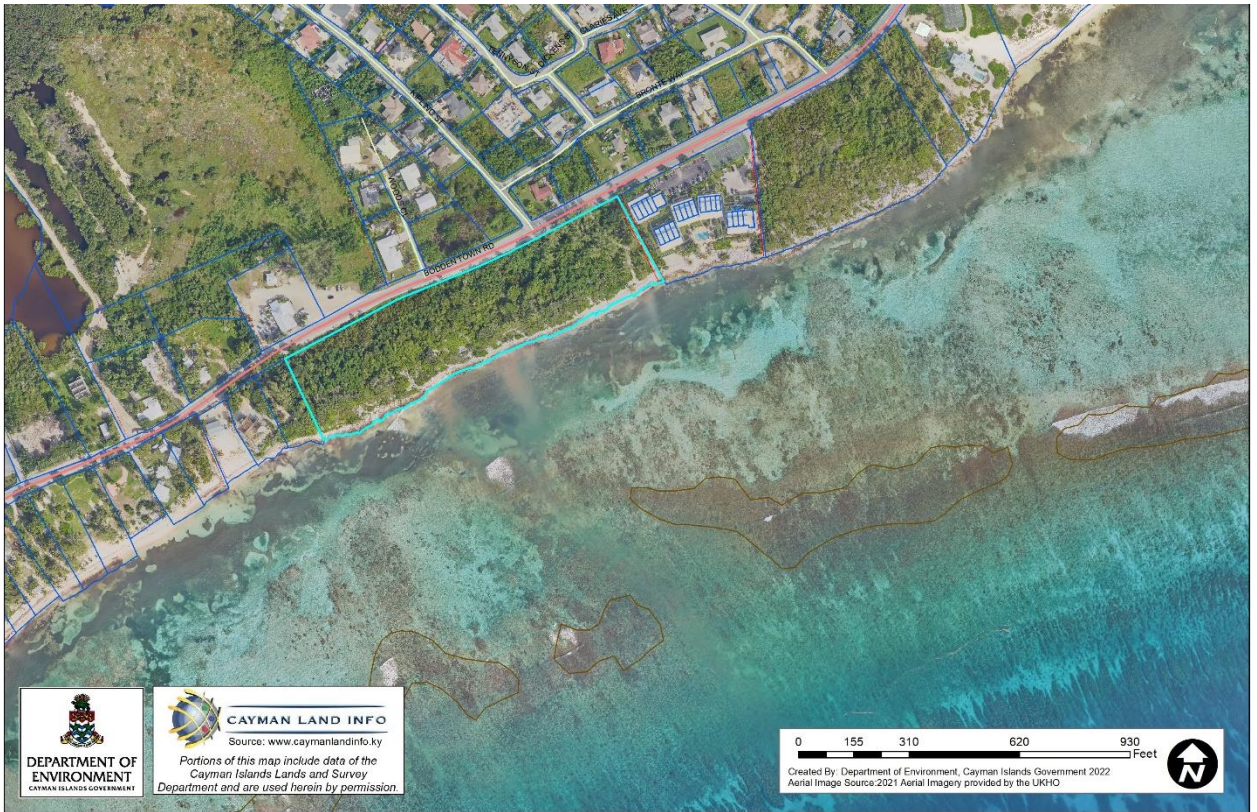


Figure 1: 2021 aerial imagery showing the break in the reef where the outflow exits creating strong currents in front of the application site outlined in light blue. (Imagery Source: UKHO, 2021)

Impacts on Turtle Nesting

All marine turtle species are listed in Part 1 of Schedule 1 of the National Conservation Act, 2013, as being 'protected at all times'.

The main threats to sea turtles from development are:

- *Construction on the beach directly or indirectly impacting mature and hatchling sea turtles,*
- *Development on the beach directly removing nesting areas and indirectly impacting the nesting habitat through modification and degradation of the natural beach,*
- *Artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles, and*
- *Loss of coastal vegetation.*

Construction Impacts on Turtle Nesting

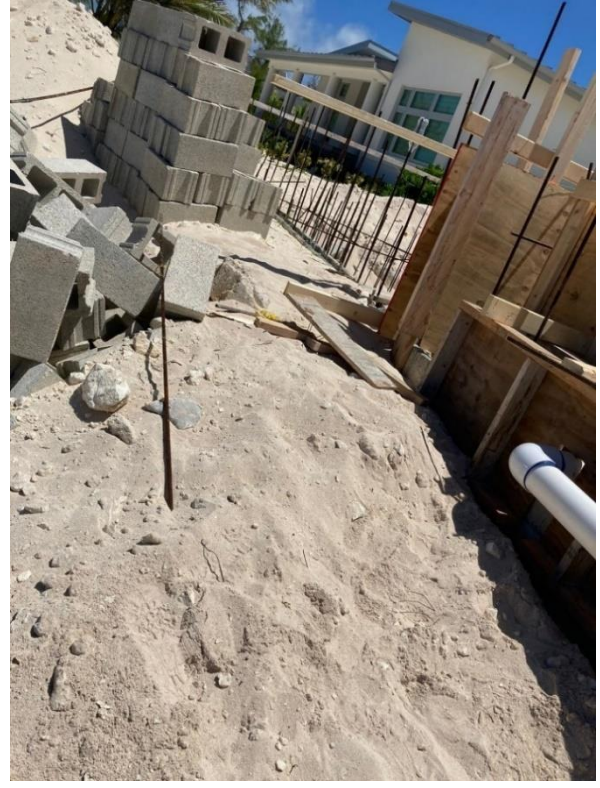
Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.

The excavation of the foundations will likely result in a large quantity of sand. We recommend that any excavated sand is retained on-site.

Nesting sea turtles often use vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. When the vegetation is removed for construction, sea turtles can enter construction sites and be harmed. Figures 2 through 5 show sea turtle tracks directly up to construction sites. The DoE has also been called to respond numerous times to sea turtles who have become trapped in construction sites. Figure 6 shows a sea turtle hatchling that was killed due to heavy equipment being operated on the beach.



Figures 2 & 3: Sea turtle tracks showing that the sea turtle has crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence pictured is dangerous to sea turtles as it is sharp, rusty and not secure.



Figures 4 & 5: DoE photo showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).



Figure 6: A dead sea turtle hatchling, which was killed by heavy equipment operating on the beach (Source: DoE, 2022).

For these reasons, construction fencing suitable for excluding turtles must be installed prior to the commencement of demolition and/or site works. Mesh fencing, Heras fencing, and chainlink fencing are all **unacceptable** as they can be dangerous to turtles, and do not exclude them from the site. Mature green sea turtles weigh around 300 to 400 lbs and are capable and strong diggers.

Temporary beachside construction fencing must be:

- Located as far landward as possible to leave room/habitat for the turtles to nest during the work;
- Made from a sturdy/solid material like plywood with no gaps (i.e. not chainlink fencing or the orange plastic fencing with holes as hatchlings can crawl through these and adults can knock it down or become tangled);
- Embedded at least 2 feet into the sand so that turtles cannot dig it out or crawl under;
- Installed in a manner that any nailing of the wood will be done so that the sharp ends are located on the landside of the fencing to prevent injury to turtles;
- Suitable to contain all excavated material, construction materials, and demolition waste landward of the fencing; and
- Installed so that it does not block public access along the foreshore and **not** installed along or seaward of the Mean High Water Mark.



Figure 7: An example of suitable construction fencing to protect turtles (Source: DoE, 2022).

Impacts of Artificial Lighting on Turtle Nesting

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators, or vehicles.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. Figures 8-10 show examples of properties in Grand Cayman that have turtle friendly lighting installed. Artificial lighting from the proposed property would have the potential to impact the turtle nesting beach therefore, the submission of a turtle friendly lighting plan will be required to minimise the impacts of artificial lighting.



Figures 8-10: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

Coastal Vegetation

We support the applicant's retention of existing native coastal vegetation on-site. Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilising the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding. We recommend that the existing vegetation be underbrushed to create pathways to the beach and provide shade areas within the landscaping and outside of the paths to the beach, the vegetation be retained (see examples in Figures 11-13). We also recommend the use of native vegetation and planting throughout the landscaping scheme.



Figures 11-13: Example photos of a property in Grand Cayman which retained coastal vegetation and created a path to the beach.

Polystyrene Pollution

The Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around

the island. EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. These beads are very difficult to remove once they enter the water and they do not naturally break down.

DOE RECOMMENDATIONS

If the Central Planning Authority or Planning Department is minded to approve this development, the following conditions should be included in any grant of planning permission:

- 1. The applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available at <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 2. No construction work, vehicle access, storage of equipment/materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November yearly) without the express consent of the DoE.*
- 3. Prior to the commencement of works, the property owner 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.*
- 4. Prior to the commencement of works, temporary beachside construction fencing associated with the works shall be positioned as far landward as possible to maximize turtle nesting habitat. Where no hard structure forms a barrier the fencing shall be positioned a minimum of 75ft from the Mean High Water Mark. 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 entering the construction site or digging under the fencing, during nesting season.*
- 5. Lighting and 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 Department of Environment. The DoE will inspect the exterior lighting and specifications for visible light transmittance for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

6. *All construction materials and debris shall be stockpiled at least 75 feet from the Mean High Water Mark to prevent material from entering the marine environment. If beachside construction fencing is required or will be installed, all construction materials, fill, sand, equipment, and/or debris shall be stockpiled landward of the beachside construction fencing.*
7. *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste, or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent environment.*
8. *Should there be any sand excavated during construction, beach-quality sand shall be retained on-site and placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*

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.

Public Lands Commission

The Public Lands Commission writes in reference to the subject application submitted by Johnson Design + Architecture to the Central Planning Authority regarding the proposed SeaGlass, development comprising of six apartment buildings; 3 pools; two 2S6 sq.ft. cabanas.

The Public Lands Commission has been established under the Public Lands Act (2020 Revision) and one of its mandates under section 5 (b) is:

“to protect the right of access to and use of public land by members of the public, including the enforcement of public rights of way over private lands.”

Subsequent to the Public Lands Commission review and investigation of the matter, the following has been noted:

1. *There are no historic prescriptive public rights of way recorded in the Beach Access Report as affecting this Parcel.*
2. *There is one existing registered public right of way affecting this Parcel—known as ‘BT7’—of 6ft width on the east boundary dating from 1984.*

As the zoning is Hotel Tourism, the relevant part of the Development & Planning Regulations 2022 is Regulation 32, which requires the landowner to set aside and dedicate to the public a right of way of not less than six feet in width per every two hundred feet or part thereof, from a road to the sea, on the subject property.

3. *The Parcel appears to have a shoreline length of 1,050 feet and it is noted that*

the developer is offering 2 x 20 ft public rights of way; one at each end of the parcel.

After due consideration The Public Lands Commission requests that the individual 6 ft public rights of way to the sea be located every 200 feet as provided for in Regulation 32; i.e. not rolled up into two x 20 ft public rights of way at each end.

We also at this time wish to take the opportunity to advise that while the Central Planning Authority (CPA) has the power to consider and approve amendments to conditions of planning approval, the CPA nor any other body in the Cayman Islands Government has the power to modify or extinguish a registered public right of way. A registered public right of way can only be modified or extinguished via an application to the Grand Court in accordance with Section 98D of the Registered Land Act (2018 Revision) with the exception of an indefeasible right of way.

Civil Aviation Authority

Comments have yet to be received from the CAA.

NATIONAL CONSERVATION COUNCIL – DECEMBER 15, 2023

We provided comments on this application on 24 September 2023, please see the previously uploaded review. It is unclear to us why the CPA has chosen to delay the application in this manner and to continue to not follow the Court of Appeal’s Judgement and the way forward that was agreed at a recent meeting between the CPA, NCC and the Departments of Planning and Environment. We apologise to the applicant on behalf of the government for this unnecessary delay.

OBJECTIONS

See Appendix B.

APPLICANT’S LETTER

Please accept this planning application for a 157 luxury apartment project on a 1,037 linear foot vacant seafront parcel in Moon Bay, on the outskirts of Bodden Town. The proposed six buildings (each five-story tall) sit on a 6.31 acre rectangular site, zoned as Hotel/Tourism, with permitted development uses for apartments, Cottage colony and Hotel.

In support of this application, please note the following points:

Site Plan /Building Massing

The buildings are arranged based on the site setbacks. Given the zoning, these are 130', 145' and 160' High Water Mark setbacks. The buildings are configured along the length of the site, nestled behind the existing natural ridgeline and spaced to allow for 3 pools and 2 garden courtyards between them. Each of the buildings sit on and are connected through a shared basement parking undercroft. A critical approach to the site design was to retain the natural ridgeline, natural vegetation to the greatest extent as well as preserve as much of the natural features and character of the site by limiting the actual building footprint.

No buildings breach the site setbacks or the number of allowable apartments. The project will be phased in 3 parts, each phase constructing a pair of buildings at a time, as diagrammed in A - 004. The linear nature of site lends to phasing and by simply

building from east to west is the most effective strategy for building the proposed structures and services. A total of 40' width Public beach right of way at either end of the site has been provided of the 36' that is required.

Design Intent

The project is composed primarily of 1 and 2 bed apartments with penthouse units on the top 2 levels. All apartments have views to the sea. Floor to ceiling, wall to wall glass facades both provide natural daylight into the buildings and maximize views. Large wrap-around balconies with kitchenettes and outside showers allow for generous outside living and deep shading. The project was designed intentionally to have a high façade to floorplan ratio, several buildings are proposed here instead of a single block of apartments to break-up the massing, allow for large green courtyards between the buildings and provide a high amount of exterior wall per apartment. Altogether, a high standard of residential design is put forward and can be referenced in the renderings.

Undercroft Parking

Parking is provided in the basement with an arrangement that is both efficient (more parking spaces are provided than required by planning) and easy to use (6 loops within a single large loop makes driving simple and intuitive). Each building has a basement lobby to easily access parking. A horizontal cable vegetation system allows for the basement roof to be greened, eliminates the need for mechanical air recirculation and provides natural light into a typically dark undercroft space. The basement parking also eliminates the need to have any surface parking, which would add to site coverage and require removing existing natural foliage on this vacant site. In fact, given the building design and arrangement with a parking undercroft, the building footprint is minimized to 30% of the site area, 10% less than the 40% permitted by planning.

Design Team and Authorities

Given the size and complexity of the project, we interfaced on several occasions with the Authorities (Fire Dept., NRA, CUC, WA, Planning and DoEH) to address and incorporate their requirements, advice and or guidance into the project. These technical and local authority requirements are embedded into the project design.

In an early integrated approach, we worked with a team of MEPF and structural engineers to develop the design. Mechanical, Electrical, Plumbing, Wastewater Treatment, Sprinklers, Fire Alarm, Vertical Circulation and Structure systems have been designed by the Architecture and Engineering teams. Sprinkler reservoirs, generators, CUC transformers, dumpsters, AC condensers, elevators, trash chutes and parking have all been designed to work with phasing.

The renderings in this application are meaningful and well evolved because of this design team integration.

Please review this application in the context of the above and note that the renderings and drawings in this planning package are the culmination of 1.5 years of design optioneering, handmade models, 3-D printed models, numerous meetings, site analysis and development. In summary, a few points to highlight:

- 1. The building placement retains the natural ridgeline to the greatest extent*
- 2. More public beach access is provided than required*
- 3. Site coverage is well below the maximum allowed (30% instead of 40%)*
- 4. More parking is provided than is required*
- 5. No setback variances or breaches have been submitted*
- 6. No density (apartment or room count) variances have been submitted*
- 7. A bus stop with seating has been accommodated on site.*
- 8. Preserve and retain, as much as possible, the natural features and character of the site, especially along the waterfront*
- 9. Bring vegetation in and around the residences all the way to the road*

We have worked hard in an early integrated, team approach with the client team, CI government authorities and core consultant groups to put forward a project that's both sensitive to the site and delivers exceptional residential buildings.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Bodden Town Road, immediately west of the Moon Bay Condominium complex. The site is presently vacant.

The proposal is to construct six buildings with three pools and three cabanas. The proposed six buildings would have a total of 157 apartments and there would be covered parking for 243 vehicles.

The proposal also includes two 18 foot wide public rights-of-way, one on the east side of the proposal and the other on the west side. This would satisfy Regulation 32, which requires six feet of public right-of-way for each two hundred feet of frontage. It is noted that this property has 1,037 feet of frontage.

Zoning

The property is zoned Hotel/Tourism.

Specific Issues

1) Height of Building

Regulation 8(2)(e)(i) states that in Hotel/Tourism zone, the maximum permitted height is sixty-five feet or five storeys, whichever is less.

Regulation 2 defines “height of building” as the vertical distance measured from the highest point on a proposed or existing building to the proposed finished grade directly below that point; and for the purposes of this definition, “finished grade” means the highest grade within five feet of the building and includes natural grade when no terrain alteration is proposed.

Regulation 2 also defines “storey” and this means that portion of a building included between the surface of any floor and the surface of the floor next above or if there be no floor above it, then the space between such floor and the ceiling next above it.

With respect to the proposed building, it would appear that the proposed covered parking constitutes a storey and the result is a six storey building with 77’6” of height, which would not satisfy Regulation 8(2)(e). It is also noted that the proposed rooftop structures were not included as a storey, in keeping with Regulation 8(4) height exemptions.

The Authority should discuss the height of the building and the number of storeys proposed.

SUPPLEMENTARY ANALYSIS #1

There have been no changes to the plans. Comments from the PLC have now been received, see above.

SUPPLEMENTARY COMMENTS #2

The applicant has submitted revised drawings for this project. The revised drawings introduce a 5 foot wide vegetated planter around the building that would constitute the finished grade. The maximum height above the finished grade of the planters would be 65’ to the roof edge, which would comply with Regulation 8(2)(e).

2.6 JAMES STERLING (JIMMY) EBANKS (Garden City Designs) Block 68A Parcel 119 (P23-0486) (\$35,000) (EJ)

Application for an after-the-fact house comprised of a 20' shipping container and two after-the-fact 40' shipping containers for storage.

Appearance at 2:00pm

FACTS

<i>Location</i>	Sea View Road, East End
<i>Zoning</i>	LDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.81 ac. (35,283 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	ATF House & Storage Containers
<i>Proposed building size</i>	800 sq. ft.
<i>Total building site coverage</i>	2.27%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

October 11, 2023 (CPA/24/23; Item 2.2) – the Authority deferred the application in order to re-invite the applicant and objectors to appear. The objectors were present and available for the meeting, but the applicant was not.

February 28, 2024 (CPA/07/24; Item 2.5) – It was resolved to adjourn the application for the following reason:

- 1) The applicant is required to submit revised elevation drawings showing the 2 – 40' containers with a residential appearance.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Suitability
- 2) Front setback (15'6" vs 20')
- 3) Concerns of the objectors

AGENCY COMMENTS

The Authority received comments from the Department of Environment.

Department of Environment

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

The site was previously man-modified with regrowth. Much of the existing vegetation on site had been previously disturbed. Given that this is an after-the-fact application, there is limited opportunity for relevant agencies to provide useful feedback to applicants. However, we recommend that there be no further clearing, filling or excavation works on the site without the appropriate permissions in place. In addition, any further development of the site must be the subject of a separate consultation and consultation with the National Conservation Council



Figure 1: Photo showing the application site (Source: UKHO, 2021)

APPLICANT'S LETTER

We are seeking for the above and are applying for a front setback variance for the same pursuant to Regulation 8(13). The application qualifies for the variance under Regulation 8(13) (b) (iii) as the “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;” because the front setback of 15.5’ vs the required 20’ will not impede persons travelling on the 30’ wide ROW.

The front setback became an issue because the person setting out the foundations for the containers inadvertently used an assumed boundary point. For this our client profusely offers his apologies, but this situation will be rectified once he develops the property. At this point he is researching various development scenarios and financing options prior to submitting for the permanent development.

We trust that the above is sufficient reasons for the Authority to grant planning permission for a specified time.

OBJECTION LETTER

We are responding to a Notice of Application for Planning Permission, for block/parcel 68A119.

After reviewing the application, we as joint proprietors of the adjoining block/parcel 68A118, have several concerns as to the plans for Mr. Ebanks property.

Both our property and the adjoining lots are zoned agricultural and/or residential as per our copy of the real estate listing when we purchased. The plans for 68A119 because of the rather small living space and the quite large size of the two container units give the appearance to be of commercial use.

The ability of these storage units to withstand tropical hurricane winds without debris potential damaging our future home or causing bodily harm, especially as per the plans supplied, because the storage units are simply placed on top of concrete blocks is an additional concern.

Lastly, referencing the Central Planning Authority's decision as to the Cleveland Dilbert application:

"The use of metal storage containers for the purposes of human habitation would not enhance the quality of life for the persons residing in the containers," "Nor would it safeguard the cultural, social and general welfare of the persons residing in the containers." It explained that regardless of whether the containers could be fitted out to comply with the building code, they are not an "appropriate form of housing". "It is clear to the authority that metal storage containers used for residential purposes are not consistent with the architectural traditions of the islands," the authority said. According to the Development and Planning Regulations, developments in residential zones should be consistent with the architectural traditions of the islands.

We have been looking forward to meeting our neighbors and forming a sense of community. We do not enjoy having to write this. In no way are our objections to the proposed plans personal or with malice. We mean no disrespect to Mr. Ebanks and are hopeful that some type of appropriate solution can be accomplished.

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact house with metal storage containers is located near to the Blow Holes off Sea View Road in East End.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

The Authority is asked to consider if the design of the after-the-fact house in a metal storage container meets the provisions of Regulation 9(2)(c) for traditional building forms. Also, the Authority needs to determine if it is suitable for two, 40' storage containers to be situated in a residential zone.

2) Front setback

The after-the-fact house and two shipping containers do not meet Regulation 9(8)(i) as they are located 15' vs 20' from the front (road) boundary; therefore, the applicant is seeking a front setback variance.

SUPPLEMENTARY ANALYSIS #1

October 11, 2023 (CPA/24/23; Item 2.2) – the Authority deferred the application in order to re-invite the applicant and objectors to appear. The objectors were present and available for the meeting, but the applicant was not.

Additionally, the Department conducted a site visit on Thursday, February 15, 2024 and found another container on site along with the several boats which appears to be under repairs.





SUPPLEMENTARY ANALYSIS #2

On February 28, 2024 (CPA/07/24; Item 2.5) – the Authority adjourned the application in for the applicant to revise elevations of the 2-40’ containers to look more like a residence. The applicant has since submitted revised plans “Rev2 15-May-24” and has submitted the following letter.

Attached please find the drawings for the above caption that addresses the CPA’s concerns stipulated in its 28 February 2024 letter. We trust that the proposed revisions to the elevations address those concerns and look forward to a favourable decision at the earliest opportunity.

The client is requesting that he be granted five (5) years in which to complete these revisions due to financial constraints and he proposes to do the following:

- 1. Do the South side (sea) first.*
- 2. Do the North side next.*

3. *Do the West side, and*
4. *The “interior” of the 40’ containers.*

We trust this is sufficient, but if you require anything further, please advise.

The Department has displayed the revised plan on the website and has contacted the Objector to advise of the revised plan. In addition to confirming that they would not be attending the meeting, the Objector provided the following comments:

Thank you for your email. Yes, I've received the elevations from Mr. Ebanks. I would like you to please give the following statement to the board.

I'd like to address my disappointment in this rather shameful, tragic and farcical miscarriage of Grand Cayman's planning board. Board members seemed to have disregarded compliance of their own criteria. Mr. Ebanks stated several times during the last meeting (February 27, 2024), that he intends to use his property as a commercial enterprise. Board members advised him to stop speaking numerous times, so as not to incriminate himself. In just about any other developed society the discussion would have stopped right there, the shipping containers removed, as required and instituted in the board's recent similar rulings. In addition fines levied for non compliance and failure to obtain a building permit in the first place. The property is zoned agricultural and/or residential NOT commercial. Large shipping containers are not agricultural or residential and the board has already ruled that shipping containers are not habitable for humans. Mr. Ebanks has stated he will be repairing boats, as a business, on the property in question-which is a commercial enterprise. The bias that I observed from the board was rather blatant. I thought the premise of the zoning board was to uphold the agreed upon zoning standards, guess I was wrong. I would like my adjoining property ruled commercial as well, or do I just build something and worry about it later.

2.7 SEAVIEW CAPITAL HOLDINGS LTD. (MJM Design Studio) Block 59A Parcel 213 (P23-1183) (\$1,000,000) (EJ)

Application for renovation, addition and change-of-use from house to restaurant.

Appearance at 2:30pm

FACTS

<i>Location</i>	Seaview Road, just east of the Frank Sound Rd junction
<i>Zoning</i>	HT/LDR
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	3.21 ac. (139,828 sq. ft.)

<i>Parcel size required</i>	21,780 sq. ft.
<i>Current use</i>	House, Cottage, Garage & Storage
<i>Proposed building size</i>	4,707.34 sq. ft.
<i>Total building site coverage</i>	4.87%
<i>Required parking</i>	25
<i>Proposed parking</i>	40

BACKGROUND

Cottage approve in 1995.

House approved in 1995,

Cottage addition approved in 1995.

July 31, 2024 (**CPA/20/24; Item 2.3**) – Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (Rev 2022) it was resolved to adjourn the application and apply for approval from the National Conservation Council pursuant to Section 41(4) of the National Conservation Act as the application site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act) and the application would likely have an adverse effect on the critical habitat of a protected species.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Suitability
- 2) Character of Development
- 3) High Water Mark setback variance (63'.8" and 69'.1" vs 130')
- 4) Side Setback Variance (12'.7" & 13'.10" vs 130')
- 5) Fence and Wall (30'.0" & 17'.8" vs 130')
- 6) Parking Lot Location
- 7) Objectors Concerns

AGENCY COMMENTS (Section 7 DPA)

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

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 2,661 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>Restaurant (Dining Area)</i>	<i>1,395.04 sq.ft.</i>	<i>1.8/sq.ft</i>	<i>2,511.07</i>
<i>Existing Cottage</i>	<i>1 x 1-Bed Unit</i>	<i>150gpd/1-Bed Unit</i>	<i>150</i>
TOTAL			2,661.07

- ***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 5’8” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

Decommission Existing Septic Tank

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

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf

Grease Interceptor Required

- ***A grease interceptor with a minimum capacity of 1,395 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). Note: All***

developments proposing to utilize a commercial dish washer will have to install a drain tempering valve (DTV) before the grease interceptor.

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

Underground ATUs

- *The drawings indicate that the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. The Water Authority **will not approve** buried ATUs with the **exception** of those proposed under approved handicapped parking* OR within non-traffic, landscaped areas of the property.*

Queries regarding the burial of ATUs and additional requirements can be forwarded to development.control@waterauthority.ky.

** All components of the ATU must be located within the handicapped parking spaces.*

Water Supply

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

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

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

National Roads Authority

- The restaurant's across-street parking has been proposed for a secondary arterial road with a posted speed limit of 50 miles per hour. The speed limit along this stretch of road is largely not respected, and it is common for vehicles to travel well in excess of the posted speed limit.*
- For an arterial road with a design speed of 60 miles per hour, the minimum stopping sight distance is five-hundred and seventy (570) feet. Though the proposed 4-foot wall will be set back 15 feet from the boundary, the vegetation on adjacent properties to the south, will still obscure the sightline even if cut back to the respective property lines.*
- Though there are two street lights within 150 feet of the proposed entry to the parking lot, the NRA is of the opinion that additional lighting should be provided to increase nighttime visibility at the crossing.*
- Due to the above-listed issues, the NRA is concerned that for an establishment which will be busiest at night, and from which patrons will likely leave intoxicated, the proposed across-street parking could be very dangerous.*
- In addition, there is no guarantee that if approved the NRA will be able to implement the traffic calming measures necessary to ensure the safety of the employees/patrons utilizing the parking for this establishment.*

Department of Environmental Health

Restaurant: This application is recommended for approval with the conditions that the following be submitted at the BCU stage for review for the kitchen and bar: 1. An additional hand wash sink is installed at the opposite end of the kitchen 2. The approved BCU hood details. 3. Specifications for the hot water heater. 4. Specifications for all kitchen equipment.

Department of Environment (March 20, 2024)

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The application site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act). The coastal section of the parcel is predominantly man-modified with existing structures on-site. The seaside section of the parcel is located on a turtle nesting beach. The section of the parcel located landward of Sea View Road contains seasonally flooded mangrove habitat.

General Comments

We note that the existing structures on the coastal section of the parcel do not meet the minimum required setbacks in the Development and Planning Regulations. If this had been a new application we would have strongly recommended that the minimum coastal setbacks be met particularly as off-shore is a Marine Reserve. Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the “active” part of the beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. Thus, adhering to the minimum setbacks is a proactive measure that enhances the resilience of coastal structures by providing a natural and regulatory-based defence against the impacts of storm surges, flooding, erosion and other environmental challenges. They help to ensure the long-term viability of structures in what would otherwise be vulnerable areas. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the Mean High Water Mark) reduces a beach’s potential to recover after major events.

The Department appreciates that the proposal is more of a change of use with an addition to the deck and modification of the existing structures on site. We note that the existing structures are elevated on piles and we are encouraged that the proposed deck is also elevated and piled as it allows for sand movement and turtle nesting underneath.

Advice to the Applicant

Mangroves are Part 2 Schedule 1 protected species under the National Conservation Act (2013) with an adopted Mangrove Conservation Plan (2020). It is an offence to remove mangroves unless permission is explicitly sought to remove them either through a coastal works permit, planning permission or a National Conservation Council Section 20 permit. As the existing mangroves fall outside of the applicant’s proposed works, removal of the mangroves would not be covered by this application and must be retained in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013).

We recommend that the applicant plants and incorporates native coastal vegetation into the landscaping scheme. Coastal habitat incorporates a variety of salt and wind-tolerant flora. Coastal vegetation provides habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Native plants are best suited for the conditions of the site, including the temperature and the amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

As the application site is a turtle nesting beach, coastal vegetation is also important for the integrity of the beach and to ensure there is an appropriate nesting habitat for sea turtles. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and their ability to find the sea.

Advice to the Central Planning Authority

Potential Impacts on Marine Turtles

All marine turtle species are species that are protected at all times under Part 1 of Schedule 1 of the National Conservation Act (NCA). Without mitigation measures, artificial lighting associated with the development of the proposed condos could result in the 'take' of Part 1 Protected Species which is an offence under the NCA.

The main threats to sea turtles from development on turtle nesting beaches are:

- Loss of coastal vegetation;*
- Construction on the beach directly or indirectly impacting mature and hatchling sea turtles; and*
- Artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators, or vehicles.*

Construction Impacts

Operating heavy machinery during land clearing, demolition and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.

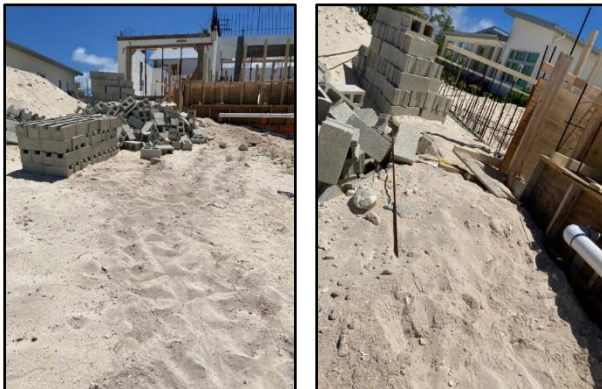
The excavation of the foundations will likely result in a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site.

Nesting sea turtles often use vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. When

the vegetation is removed for construction, sea turtles can enter construction sites and be harmed. Figures 1 to 4 show sea turtle tracks directly up to construction sites. The DoE has also been called to respond numerous times to sea turtles who have become trapped in construction sites. Figure 5 shows a sea turtle hatchling which was killed due to heavy equipment being operated on the beach.



Figures 1-2. Sea turtle tracks show that the turtle crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence in Figure 1 is dangerous to sea turtles as it is sharp, rusty, and not secure.



Figures 3-4. DoE photos showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).



Figure 5. A dead sea turtle hatchling that was killed by heavy equipment operating on the beach (Source: DoE, 2022).

*For these reasons, construction fencing suitable for excluding turtles must be installed before the commencement of site works. Mesh fencing, Heras fencing, and chain-link fencing are all **unacceptable** as they can be dangerous to turtles, and do not exclude them from the site. Mature green sea turtles weigh around 300 to 400 lbs and are capable and strong diggers.*

In this case, to ensure that there is ample beach for sea turtles to nest and ample space for construction works, we recommend that the construction fencing be installed 15 feet seaward of the proposed development footprint.

Temporary beachside construction fencing (as shown in Figure 6) must be:

- Located as far landward as possible to leave room/habitat for the turtles to nest during the work;*
- Made from a sturdy/solid material like plywood with no gaps (i.e. not chain-link fencing or the orange plastic fencing with holes as hatchlings can crawl through these and adults can knock it down or become tangled);*
- Embedded at least 2 feet into the sand so that turtles cannot dig it out or crawl under;*
- Installed in a manner that any nailing of the wood will be done so that the sharp ends are located on the landside of the fencing to prevent injury to turtles;*
- Inspected by the DoE after installation and written approval shall be obtained from the DoE that the installed fence is suitable for the exclusion of turtles; and*
- Suitable to contain all excavated material, construction materials, and demolition waste landward of the fencing.*



Figure 6. An example of suitable construction fencing to protect turtles (Source: DoE, 2022).

Artificial Lighting

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators, or vehicles.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 7-9 show examples of properties in Grand Cayman that have turtle friendly lighting installed.



Figures 7-9. Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman (Source: DoE, various).

The DoE is encouraged that the Applicant has submitted a turtle friendly lighting plan along with this review. The Department is in the process of reviewing the submitted turtle friendly lighting plan and will continue to liaise with the Applicant for the required changes to meet turtle friendly lighting guidance. Should the proposed renovation and addition be approved by the Central Planning Authority, the DoE still recommends that conditions requiring turtle friendly lighting are still attached to the approval to ensure compliance.

Potential Impacts to Marine Reserve

As the site is adjacent to a Marine Reserve, construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by:

- Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

Best management practices should be adhered to during construction to reduce impacts on the environment. These adverse impacts to a Marine Protected Area have been identified based on repeated observed incidents where conditions were not included to prevent/mitigate the effects. Both the DoE and the Department of Planning have received numerous complaints from members of the public who have been adversely affected directly or who have noted the adverse effects on the marine environment from poor construction management practices.

Polystyrene Impacts on the Protected Area

Polystyrene-based products are commonly used in a variety of applications on construction sites and without appropriate best management practices, impact the surrounding area including the marine environment. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 10-12).



Figures 10-12. DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

Inappropriate Location of Stockpiles

Storage of materials too close to the water's edge can result in pollution of the marine environment (Figures 13 to 21). The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can affect marine species such as seagrass and corals as they rely on good water quality to survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and even 'temporary' stockpiles can still be impacted.

Therefore, construction materials and debris must be stored as far away from the water's edge as possible or at least at the minimum coastal setback which is outlined in the Development and Planning Regulations. Not only does this mitigate impacts to the environment, but it also can be considered a public health and safety measure and a cost-saving measure. It would prevent the loss of materials to the marine environment, reduce the likelihood of prosecution for marine offences and/or prevent the cost of cleaning up and restoring the marine environment.



Figures 13 and 14: The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.



Figures 15 and 16: Loose materials and construction debris being stored on the canal side of a development, and that material entering into the marine environment.



Figure 17: Stockpiling and on-land activities impacting the marine environment through turbidity and deposition of waste



Figures 18 & 19: Material stockpiled on the edge of the water interacting with moderate wave activity and entering the marine environment



Figure 20: The same site as Figures 9 and 10, showing the interaction of stockpiled materials entering the marine environment during moderate wave activity.



Figure 21: Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.

It is a straightforward measure and good practice to avoid stockpiling materials too close to the marine environment, however, this practice still occurs, causing adverse effects on the marine environment. Therefore, this management practice must be secured by conditions to prevent adverse effects on the Marine Protected Area.

Section 41 (3) Recommended Conditions

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed development, we recommend the inclusion of the following conditions in the approval to minimise impacts on Part 1 Protected Species:

Prior to Any Site Works

- 1. Prior to the commencement of any site works such as clearing, filling, grading and road construction, the property owner shall contact the Department of Environment to check for the presence of turtle nests written approval shall be obtained from the Department of Environment that no nests will be impacted by the commencement of works.*

Prior to the Issuance of a Building Permit

- 2. Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available at <https://doe.ky/marine/turtles/tfl/>.*

The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.

- 3. Prior to the issuance of a Building Permit, beachside construction fencing associated with the works shall be installed and be positioned a minimum of 15 ft from seaward of the proposed development footprint. 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 applicant shall liaise directly with the Department of Environment for requirements guidance regarding this fencing. The Department of Environment will inspect the fencing and confirmation of the Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 4. Prior to the installation of the beachside construction fencing, the property owner shall contact the Department of Environment to check for the presence of turtle nests and to ensure that no nests will be impacted by the installation of the embedded fencing or the commencement of construction works. The Department of Environment's written approval of the temporary beach construction fence must be received by the Planning Department prior to the issuance of the Building Permit.*

During Construction

- 5. All construction materials including excavated materials and/or debris shall be stockpiled at on the landward side of the construction fencing.*
- 6. Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*
- 7. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the environment.*

Prior to the Issuance of a Certificate of Occupancy

- 8. 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 Department of Environment. Once construction is*

complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.

Section 41(4) Considerations

The site is adjacent to a Marine Reserve, a protected area under the NCA. It is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area as it contains sensitive marine resources.

Without appropriate controls, there would or would likely be an adverse effect on the designated protected area, namely:

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

*On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers that 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 considers it necessary for **the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

In order to provide the Authority with an indication of the DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project is appended. Should the CPA wish to propose other conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line with Appendix 1 within one week.

Fire Department

Fire Department approved.

APPLICANT'S LETTER

Having regard to Regulation 8(13) of the Development and Planning Regulations (revision 2022) and with respect to the submission for change of use of residential buildings to a restaurant including extension of deck on 59A 213, we hereby request variances on the side and high water mark setbacks to allow:

- (i) *Side setback for restroom steps along the northern boundary: Requesting 11' 3" vs 20'*
- (ii) *Side setback for rear deck extension along northern boundary: Requesting 17' 6" vs 20'*
- (iii) *High watermark setback for steps leading onto new rear deck extension: Requesting 63' 8" v 130'*
- (iv) *High watermark setback for new rear deck extension sited along southern boundary: Requesting 71' 8" v 130'*
- (v) *Side setback for new rear deck extension sited along southern boundary: Requesting of 16' v 130'.*

The following image identifies the extent of deck extensions, highlighted orange, which encroach into the setbacks:

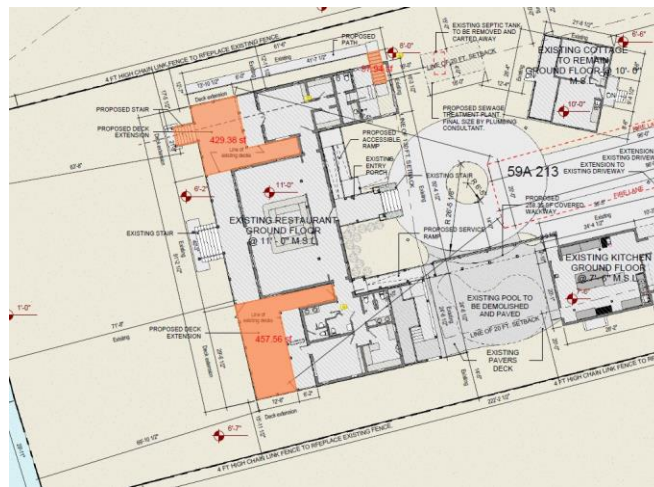


Image 1: Extract of proposed site plan

The proposed change of use is designed to minimise the overall impact on the property and surrounding area whilst introducing necessary modifications to accommodate and maximise the restaurant function. The extensions to the deck have been carefully planned to respect existing building lines, ensuring harmony with the surrounding structures and landscape.

OBJECTION LETTER

See Appendix C

PLANNING DEPARTMENT ANALYSIS

General

The proposed change of use from house to restaurant with addition to create deck and kitchen is located on Sea View Road, East of Frank Sound junction. The proposed is to change the existing main house to restaurant with dining, adding a kitchen and deck area. The existing cottage will remain a is.

In addition to Section 15(4) notices being sent out, the applicant also advertised details of the application twice in the newspaper on February 21 and 28, 2024.

Zoning

The property is zoned Hotel Tourism & Low Density Residential.

Specific Issues

1) Suitability –

The existing main house is proposed to be converted to a restaurant, with a deck addition towards the high-water mark and a trellis connection to the existing garage which will be converted to the kitchen a total of 4,707.34 sq. ft.; the Authority is asked to consider the suitability of the proposed restaurant in a hotel tourism zone under current regulations which is surrounded by residential homes.

2) Character of Development –

In addition to suitability, the Authority is asked to consider if the proposed falls in line with regulations 8(13), being that the proposed development is consistent with the character of the surrounding area, and if the proposed 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) HWM Setback Variance –

In addition to the change of use, the proposed restaurant will require a setback variance from the High-Water-Mark, as the steps and deck is proposed at 63.8' and 69.1' vs 130' respectively for this Hotel Tourism zone as required by regulations 8 (3)(e).

4) Side Setbacks Variance –

If the Authority was to consider the proposed change to restaurant, the applicant is also seeking setback variances from both sides as existing garage/proposed the kitchen is 13.10' from the East side boundary and 12.7' from the West side boundary from the new rear deck; therefore, not meeting regulations 10 (1)(g) for 20' sides setbacks.

5) Fence and Wall Setback

The proposed also calls for a 4' wall, setback 15' from the Seaview Road meeting regulations 8 (18); however, the proposed is also seeking permission for a 4' chain-link fence along the side boundaries, extending 30' and 17.8' vs 130' on the left and right side

high water mark; therefore, the Authority is asked to consider the proposed variance as the this does not meet regulations 8 (3)(e).

6) Parking Location –

The proposed restaurant and existing cottage require 24 and 1 space respectively; the proposed has a total of 40 parking spaces, which exceeds regulations 8 (1) (iii) (**1:200 sq. ft.**) with two accessible space on the sea side adjacent to the proposed kitchen and the remaining 38 spaces across Sea View Road, the Authority should be concern for any hazard, bearing in mind that this is a 50 MPH speeding zone.

SUPPLEMENTARY ANALYSIS

As noted in the Background section, it was resolved to adjourn the application and apply for approval from the National Conservation Council pursuant to Section 41(4) of the National Conservation Act as the application site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act) and the application would likely have an adverse effect on the critical habitat of a protected species.

The following response was received via the Director of Environment:

The Department of Environment (DoE), under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013 (NCA)), received a request for approval under Section 41(4) of the NCA from the Planning Department/Central Planning Authority prior to the granting of planning permission for the aforementioned project.

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

- *All construction materials and debris shall be stockpiled at least 75 feet from the Mean High Water Mark to prevent material from entering the Marine Protected Area.*
- *Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.*

These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

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

2.8 JUSTIN THAXTER (Carvel Group) BLOCK 52B PARCEL 63 (P23-0459) (\$10,400) (AS)

Application for an ATF house.

Appearance at 3:00pm

FACTS

<i>Location:</i>	Gooseberry Dr
<i>Zoning:</i>	LDR
<i>Parcel size proposed</i>	.3182 ac (13,860 sq ft)
<i>Parcel size required</i>	10,000 sq ft
<i>Proposed building size</i>	588 sq ft
<i>Proposed building footprint</i>	588 sq ft
<i>Total building site coverage</i>	4.2%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND:

August 14, 2024 (CPA/21/24; item 5.6)- It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the integrity of construction of the existing building and the fact that the proposed plans don't match the existing structure.

Recommendation: Discuss the application **for the following reason:**

- 1) Accuracy of plans and clarification of the applicant's intentions for the atf house

PLANNING DEPARTMENT ANALYSIS:

General

The application is for an ATF one (1) bedroom house at Gooseberry Dr.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Accuracy of plans

On August 14, 2024, the Authority viewed plans for a proposed house as well as photographs of an existing house on the site and noted that the two don't match. The Authority also expressed concern with the quality of construction of the existing structure.

The applicant needs to clarify his intentions for the existing ATF structure on the parcel.

2.0 APPLICATIONS
(Items 2.9 to 2.34)

**2.9 COURTNEY CUMMINGS (Whittaker & Watler) Block 43A Parcel 131 (P24-0708)
(\$652,080) (NP)**

Application for 4 townhouses

FACTS

<i>Location</i>	Leroy Frederick Drive, Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	14,379.2 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	4 Townhouses
<i>Building Footprint</i>	2,789 sq ft
<i>Building Area</i>	5,434 sq ft
<i>Site coverage</i>	19.4%
<i>Units Permitted</i>	6
<i>Units Proposed</i>	4
<i>Bedrooms Permitted</i>	9
<i>Bedrooms Proposed</i>	12
<i>Parking Required</i>	6
<i>Parking Proposed</i>	11

BACKGROUND

NA

Recommendation: Discuss the application for the following reasons:

- 1) Suitability

- 2) Lot size (14,379.2 vs 25,000)
- 3) Number of bedrooms (12 vs 9)

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the DOE, WAC, DEH, NRA, and Fire Department.

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The application site is man-modified with regrowth.

Advice to the Applicant

Retaining native vegetation even in a predominantly man-modified area can still provide benefits to the property owner and the surrounding area. For example, retaining vegetation can:

- *Provide habitat and food for wildlife such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*
- *Provide sound and privacy buffers from the road and neighbouring properties/developments.*
- *Provide mature vegetation which can enhance landscaping and immediately offer shade.*
- *Assist with the management of run-off and drainage.*
- *Reduce carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere the amount of greenhouse gas emissions.*

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

The applicant may wish to consider the use of porous or permeable paved surfaces in areas of hardstanding, such as the proposed driveway and parking area. The applicant

could use gravel or sustainably designed pavers for the driveway and parking. These materials will allow rainwater infiltration and help manage the impacts of stormwater runoff. Some examples of sustainably designed pavers can be seen in Figures 1-3 below.

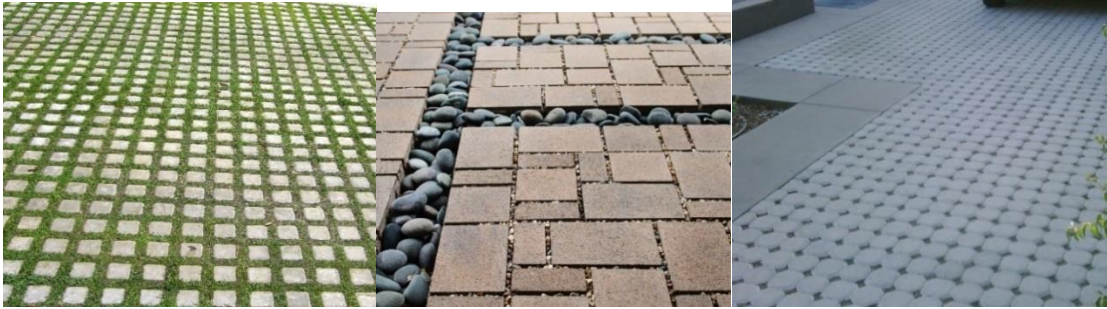


Figure 1-3. Examples of sustainably designed pavers.

Advice to the Central Planning Authority/Planning Department

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

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

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

Water Authority Cayman

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
----------	------------	----------	-----

<i>Proposed Townhouse</i>	<i>4 x 3-Bed Units</i>	<i>300gpd/3-Bed Unit</i>	<i>1,200</i>
<i>TOTAL</i>			<i>1,200</i>

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

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

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

Water Supply

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

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

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

Department of Environmental Health

The Department has no objections to the proposed with the understanding that the following is constructed on completion of the project.

Solid Waste Facility.

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

Table 1: Minimum Enclosure Dimensions

Number of Containers Minimum Dimensions (feet) Width Length Height

4 5.00 5.00 2.50

National Roads Authority

As per your memo dated August 8th, 2024 the NRA has reviewed the above-mentioned planning

proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

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

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

Road Capacity Issues

The traffic demand to be generated by a residential development of 4 (2) multi-family units has been assessed in accordance with ITE Code 220 - apartment. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Leroy Frederick Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
27	2	0	2	2	2	1

Based on these estimates, the impact of the proposed development onto Leroy Frederick Drive is considered to be minimal.

Access and Traffic Management Issues

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and*

ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Leroy Frederick Drive. Suggested*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

Fire Department

The Fire Department has approved the drawings.

APPLICANT'S LETTER

On behalf of my client, I would like to request a lot size and number of bedrooms variance for the Proposed 4-units Townhouse on Block 43A Parcel 131.

Lot size variance:

We have a lot of lands which is 14,379.20 sq. ft. but we need a minimum of 20,000.00 sq. ft. for apartments. In this the same subdivision there are lots of existing apartments with the same lot size (Please see attached map).

Number of bedrooms variance:

We are allowed 9.9 bedrooms and we are proposing for 12 bedrooms. Therefore, we would like to request a variance for 2 bedrooms (Please see attached map. Precedent has been set in this area).

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Leroy Frederick Drive in Bodden Town.

The proposal is for four townhouses with twelve bedrooms and 11 parking spaces.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

The Department would note that there are existing multi-family developments on similar sized parcels in the vicinity.

2) Lot Size

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

The application is for townhouses on a parcel with 14,379.2 square feet.

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

reasons:

3) Number of Bedrooms (12 vs 9)

Regulation 9(8)(c) states that the maximum number of bedrooms per acre is 15, which translates into a maximum of 9 for this property.

The applicant is requesting a total of 12 bedrooms and has submitted a variance letter.

2.10 SOUTH NEWBURY CORP (Elegant Design Cayman Ltd.) Block 23B Parcel 81 (P22-1038) (\$1,200,000) (EJ)

Application for modification to two (2) restaurants and five (5) two-bedroom townhouse apartments, roof-top covered area for ac units, three (3) signs and underground LPG tank.

FACTS

<i>Location</i>	Corner of Crew Road, Shamrock and South Sound Road
<i>Zoning</i>	LDR
<i>Notification Radius/Results</i>	500' (No Objections)
<i>Parcel Size Proposed</i>	1.021 ac (44,474 sq. ft.)
<i>Parcel Size Required</i>	20,000 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Commercial & Apartments
<i>Building Footprint Proposed</i>	4,810 sq. ft.
<i>Building Sq. Ft. Total Proposed</i>	13,906 sq. ft
<i>Building Footprint Existing</i>	3,354 sq. ft. (Scotia)
<i>Site Coverage (Bld) Proposed</i>	18.36%
<i>Site Coverage (Bld/Prk) Proposed</i>	37.14%
<i>Site Coverage Allowed</i>	30%
<i>Units Proposed</i>	2 Restaurant & 5 Apartments
<i>Units Allow</i>	CPA Discretion
<i>Bedrooms Proposed</i>	10
<i>Bedrooms Allowed</i>	CPA Discretion
<i>Parking Handicapped Spaces</i>	2
<i>Parking Total Proposed</i>	37
<i>Parking Total Required</i>	43 (24 + 8 + 11 Scotia)

BACKGROUND

December 5, 1997 (**CPA/38/97; Item 6.04**) - The CPA refused permission for an esso gas station with convenience store (P97-102111).

September 2, 2009 (**CPA/23/09; Item 2.2**) - The CPA granted permission for a commercial building (Scotia Bank), 4-signs, wall & storage tank (P09-0713 to P09-0716).

September 1, 2010 (**CPA/20/10; Item 2.17**) - The CPA modified permission the parking area for approve Scotia Bank (P10-0741).

October 13, 2010 (**CPA/23/10; Item 2.4**) - The CPA granted permission for a commercial building & generator for four restaurants (P10-0684+P10-0695).

October 26, 2011 (**CPA/22/11; Item 2.10**) - The CPA modified permission to site plan to accommodate the proposed building adjacent to Scotia Bank (P11-0901).

November 24, 2021 (**CPA/24/21; Item 2.21**) - The CPA modified permission for building elevations, floor and site layout to comply with code (P21-0951).

Recommendation: Discuss the application, **for the following reasons:**

- 1) Suitability
- 2) NRA comments re: drive-through
- 3) Parking spaces (37 vs 43)
- 4) LPG setbacks

AGENCY COMMENTS (Section 7 DPA)

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

Water Authority Cayman (March 1, 2024)

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 4,747 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Restaurant 1	Dining Area 775 sq. ft	775 x 1.8 (restaurant	1,395

Ground Floor			factor 1)	
	Restaurant 2	Dining Area 1,237 sq. ft.	1,237 x 1.8 (restaurant factor 1)	2,226.6
Second & Third Floors	Residential	5 x 2-Bed Units	225gpd/2-Bed	1,125
TOTAL				4,746.6

- **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.

Grease Interceptor Required

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

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

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>*

National Roads Authority (September 04, 2024)

As per your memo dated August 20th 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Concerns

The NRA recommends that the CPA have the applicant remove the drive-thru, which should not deter from the number of trips it will attract all depending on what restaurants, etc are proposed for the site.

Concerns with Proposed Drive-Thru Facilities

The applicant appears to be proposing a drive thru establishment with two (2) drive-thru window facilities very near the entry of the site, directly off of Crewe Road (clarification is required). This facility poses a few safety concerns for the NRA in regards to stacking space and cars backing up onto Crewe Road. At this time, all drive-thru establishments on island, such as CNB, Butterfield Bank, Burger King (SMB/Walker Road), Wendy s (SMB/Savannah) and the new Popeye s are designed to have their drive-thrus at the rear of the site with adequate stacking, thereby, limiting the interference queued vehicles will have with traffic along the public roads as well as with the vehicles on site.

Based on research carried out in other jurisdictions, specifically the City of Ottawa s Urban Design Guidelines for Drive-Thru Facilities (2006), it is clearly stated that the start point of the stacking lane should be located at the rear of the site so that the queued vehicles do not block traffic along the public streets or the movement of other vehicles on site.

The NRA, therefore, recommends the CPA to have the applicant adjust the site to remove the drive-thru and have a regular sit-down establishment.

Boundary Plan (BP) 634

The applicant has appropriately setback to accommodate BP634 which was gazetted on August 26th 2020 and published in Extraordinary Gazette No 70 of 2020.

Road Capacity Issues

The traffic demand to be generated by the proposed 4,810 sq. ft. drive-thru restaurant and six (6) apartments has been assessed in accordance with ITE Code 934 Fast Food with Drive-Thru and Apartments ITE Code 220 respectively. The anticipated traffic to be added onto Crewe/South Sound Road is as follows:

Fast Food with Drive-Thru (934)	Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	Pass By Trips (50%)	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out	Pass By Trips (50%)
	2,481	227	58	56	114	163	42	39	82
Apartments (220)	Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	Pass By Trips	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out	Pass By Trips
	40	3	1	2	N/A	3	2	1	N/A
Total Site Traffic	2,521	230	59	58		166	44	40	

The 2016 average weekday daily traffic (AWDT) counts on Crewe Road, in the vicinity of the First Baptist School / Lions Centre was 33,820 vehicles per day (vpd); by 2019, traffic volumes had increased to 36,460 vpd; and in March 2024, the AWDT counts had increased to 43,240 vpd. NRA's traffic demand model, completed prior to the Covid emergency, showed traffic forecast increase to 50,720 vpd by Horizon Year 2026 and 56,930 vpd by Horizon Year 2036 respective increases of 17% and 32% over the 2024 traffic volumes.

The proposed development although minimal in increased traffic addition to Crewe Road will cause an interference with queued vehicles onto Crewe Road / South Sound Road intersection as noted by the assessment above and the large number of pass by trips created by the drive-thru restaurant; 114 and 82 respectively, which is 50% of the peak hour traffic. A restaurant without a drive-thru although no proposed pass-by trips will have an increase in daily trips at 3,437 ADT.

Access and Traffic Management Issues

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

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

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

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

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

Stormwater Management Issues

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

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

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

encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

Department of Environment Health (January 24, 2024)

Restaurant

1. The approved BCU drawings for the commercial hood system.
2. Specifications for the hot water heater which should include:
 - a. The type of heater proposed
 - b. The minimum designed hot water requirements
 - c. The storage capacity of the heater in gallons
 - d. The percentage thermal efficiency of the heater
 - e. The BTU rating of the heater
 - f. The recovery rate of the heater in gallons per hour.
3. Equipment schedule.
4. Specifications for all kitchen equipment.

Solid Waste Facility:

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

Table 1: Specifications for Onsite Solid Waste Enclosures

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

NOTE:

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

Department of Environment (February 27, 2024)

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Environmental Overview

The application site is man-modified and of limited ecological value.

Advice to the Applicant

The DoE recommends that any remaining native vegetation is retained and incorporated into the landscaping scheme wherever possible. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

We encourage the applicant to consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate against the inundation of the surrounding area. SuDs are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment.

Lastly, we also recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037).

Advice to the Central Planning Authority/Planning Department

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

- 1) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris*

is completely captured on-site and does not impact the surrounding areas or pollute the environment.

Fire Department (January 11, 2023)

1994 Standard Fire prevention code -602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft. (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft.

Please depict proposed or existing Fire well and Fire Hydrant.

PLANNING DEPARTMENT ANALYSIS

General

The application is for the modification to decrease from four (4) restaurants to two (2) restaurants, and five (5) two-bedroom apartments, three (3) signs and an underground LPG tank. The subject parcel is same as Scotia Bank on the corner of Corner of Crew Road, Shamrock Road and South Sound Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

On October 13, 2010 (CPA/23/10; Item 2.4) - The CPA granted permission for a commercial building for four restaurants and a generator. The applicant seeks to modify the ground floor to two restaurants and the second and third floor for five (5) two-bedroom apartments and covered ac area above. One of the restaurants would operate a drive-through service.

The Authority needs to determine per Regulation 9(8) if the site is suitable for the proposed apartments.

Also, bearing in mind regulation 9(3) of the Development and Planning Regulations (2024 Revision) commercial development may be permitted in suitable locations; and also, that the existing bank only operates from 9 between 5 and therefore have minimal disturbance to the neighbouring residents.

2) Parking Spaces

The plan proposes 37 vs 43 parking spaces required; mindful the existing bank requires 11 spaces ($3,354 \text{ sf} / 300 = 11$) proposed restaurant ($4,810 \text{ sf} / 200 = 24$) and 5 apartments ($5 \times 1.5 = 8$); therefore, $11 + 24 + 8 = 43$ parking spaces required; however, the applicant is

using a different calculations (1,982 sf /300) for portions of the restaurants, corridor and restroom as “back of house” (BOH) and not accounting for the (767 sf) front covered entrance; therefore, resulting in the parking difference.

3) Underground LPG Tank

The applicant is also seeking 5’ rear and side setbacks for the proposed underground lpg tank vs the required 20’ and 10’ setbacks.

2.11 RONALD DAVIS (DDL Studio Ltd.) Block 33B Parcel 1055 (P24-0697) (\$60,000) (MW)

Modification for 3’-10” concrete fronting boundary wall with residential sign; 3 sq. ft.

FACTS

<i>Location</i>	Sand Point Rd, North Side
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.35 ac. (15,246 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing residence

BACKGROUND

March 10, 2010 – House – the application was considered and it was resolved to grant planning permission.

March 10, 2010 – Pool- the application was considered and it was resolved to grant planning permission.

August 14, 2019 – Addition to house and swimming pool (CPA/17/19; Item 2.13) -the application was considered and it was resolved to grant planning permission.

February 13, 2024 (CPA/05/24; Item 2.28) – It was resolved to grant planning permission for the 3’-10” wall with sliding gate, subject to the following conditions:

- 1) The applicant is required to submit revised plans showing the wall with a minimum 4’ setback from the roadside parcel boundary and the gate with a minimum 12’ setback from the roadside parcel boundary per Regulation 8(18).
- 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.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Fence roadside setback (0’-0” vs. 4’-0”)

2) Gate roadside setback (1'-10" vs. 12'-0")

AGENCY COMMENTS (Section 7 DPA)

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

National Roads Authority

As per your email dated August 22nd, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

Per Regulation 8 (18) of the Development and Planning Regulations (2022 Revision), "Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of twelve feet from the roadside parcel boundary."

The NRA therefore requests that the CPA have the applicant revise the site plan so as to be compliant with Regulation 8 (18) of the Development and Planning Regulations (2022 Revision).

Department of Environment (2-9-24)

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

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

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

- 1. If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is*

completely captured on-site and does not impact the surrounding areas or pollute the environment.

APPLICANT'S LETTER

We write on behalf of our client, Mr. Ronald Davis and Mrs. Carol Davis.

This Planning Modification application is for the replacement of an existing wood fence with a concrete boundary wall, an integrated residential sign, pedestrian gate and rolling vehicular gate.

The subject parcel is located at 254 Sand Point Road, Rum Point. This road is a short cul-de-sac in a very quiet neighborhood, with a few large single family homes in the vicinity, and a very low amount of vehicular and pedestrian traffic. (see Fig. 1).

The clients are a very respectful, gentle and elderly couple, who are currently tormented by tourists using their property to access the ocean, without permission. Visitors can see the water from the roadside, and with no gate in place they freely walk across the property without the owner's consent. By seeking planning permission, our client is also seeking peace of mind and their own security.

As part of this planning Modification application, our client respectfully requests the following variance - to have the original planning approval conditions removed (P23-1050):

• Boundary Wall Setback

Regulation section 8 (18) states "Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary". The proposed boundary wall has a setback of zero feet from the roadside parcel boundary, following the line of the existing fence and also aligned with the roadside boundary walls of the adjacent properties (see Fig. 2 and 3).

• Vehicular Gate Setback

Regulation section 8 (18) states "vehicular gates adjacent to a road shall be setback a minimum of twelve feet from the roadside parcel boundary". The proposed rolling vehicular gate has a setback of 1ft and 9 inches feet from the roadside parcel boundary. The position in relation to the parcel boundary is identical to the rolling vehicle gates of the adjacent Foster's family residence, to the West side of the parcel (see Fig. 2), and the nearby Flower's Residence roadside rolling vehicular gate (see Fig. 2 and 4).

Our client is respectfully seeking planning permission for the proposal, as shown in the drawings provided, for the following reasons:

- The proposed boundary wall is designed to be a robust replacement affording the owners a greater degree of privacy and security compared to the existing semi-transparent wooden fence located along the roadside property boundary.*

- *The proposed design for the boundary wall and gate is in keeping with other property boundary walls and gates in the neighborhood (Fig. 5 and 6).*
- *The proposed design is particularly consistent with the recently completed Foster residence, next door, on the West side of this property. The proposed boundary wall incorporates a stone veneer similar to the Cayman Rock used in the adjacent boundary wall (Fig. 2 and 7).*
- *Other properties in the vicinity of our client's home also have fences, boundary walls and gates built on the property boundaries. (Fig. 6).*
- *The boundary wall and the gates are intended to provide privacy and security to the owners and the property, with our clients currently experiencing numerous incidents of trespassing.*
- *The proposed vehicular gate is a side-rolling gate which prevents any opening towards the road.*
- *The road in front of our client's property boundary has a width ranging from approximately 34ft. to 38ft, as measured on the CIG Lands and Survey system. This includes a sidewalk/road margin varying in width between approximately 4ft. 6in and 10ft. This provides a very generous public space serving both pedestrians and vehicles. (Fig. 1,2,3,4,6,7,8)*

We have worked diligently to ensure that the proposal respects all other requirements for a singlefamily home in this zoned area.

We trust this explanation satisfies any concerns of the board members. Our clients are thankful for the opportunity of the CPA Board to review this application and would be very grateful to receive a favorable decision for this variance request.

Please do not hesitate to contact us if any additional information is required.

Thank you for your kind consideration.



Fig. 1-254 Sand Point Road – Existing property and wood fence.



Fig. 2- Adjacent Foster Residence boundary wall with two vehicular gates.



Fig. 3 – Adjacent Bullmore Residence boundary wall.



Fig. 4. Sancola Close – Street view of the Flowers property and our client’s property beyond.



Fig. 5. Red lines represent existing roadside boundary walls with zero setbacks.

Red circles represent roadside vehicular gates with zero / minimal setbacks.



Fig. 6. Street view of 254 Sand Point Road and adjacent property boundary wall and gates.



Fig. 7. Sancola Close – View of the Fosters property on the left and the end of Sancola Close cul-de-sac.



Fig. 8. Sand Point Road with measurements taken from CIG Lands and Survey system.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 3'-10" concrete boundary fence with 3'-4" high sliding gate & 3 sq. ft. sign to be located on Sand Point Rd., North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence roadside setback

Regulation 8(18) of The Development and Planning Regulations (2022 Revisions) states “ *walls and fences adjacent to a road shall be setback a minimum of 4 feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of 12' from the roadside parcel boundary* ” - The proposed 3'-10" fronting concrete wall would be setback approximately 0'-0" from the edge of Sand Point Rd. which would be a difference of 4'-0" respectively.

2) Gate roadside setback

Regulation 8(18) of The Development and Planning Regulations (2022 Revisions) states “ *walls and fences adjacent to a road shall be setback a minimum of 4 feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of*

12' from the roadside parcel boundary " - The proposed 3'-4" sliding gate would be setback approximately 1'-9" from the edge of Sand Point Rd. which would be a difference of 10'-3" respectively.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists to warrant granting planning permission for the proposed fence & sliding gate setback.

SUPPLEMENTARY ANALYSIS

The applicant is requesting the Authority to reconsider the condition of approval requiring setbacks for the wall and gate based on the information provided.

2.12 MEDARDO MARTINEZ (Cayman Survey Associates Ltd.) Block 48C Parcel 219 (P23-0683) (\$900) (MW)

Application for 3 ATF shipping containers.

FACTS

<i>Location</i>	John Carter Dr., Bodden Town
<i>Zoning</i>	Low Density Residential
<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>	Existing ATF containers
<i>Proposed building size</i>	960 sq. ft.
<i>Total building site coverage</i>	7.6%

BACKGROUND

April 26, 2023 (CE23-0050)– Maintenance of land notice issued for derelict containers, vehicle and other debris and case has been forwarded to DPP.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Suitability
- 2) Rear setback (4'-4 ¾" / 4'-5 ¾" vs. 20'-0")
- 3) Side setback (5'-2 ¾" vs. 10'-0")

APPLICANT'S LETTER

We are requesting a variance for side and rear setbacks as the present containers are located too close the boundaries.

The containers are currently being used to store construction materials.

PLANNING DEPARTMENT ANALYSIS

General

The application is for (3) ATF containers; 960 sq. ft. located on John Carter Dr., Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 9(1) of The Development and Planning Regulations (2024 Revision) states “In a Residential zone, the primary uses are residential and horticultural. Applicants for permission to effect any development in a Residential zone shall ensure that the massing, scale, proportion and design of such development is consistent with the historic architecture traditions of the Islands. The Authority has typically discouraged the use of storage containers in residential areas.

2) Rear setback

Regulation 9(8)(i) of The Development and Planning Regulations (2024 Revision) states “*the minimum front and rear setbacks are 20'-0*”. Two of the existing ATF containers would be approximately (*4'-4 ¾” & 4'-5 ¾”*) from the rear boundary a difference of (*15'-7 ¼” / 15'-6 ¼”*).

3) Side setback

Regulation 9(8)(j) of The Development and Planning Regulations (2024 Revision) states “the minimum side set back is 10' for a building of one story.” One of the proposed existing ATF containers is currently (*5'-2 ¾”*) from the side boundary a difference of (*4'-9 ¼”*).

2.13 BIRCH TREE HOLDINGS (PPDS) Block 4C Parcel 643 (P24-0200) (\$100,000) (EJ)

Application for modification to apartment building (aesthetics, staircase and patios), removal of guard house, 5.6' height wall with proposed sliding gate, proposed sign, relocation of garbage enclosure, reduce parking spaces, pool and patio increase, cabana (gym) increases in size and storey.

FACTS

<i>Location</i>	Birch Tree Hill Road, West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.83 ac. (123,274 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Apartments under construction
<i>Proposed building size</i>	9,106 sq. ft.
<i>Total building site coverage</i>	28%
<i>Allowable units</i>	70
<i>Proposed units</i>	70
<i>Allowable bedrooms</i>	118
<i>Proposed bedrooms</i>	91
<i>Required parking</i>	105
<i>Proposed parking</i>	105

BACKGROUND

September 16, 2020 (**CPA/15/20; Item 2.3**) – The Authority granted permission for 70 apartments, guard house, pool and cabana.

Recommendation: Discuss the application, **for the following reason:**

- 1) Modification to wall height increase 4’ to 5.6’

AGENCY COMMENTS (Section 7 DPA)

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

National Roads Authority

As per your memo dated July 26th 2024 the NRA has reviewed the above-mentioned planning

proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

The NRA has no objections or concerns regarding the revised drawing dated August 5th, 2024, as the applicant has satisfied making their entrance and exit curves no less than (15) feet radius, and twenty-four (24) ft. wide.

However, all other conditions still apply as referenced in the (P19-1424) memorandum dated November 2nd, 2020.

Fire Department (September 10, 2024)

The Fire Department has approved the proposal as submitted.

APPLICANT'S LETTER

We are submitting this application for approval of modifications to P19-1424 (CPA/15/20; item 2.3 2nd October 2020).

The applicants purchased the land with the benefit of planning permission P19-1424. As members are aware, when submitting planning applications, site plans are not required to be based on survey plans. Instead, a condition is typically included seeking confirmation that boundary markers are in situ. This approach can sometimes result in modification or discrepancies during the construction, which the applicant experienced following commissioning of a survey for due diligence. Upon review of the site survey marginal but notable boundary differences were identified. To address these discrepancies proactively and transparently, the applicants decided to submit this modification application.

This application seeks to address:

- *Site survey anomalies;*
- *Requirements to meet building code; and*
- *Minor modifications to improve aesthetics and facilities of the development.*

In light of the above context, this modification application seeks planning permission for the following amendments:

- ***Entrance gate:*** *The installation of an entrance gate and an increased frontage depth to allow a vehicle to clear the road while waiting for the gate to open. This change results in the deletion of the guard house, revisions to the front parking area, and a marginal resiting of the garbage enclosure.*
- ***Parking layout:*** *Amendments to the parking layout.*
- ***Perimeter wall:*** *Increase in height and improvement to aesthetics of the perimeter wall.*
- ***Resiting of buildings:*** *Negligible shifting of the apartment buildings.*

- **Elevations:** Minor revisions to the apartment elevations to ensure compliance with building code provisions.
- **Patio areas:** Revisions to the ground-floor patio areas.
- **Development signage:** Inclusion of a monument sign.
- **Gym/cabana:** An addition of 53.58 square feet to the gym/cabana, and the incorporation of a second-floor roof terrace with a demountable shade structure. The building has been marginally shifted to accommodate this.
- **Pool area:** The width of the pool has been increased by 2 feet, and the patio area has been extended, adhering to setback regulations.
- **Fire appliance turnaround:** Incorporation of a fire appliance turnaround, which was not included in the original plans.
- The development provides 70 units, requiring 105 parking spaces. The original plans, as noted in the agenda for P19-1424 (CPA/15/20; item 2.3), detailed 106 parking spaces, with no conditions requiring an increase in parking spaces. However, prior to the release of the stamped approved plans, the parking area was increased to 113. With the proposed modifications, 105 parking spaces will be available to support the apartments.

The National Roads Authority requested revisions to ensure that the "entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft". The plans were revised accordingly. As of 12/09/2024, we have not received an updated response from the NRA to confirm these changes.

The proposed modifications are minor in scale and do not significantly alter the external appearance of the building. The modifications comply with Regulations 8(1), 8(1)(vii), and 9(6) for High Density Residential zones.

PLANNING DEPARTMENT ANALYSIS

General

The applicant has applied to modify planning permission as detailed in their letter above. The site is located on Birch Tree Hill Road in West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Modification to wall height

The proposed is seeking permission for a 5.6' vs 4' wall that was approved around the perimeter of the property.

2.14 GEORGE MCKENZIE (PGS LAND LTD.) Block 45A Parcel 115 (P24-0224) (\$45,000) (JS)

Addition of rear porch and two car garage.

FACTS

<i>Location</i>	Rum Point Drive, North Side
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.44ac. (19,166 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	1061 sq. ft.
<i>Total building site coverage</i>	11.6 %

BACKGROUND

Forms part of application P14-0736, approved 2014-08-27

Recommendation: Discuss the application, **for the following reasons:**

- 1) DOE's s41(4) comments
- 2) High water mark setback

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Department of Environment.

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Environmental Overview

As seen in Figure 1 below, the application site is adjacent to a No-Diving Overlay Zone (a Protected Area under the National Conservation Act) and is predominantly man-modified with an existing house on-site.

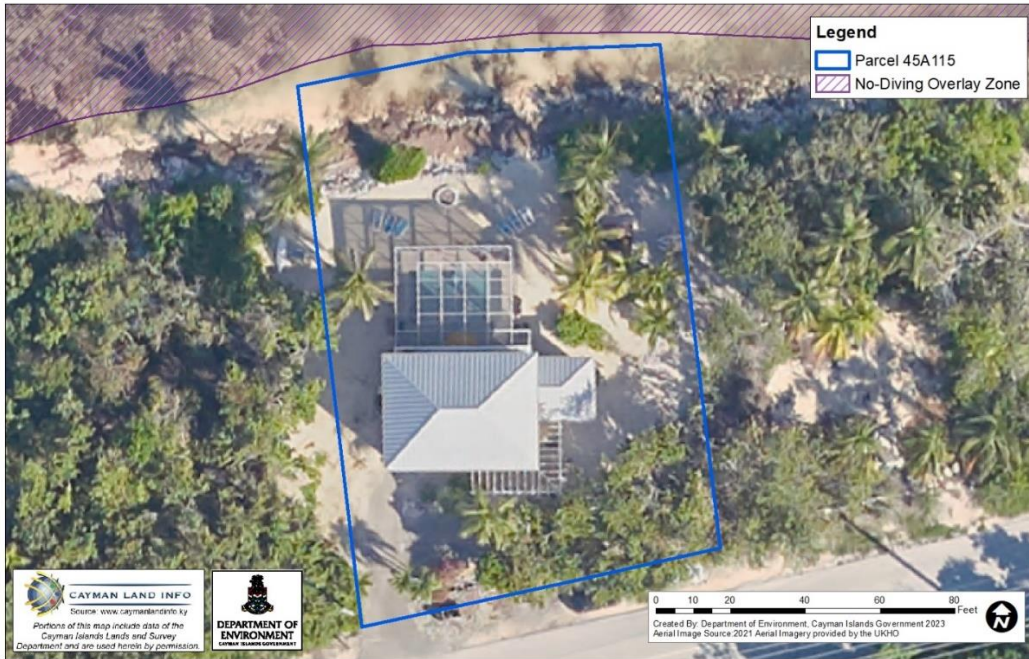


Figure 1. The application site with the parcel boundary highlighted in blue (Aerial Imagery Source: UKHO, 2021).

Advice to the Applicant

As seen in Figure 2, we note that the setback of the proposed porch falls short of the minimum required setbacks from the registered Mean High Water Mark (MHWM). We note that the proposed porch is as close as approximately 57 feet 5 ½ inch from the MHWM which does not meet the minimum 75-foot coastal setback for beaches. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum. Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the “active” part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion.

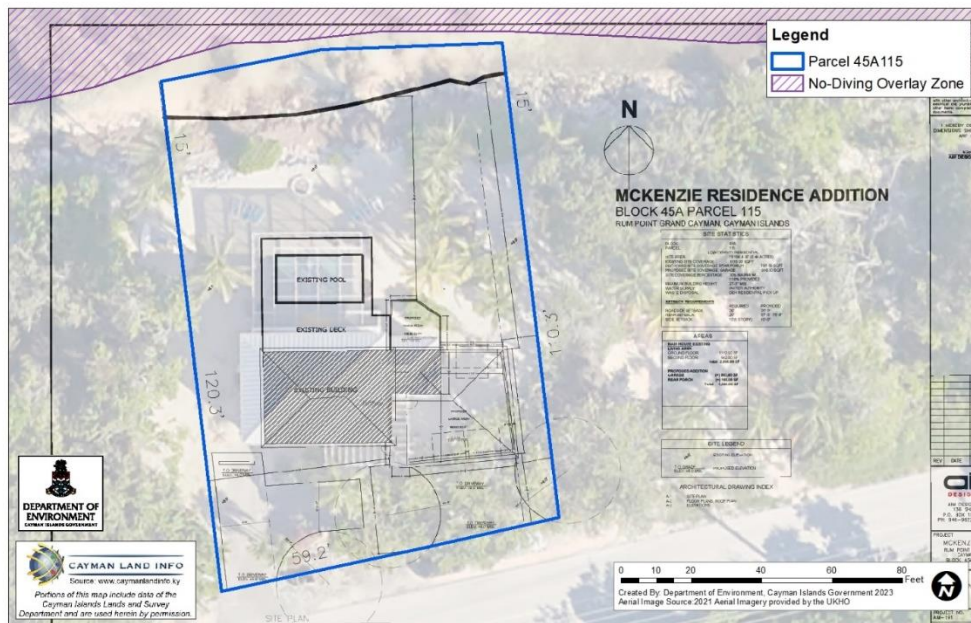


Figure 2. The application site with the parcel boundary highlighted in blue and an overlay of the submitted architectural plans (Aerial Imagery Source: UKHO, 2021 & Architectural Plans Source: M. Gonsalves, 2024).

The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHW) reduces a beach's potential to recover after major events. While we note that the existing pool is also within the coastal setback, we recommend that the applicant revise the submitted plans so that the proposed porch adhere to the minimum 75-foot coastal setback.

Advice to the Central Planning Authority

As the site is adjacent to a No-Diving Overlay Zone, a Marine Protected Area under the National Conservation Act, construction-related debris must not enter the marine environment. Poor construction management practices can degrade the environment by:

- *Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*
- *Polluting the marine environment with wind-borne debris. Practices such as sanding down ('keying') polystyrene, Styrofoam or insulating concrete forms (ICFs) which are used as part of wall finishing and window moulding can result in polystyrene waste materials getting blown into the sea in significant quantities.*

Best management practices should be adhered to during construction to reduce impacts on the environment. These adverse impacts to a Marine Protected Area have been identified based on repeated observed incidents where conditions were not included to prevent/mitigate the effects. Both the DoE and the Department of Planning have received numerous complaints from members of the public who have been adversely affected directly or who have noted the adverse effects on the marine environment from poor construction management practices.

Polystyrene Impacts on the Protected Area

Polystyrene-based products are commonly used in a variety of applications on construction sites and without appropriate best management practices, impact the surrounding area including the marine environment. Polystyrene is not biodegradable, and

the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 3-5).



Figures 3-5. DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

Inappropriate Location of Stockpiles

Storage of materials too close to the water's edge can result in pollution of the marine environment (Figures 6 to 11). The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can affect marine species such as seagrass and corals as they rely on good water quality to survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and even 'temporary' stockpiles can still be impacted.

Therefore, construction materials and debris must be stored as far away from the water's edge as possible or at least at the minimum coastal setback. Not only does this mitigate impacts to the environment, but it also can be considered a public health and safety measure and a cost-saving measure. It would prevent the loss of materials to the marine environment, reduce the likelihood of prosecution for marine offences and/or prevent the cost of cleaning up and restoring the marine environment.



Figures 6 and 7. The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.



through



Figures 9 & 10. Material stockpiled on the edge of the water interacting with moderate wave activity and entering the marine environment.



Figure 11. Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.

It is a straightforward measure and good practice to avoid stockpiling materials too close to the marine environment, however, this practice still occurs, causing adverse effects on the marine environment. Therefore, this management practice must be secured by conditions to prevent adverse effects on the Marine Protected Area.

Section 41(4) Considerations

The site is adjacent to a No-Diving Overlay Zone, a protected area under the NCA. It is important to ensure that the construction will not have any unacceptable adverse effects on the Marine Protected Area as it contains sensitive marine resources.

Without appropriate controls, there would or would likely be an adverse effect on the designated protected area, namely:

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

*On the basis of the above information and in accordance with the recent Court of Appeal judgement, in the exercise of powers that 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 considers it necessary for **the Central Planning Authority to apply for approval from the NCC under section 41(4) of the NCA prior to determining this application.***

In order to provide the Authority with an indication of the DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project is appended. Should the CPA wish to propose other conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line with Appendix 1 within one week.

APPLICANT'S LETTER

We are aware of the minimum High watermark setback required is 75'-0" from a building line, however, the building line of the proposed Garage addition to the existing residential is at 75'-9" from HWM and the building line for the proposed rear patio is 57'- 5 1/2" from HWM. Kindly requesting to grant this minimum setback variance request for the patio.

As per section 8(13)(d) of the Planning Regulations, the adjoining property owners 80ft radius have been notified of the request for planning application of Addition of Garage and Rear Patio to existing House.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Rum Point Drive, North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) High water mark Setback

The required high water mark setback as can be seen in section (8) (10) (b) is 75', the proposed setback is 57'5 1/2".

The Authority should discuss the applicant's reasons for the requested variance.

2.15 TREVOR WATKINS (Eric Cronier) Block 22E Parcels 441 & 545 (P23-1187) (\$3,000) (MW)

Application for a 2 lot subdivision/combination.

FACTS

<i>Location</i>	Edgewater Way, George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	62.753 ac. (2,733,520.68 sq. ft.)
<i>Current use</i>	Approved residence / private canal.

BACKGROUND

June 8, 2011 – House with guest room (CPA/11/11: Item 2.20) – the application was considered and it was resolved to grant planning permission.

June 8, 2011 – Wall- the application was considered and it was resolved to grant planning permission.

October 29, 2012 – (2) LPG tanks – the application was considered and it was resolved to grant planning permission.

September 26, 2012 – Modification to site design (CPA/21/12; Item 2.10 - the application was considered and it was resolved to grant planning permission.

Recommendation: Discuss the application, **for the following reason:**

- 1) Canal width

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Department of Environment.

Department of Environment (13-02-24)

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 2-lot subdivision to be located off Edgewater Way, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Canal width

The applicant has proposed a 2 lot subdivision in which a portion of the existing canal (22E554) will be combined with the subject lot 22E441. The Authority should determine if the subdivision/combination will lead to a scenario where the canal width could be reduced from approximately 130' down to approximately 79' in certain areas and if that is an acceptable scenario.

2.16 DIEGO RODRIGUEZ (AE DESIGNS) Block 48C Parcel 61 (P24-0354) (550,000) (JS)

Application for a duplex.

FACTS

<i>Location</i>	Longfellow Circle, Breakers
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.32ac. (13,939 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1750 sq. ft.
<i>Total building site coverage</i>	22%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

A planning application was made on this lot on 1989-06-02, the project number was P89-001837.

Recommendation: Discuss the application, **for the following reason:**

- 1) Lot width

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Department of Environment.

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The application site is man-modified and of limited ecological value.

Advice to the Applicant

We recommend that the applicant retains native vegetation and incorporates it into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The applicant may wish to consider the use of porous or permeable paved surfaces in areas of hardstanding, such as the proposed driveway and parking area. The applicant could use gravel or sustainably designed pavers for the driveway and parking. These materials will allow rainwater infiltration and help manage the impacts of stormwater run-off. Some examples of sustainably designed pavers can be seen in Figures 2-4 below.

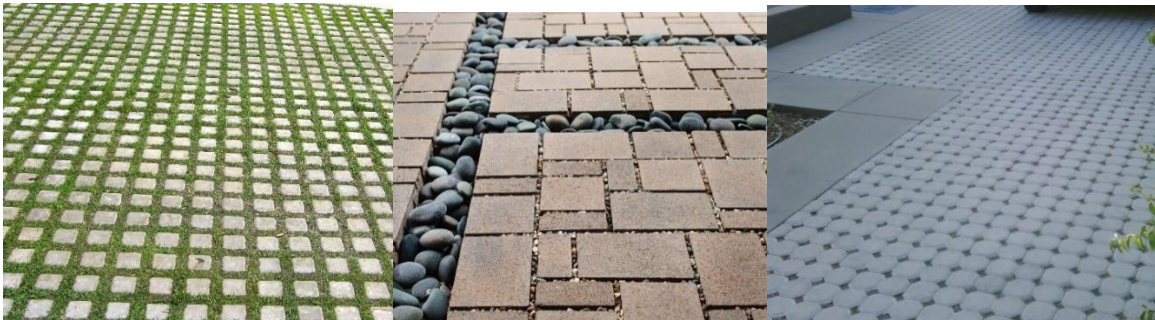


Figure 2-4. Examples of sustainably designed pavers.

Advice to the Central Planning Authority/Planning Department

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular, control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICFs). Polystyrene is not biodegradable, and the EPS

beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

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

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

APPLICANT'S LETTER

On behalf of my Client, Diego Rodriguez, I kindly request a planning variance for the lot minimum width requirement of 80 feet on block 48C parcel 61. The current lot entrance width is 44 feet at the front of the property, as per the original and registered lot subdivision.

We have meticulously designed the proposed Duplex building, taking into account all the setback requirements as per the planning regulations. We have ensured that the structure is well within the specified limits, thereby maintaining the integrity of the planning guidelines.

Thank you for your time and attention with this planning application.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Longfellow Circle, Breakers.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot width

The required lot width as can be seen in section (9) (8) (g) is 80 ft, the proposed lot width is 44 ft.

The Authority should discuss the need for a variance.

2.17 LOOKOUT HOLDINGS LTD. (Abernethy & Associates) Block 43A Parcel 409 Rem 2 (P24-0792) (NP)

Application for modification to condition of approval.

FACTS

<i>Location</i>	North of Promenade Road in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	Not applicable
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments

BACKGROUND

June 23, 2021 (**CPA/13/21; Item 2.3**) – Planning permission was granted for a 441 lot subdivision with 437 House Lots, 1 LPP, and 3 Road Parcels subject to conditions (P20-0630).

Recommendation: Discuss the application for the following reason:

- 1) The request to delete the condition requiring the lots to be filled.

APPLICANT’S LETTER

We are seeking the modification of condition 3b from the original approval, P20-0630, to remove the fill requirement for the lots. The existing fill requirement requires the lots to be cleared and filled prior to sale/closing on the lots. The new purchasers may have the lot for many years before they build, and from an environmental perspective this is clearing lots well in advance of construction. We have been informed that new planning approvals require that lots should not be cleared/filled until commencement of construction. We ask that the approval condition be updated to today’s standards.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Bodden Town, north of Promenade Road.

The proposal is to modify condition 3(b) only.

In this regard, the approved condition states that the lots must be cleared and filled prior to sale of the parcels.

Zoning

The property is zoned Low Density Residential.

2.18 KADIE-ANN AMOY PROSPERE (PPDS) Block 43E Parcel 334 (P24-0734) (\$5,000) (NP)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Terrys Court, Bodden Town
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	22,524.8 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments
<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	10,824 sq. ft. & 11,701 sq. ft.
<i>Current use</i>	Vacant

Recommendation: Discuss the application for the following reason:

- 1) Proposed lot widths

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the DOE and Water Authority.

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

The site is man-modified and forms part of a residential subdivision. The DoE has no environmental concerns regarding the formation of this two-lot subdivision.

Water Authority Cayman

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, however, please be advised that the connection of a proposed development to the Water Authority's piped water supply may require an extension.

- *Extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The developer shall contact The 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.

National Roads Authority

Comments not yet received.

APPLICANT'S LETTER

Located in the Low Density Residential zone, the application site measures 0.5171ac/ 22,524.88 sf and is accessed from a cul-de-sac hammerhead within a small subdivision.

The present application seeks permission to subdivide the lot into two parcels with resultant lot sizes of 11,701 sf and 10,824 sf.

A vehicular right of way is proposed to the north of lot 1 to facilitate access to lot 2.

We acknowledge Lot 1 proposes a revised northern boundary of 54.7' vs. the current 180.3' which results in the measurement being below the required 80' as stated in Regulation 9(8)(g). Consequently, per Regulation 8(13) we invite members to consider granting a variance for the 54.7' measurement having regard to:

- 1. Adequate developable land is available for both proposed lots.*
- 2. The characteristic, specifically lot size, is consistent with the character of the surrounding area.*
- 3. Suitable access is provided to lot 2.*
- 4. The resultant subdivision would not be materially different from the current status with regards to neighbouring properties, in particular detrimental harm would not occur on persons residing in the adjacent property.*

We hope members consider our request favourably, if any further information is required please do not hesitate to contact me.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Bodden Town, on Terrys Court.

Both proposed properties are vacant and would satisfy the minimum lot size required by the Regulations.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot width (30' & 73' vs 80')

Both proposed lot 1 and proposed lot 2 are under 80 feet in width. In fact, lot 2 has no proposed road frontage and will be accessed via a 15 foot right of way across lot 1. Lot 1 has deficient width when measured at the hammerhead turnaround, the remainder of the lot exceeds the required 80'width.

The applicant has submitted a variance letter and the Authority should determine if lot width variances are warranted in this instance.

2.19 MAR DEVELOPMENT (J&R Construction) Block 44B Parcel 4 (P24-0176) (\$1,100,976) (EJ)

Application for a duplex.

FACTS

<i>Location</i>	Manse Road, Bodden Town
<i>Zoning</i>	BRR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.35 ac. (15,246 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4,896.66 sq. ft.
<i>Total building site coverage</i>	18.64%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

BACKGROUND

NA

Recommendation: Discuss the application, for the following reason:

- 1) Rear and side setbacks
- 2) DOE's s41(4) comments

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from Department of Environment.

Department of Environment (July 30, 2024)

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

As seen in Figure 1, the application site is man-modified. The beach is designated Critical Habitat for sea turtles as defined in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).

The designation as Critical Habitat is based on over 25 years of turtle nesting monitoring data. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act, 2013, as being 'protected at all times'.

As per Sections 41 (4) and (5) of the National Conservation Act (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct the inclusion of those conditions in any planning permission that may be given.

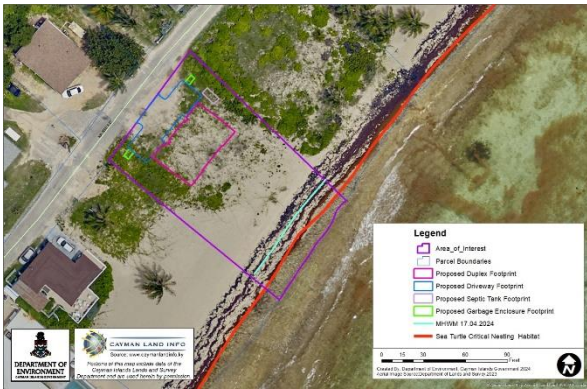


Figure 1. The application site with the parcel boundary highlighted in purple (Aerial Imagery Source: UKHO, 2021).

Advice to the Central Planning Authority

Impacts to Sea Turtles

The main threats to sea turtles from development on turtle nesting beaches are:

- Construction on the beach directly or indirectly impacting mature and hatchling sea turtles,
- Development on the beach directly removing nesting areas from the critical habitat and indirectly impacting the critical habitat through modification and degradation of the natural beach,
- Artificial lighting causing mature females to be deterred from nesting and hatchling turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles, and

- *Loss of coastal vegetation.*

Construction Impacts

Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests.

The excavation of the foundations will likely result in a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site. Although the submitted plans propose a basement, the Finish[ed] Floor Level (FFL) of the basement area will be approximately +11 MSL. Through liaison with the architect for the project, it was confirmed that there will be minimal excavation works required for the proposed development.

Nesting sea turtles often use vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. When the vegetation is removed for construction, sea turtles can enter construction sites and be harmed. Figures 2 and 3 below show sea turtle tracks directly up to construction sites. The DoE has also been called to respond numerous times to sea turtles who have become trapped in construction sites. Figures 4 and 5 show potential injuries from materials being stored on the beach, and Figure 6 shows a sea turtle hatchling which was killed due to heavy equipment being operated on the beach.



Figures 2 and 3: Sea turtle tracks showing that the sea turtle has crawled up the beach until it reached a construction site (Source: DoE and Tammy Kelderman, 2021). The fence in Figure 2 is dangerous to sea turtles as it is sharp, rusty and not secure.



Figures 4 and 5: DoE photos showing turtle tracks within a construction site on a turtle nesting beach. This site did not have temporary beachside construction fencing to prevent turtles from entering the site. The turtle could have or may have been injured by construction materials and debris on-site (Source: DoE, 2023).



Figure 6: A dead sea turtle hatchling, which was killed by heavy equipment operating on the beach (Source: DoE, 2022).

*For these reasons, construction fencing suitable for excluding turtles must be installed prior to the commencement of demolition and/or site works. Mesh fencing, Heras fencing, and chainlink fencing are all **unacceptable** as they can be dangerous to turtles and do not exclude them from the site. Mature green sea turtles weigh around 300 to 400 lbs and are capable and strong diggers. In July 2024, we published a Technical Advice Note on how to design and construct temporary fences which protect sea turtles from the hazards of construction sites called Technical Advice Note 1: Sea Turtle Construction Fencing. It is available on our website: <https://doe.ky/resources/publications/>*

Development Setbacks

The plans were revised to show an updated Mean High Water Mark following our initial consultation on earlier plans. As part of this revision, the pool and terrace have been removed from the design. These revisions then allow the development to meet the minimum required coastal setbacks as outlined in the Development and Planning Regulations.

Setbacks seeks to reduce the impacts of storm related damages upon coastal infrastructure and ensure that the development does not encroach onto the active beach, as the beach back holds reserves of sands that are critical for sediment supply during storm activity and erosion. Thus, adhering to the minimum setbacks is a proactive measure that enhances the resilience of coastal structures by providing a natural and regulatory-based defence against the impacts of storm surges, flooding, erosion and other environmental challenges.

This site is also designated Critical Habitat, which is defined as the beach up to the line of woody/permanent vegetation or the closest impermeable structure. The removal of sand and construction of hard structures on the critical habitat would result in the destruction of that area of critical sea turtle nesting habitat because turtles dig nests in the sand. Therefore, replacing the critical sea turtle nesting habitat with concrete and hard structures would constitute a certain adverse effect on that critical habitat. If the applicant would like to have a pool or deck, it should be included on the plans now so that it may be considered holistically within the context that there will be certain loss of nesting habitat within an area designated as Critical Habitat for sea turtles (protected species).

Artificial Lighting

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. The Department strongly recommends the use of turtle friendly lighting on turtle nesting beaches. Figures 7 to 9 show examples of properties in Grand Cayman that have turtle friendly lighting installed.



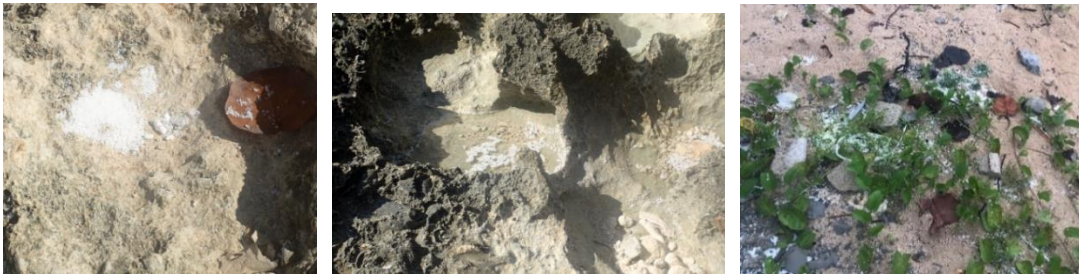
Figures 7-9: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman (Source: DoE, various).

Importance of Coastal Vegetation

Coastal habitat incorporates a variety of salt and wind-tolerant flora. Native coastal vegetation is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilising the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles in this proposed critical location. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and their ability to find the sea. Also, as mentioned before, nesting sea turtles often use coastal vegetation as a cue for nesting, and will crawl landwards up the beach until they reach the vegetation, or on a modified beach, a hard structure. Therefore it is recommended to plant native coastal vegetation as part of their landscaping scheme including along the coastal frontage of the site.

Construction Impacts on the Environment

Best management practices should be adhered to during construction to reduce impacts on the adjacent marine environment. Control measures should be put in place to address pollution from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 10-12).



Figures 10-12: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.

Storage of materials too close to the water's edge can result in pollution of the marine environment (see Figure 13) The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can affect marine species such as seagrass and corals as they rely on good water quality to

survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and temporary or informal stockpiles can still be impacted.



Figure 13. Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.

Section 41(4) Considerations

The site is designated as the critical habitat of a protected species under the NCA. Given the development is located directly on the critical sea turtle nesting habitat, it has the potential to impact the Critical Habitat of a Part 1 Protected Species under the NCA. The construction of the proposed residences may result in additional artificial lighting on the Critical Habitat. Without appropriate controls, there would or would likely be an adverse effect on the designated Critical Turtle Nesting Habitat, namely:

Without appropriate controls, there would or would likely be an adverse effect on the designated sea turtle critical habitat, namely:

- Section 2(a) of the NCA: alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife, and
- Section 2(j) alterations that may hinder or impede the movement or migration of wildlife.

In order to provide the Authority with an indication of the DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project is appended. Should the CPA wish to propose other conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA's application under Section 41(4) we will supply our Section 41(5) response in line with Appendix 1 within one week.

Appendix 1 – Draft Conditions

The following contains an indication of the DoE's section 41(5) response on behalf of the NCC and a draft of the Directed Conditions which will be required to form part of the approval for this project following application under section 41(4) of the NCA.

Draft Directed Conditions

Prior to Any Site Works

- 1. Prior to the commencement of any site works such as clearing, filling, grading and road construction, the property owner shall contact the Department of Environment to check for the presence of turtle nests; written approval shall be obtained from the Department of Environment that no nests will be impacted by the commencement of works.*

Prior to the Issuance of a Building Permit

- 2. Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 3. Prior to the installation of the beachside construction fencing and the commencement of construction works, the property owner shall contact the Department of Environment to check for the presence of turtle nests and to ensure that no nests will be impacted by the installation of the embedded fencing or the commencement of construction works. Refer to the Department of Environment's Technical Advice Note 1 Sea Turtle Construction Fencing. The Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- 4. Prior to the issuance of a Building Permit, beachside construction fencing associated with the works shall be installed and be positioned 75 from the Mean High Water Mark. 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. Refer to the Department of Environment's Technical Advice Note 1 Sea Turtle Construction Fencing. The Department of Environment will inspect the fencing and confirmation of the Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

During Construction

5. *All construction materials including excavated materials and/or debris shall be stockpiled on the landward side of the construction fencing.*
6. *Any sand that is to be excavated during construction shall be retained on-site and beach-quality sand shall be placed along the active beach profile. Placement of the sand on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*

Prior to the Issuance of a Certificate of Occupancy

7. *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 Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed lighting and specifications for visible light transmittance after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

*These conditions are directed to prevent the 'take' of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts on the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

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

APPLICANT'S LETTER

We are writing to request a variance with respect to side setbacks in the Planning Application for MAR Developments Project on Block 44B, Parcel 4, Manse Rd, Bodden Town District, Grand Cayman.

The mentioned property has a wide structure to accommodate 2 units, which affects the location of the septic tanks pushing it into the setback on either side, since Development and Planning Regulations (2017 Revision) requires 20 feet of side setbacks in Beach Resort Residential Zones. We feel that the location of the septic tank would not affect the adjacent lots. We would like to build a regular duplex with a total of 4896.66 sq. ft. building footprint area. The sufficient reasons and exceptional circumstances are below:

- *In order to provide the same enclose area to each unit we require to reduce the setback by 10 feet*
- *This setback variant allows a regular form in the project.*
- *There is not currently any adjacent buildings on Blk:44B Par:5 and Blk:44B Par:3*

Thank you in advance for your consideration or any further assistance in this matter, if you need any additional information, please contact us.

PLANNING DEPARTMENT ANALYSIS

General

The proposed three-storey, six-bedroom duplex is located on Manse Road in Bodden Town.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Front Setback Variance –

As proposed, the proposed right-side septic tank “deep well” is at 19’-5” vs 20’ which does not meet regulations 15 (4)(ii); however, the septic and deep well could easily be adjusted to comply.

2) Side Setback Variance –

The applicant is also seeking variances for the two septic tanks, proposed 10’ vs 20’ from each side; therefore, not meeting regulations 15 (4)(i).

2.20 SELVIN RICHARDSON (Whittaker & Watler) Block 43E Parcel 284 (P24-0626) (\$990,000) (EJ)

Application for a duplex.

FACTS

<i>Location</i>	Nothinham Drive, Lookout Gardens
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2902 ac. (12,641 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	6,600 sq. ft.
<i>Total building site coverage</i>	24.96%
<i>Required parking</i>	2
<i>Proposed parking</i>	6

BACKGROUND

In 2020, approval was granted for a duplex on 43E 283 with essentially the same design as the current application. On September 11, 2024 (CPA/23/24; item 2.13), the Authority modified planning permission to allow a rear setback of 16’ and a side setback of 12’2”

Recommendation: Discuss the application, **for the following reasons:**

- 1) Rear setback variance (13’7” (steps) & 17’9” (building) vs 20’)
- 2) Side setback variance (9’ vs 10’).

APPLICANT’S LETTER

On behalf of my client, I would like to request a rear and side setback variance for the Proposed Duplex on Block 43E Parcel 284.

After lining out the building and pouring the footing my client notice it was 2 ft. 3 inches into the rear setback line. The rear of this property has a 10 ft. LPP strip of land so the building will be 27 ft. 9 inches from the road at the rear.

The left side porch is 1 ft. into the setback line.

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

PLANNING DEPARTMENT ANALYSIS

General

The proposed two-storey, six-bedroom duplex is located on Nottingham Drive in Lookout Gardens.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Rear Setbacks Variance –

The proposed duplex does not meet the required rear setbacks, proposed at 13’7” & 17’9” vs 20’ from wall & planter/steps & building; therefore, not meeting Regulations 9(7)(i); consequently, the applicant is seeking a setback variance from the Authority.

2) Side Setbacks Variance –

The proposed has a covered patio on each side, but the patio on the south side is set back 9’ instead of the required 10’ and does not meet Regulation 9(7)(j).

2.21 JARON LESLIE (Architectural Designs & Cayman Contemporary Style) Block 38D Parcel 93 (P24-0480) (\$550,000) (AS)

Application for an addition & pool.

FACTS

<i>Location</i>	Manse Rd
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.5 AC (21,780 sq. ft.)
<i>Current Use:</i>	Residential
<i>Existing building:</i>	1,842 sq ft
<i>Proposed footprint:</i>	528 sq ftsq ft
<i>Site Coverage:</i>	15.25%

BACKGROUND

August 28, 2024 (CPA/22/24; item 2.17) - Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (Rev 2022) it was resolved to adjourn the application and apply for approval from the National Conservation Council pursuant to Section 41(4) of the National Conservation Act as the application would likely have an adverse effect on the critical habitat of a protected species.

Recommendation: Discuss the application for the following reasons:

- 1) Parcel combination
- 2) NCC 41(5) response

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Department of Environment.

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). This review is provided in accordance with Section 41(3) of the National Conservation Act (NCA) and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

*The application site is predominately man-modified and consists of primary and secondary shrubland. The beach located south of Manse Road has been designated as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)). All marine turtle species are listed in Part 1 of Schedule 1 to the NCA, as being 'protected at all times.'*

Artificial lighting associated with the proposed addition has the potential to impact important turtle nesting habitat.

Turtle Friendly Lighting

Artificial lighting on and around turtle nesting beaches is one of the greatest threats to the survival of Cayman's endangered sea turtle nesting populations. Bright lights on or near the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea where they die from dehydration, exhaustion, predators, or vehicles. It is important therefore that any lighting that may directly, indirectly or cumulatively illuminate the nesting beach be turtle friendly.

Turtle friendly lighting has been a legal requirement in ordinances in the United States for over 30 years. It is a proven solution to prevent the misorientation of sea turtles whilst safely and effectively lighting beachside properties. Figures 1-3 show examples of properties in Grand Cayman that have turtle friendly lighting installed.



Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman (Source: DoE, various).

Advice to the Applicant

Retaining native vegetation even in a predominantly man-modified area can still provide benefits to the property owner and the surrounding area. For example, retaining vegetation can:

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound 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.*
- Shade provided by retaining mature vegetation can also help to lower cooling demand and utility costs.*
- 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 assist with drainage, directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly through keeping the existing grade and permeable surfaces.*
- 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.*

Therefore, the applicant should retain as much native vegetation as possible and incorporate it into the landscaping scheme. This could be done by limiting clearing to only the development footprint. For the avoidance of doubt, the development footprint includes buildings, structures, hardscape, parking areas etc. 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.

Advice to the Planning Department/Central Planning Authority

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

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed works, the following conditions should be included in the approval:

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

Section 41(4) Considerations

*The site is adjacent to Critical Habitat under the Interim Directive for designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020) issued under Section 17 (7) of the National*

Conservation Act (2013). It is important to ensure that the proposed development will not have any unacceptable adverse impacts on this Critical Habitat.

Without appropriate controls, there would or would likely be an adverse effect on the designated Critical Habitat, namely:

- Section 2(a) of the NCA: alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife;
- Section 2(j): alterations that may hinder or impede the movement or migration of wildlife.

On the basis of the above information, and in accordance with the recent Court of Appeal judgement, in the exercise of powers which have been conferred through express delegation by the National Conservation Council (NCC) pursuant to Section 3(13) of the National Conservation Act (2013), the Director of DoE considers it necessary for the Central Planning Authority or Planning Department to apply for approval from the NCC under Section 41(4) of the NCA prior to determining this application.

In order to provide the CPA with an indication of DoE's section 41(5) response on behalf of the NCC, a draft of the Directed Conditions which will be required to form part of the approval for this project is appended. Should the CPA/Planning Department wish to propose other conditions as a means of mitigating the adverse impacts identified, please provide those conditions at the time of application for the DoE's review and approval. Once the DoE has received the CPA/Planning Department's application under Section 41(4), we will supply our Section 41(5) response in line with Appendix 1.

Appendix 1: DRAFT Section 41(5) Conditions

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

Prior to the Issuance of a Building Permit

1. Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.

Prior to the Issuance of a Certificate of Occupancy

2. *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 Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

These conditions are directed to prevent the 'take' of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts on the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (Chelonia mydas), Loggerhead turtles (Caretta caretta), Hawksbill turtles (Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii) (issued under Section 17 (7) of the National Conservation Act (2013)).

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a pool and a one (1) storey addition of a two (2) bay garage to an existing two (2) storey house.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Parcel combination

The application involves two lots, Block 38D Parcels 92 and 93. Parcel 92 appears to have been created as a road parcel for a larger parcel to the rear, but that parcel has about 110' of frontage on Manse Road so the need for the road parcel is unclear. A search of available records, including parcel mutations, did not reveal any application for subdivision to have created the apparent road parcel. The proposed house additions

and septic tank encroach onto this road parcel. Should approval be granted, a condition should be included to combine 38D 92 and 93.

SUPPLEMENTARY ANALYSIS

In response to the Authority's s41(4) referral, the following comments were received:

On 29 August 2024, the Department of Environment (DoE), under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013 (NCA)), received a request for approval under Section 41(4) of the NCA from the Planning Department/Central Planning Authority prior to the granting of planning permission for the aforementioned project.

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

Prior to the Issuance of a Building Permit

- 1. Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

Prior to the Issuance of a Certificate of Occupancy

- 2. 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 Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

These conditions are directed to prevent the 'take' of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts on the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical

Habitat of Green turtles (Chelonia mydas), Loggerhead turtles (Caretta caretta), Hawksbill turtles (Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii) (issued under Section 17 (7) of the National Conservation Act (2013)).

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

2.22 CRAIG ARTHUR (BENITEZ & SONS LTD.) Block 23C Parcel 249 (P24-0584) (450,000) (JS)

Application for a duplex.

FACTS

<i>Location</i>	Logwood Way, Prospect
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3563ac. (15,520 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Duplex
<i>Proposed building size</i>	2151.33 sq. ft.
<i>Total building site coverage</i>	26.19%
<i>Required parking</i>	4
<i>Proposed parking</i>	6

BACKGROUND

This application forms part of the application P97-102292 which was accepted at front desk 1997-12-10 for 5 apartments.

Recommendation: Discuss the application, **for the following reason:**

- 1) Lot size (15,520 sq ft vs 25,000 sq ft)

APPLICANT'S LETTER

I am writing this letter to request a specific variance regarding to my planning application to build a Duplex on my property at 7 Logwood Way (Block 23C, Parcel 249).

The variance is for the plot size, as the property is approx.. 16,000sqft and has an existing duplex on it. My intent is to build a further duplex, however my understanding is that, as per the current planning requirements, the plot size is too small to allow this. However, with the cost and scarcity of available land in established residential neighbourhoods, I would be grateful if the board would consider this variance, and if the following circumstances could be taken into account :

- 1) The existing duplex is very small (the building is over 30 years old), at approx.. 700 sqft interior space per apartment and is positioned solely on one half of the property i.e. over half of the existing plot is just spare ground.*
- 2) The new Duplex would be of similar and style to the existing i.e. a single storey 2 bedroom, and also be relatively small at just over 1000 sqft internal space per apartment.*
- 3) The planning application meets the requirements in terms of the number of bedrooms, as the total would be 8, with the plot size being .36 acres.*
- 4) The total build area would still be relatively small compared to the overall size of the plot i.e less than 25%*
- 5) The proposed and existing duplex meet all the requirements for set-backs etc.*
- 6) The plot has over 125 ft of frontage onto Logwood Way, therefore access and parking is not an issue*

Furthermore the properties around this area of Prospect, tend to be very much mixed, with single family homes, duplex and triplex apartments, multi-unit dwellings, townhouses coupled with commercial plots all within a short distance of my plot i.e. :

- 1) At the back of my property (25B-673), is the McRuss Convenience Store, and I believe further commercial development is scheduled for this plot.*
- 2) Also at the rear of the property, and adjacent to the McRuss Store, is a triplex apartment on 25B-204.*
- 3) Adjacent to the property is 23C-250, this a plot of similar size, which has 4 Apartments on it.*
- 4) On the corner of the property, 25B-147 on Grape Ave. is a Town House development. Elsewhere on Grape Av., there is a number of muti-unit dwelling buildings, coupled with a mix of single family and duplex homes.*
- 5) On the southern boundary of my property is 25B-225, this is an empty plot but it is zoned for commercial use.*

6) *Across the road from my property (25B-478) sits a larger duplex.*

Overall, the proposed additional duplex is not out of character with the neighbourhood, both in terms of its size and it also very much matches the style of a number of similar properties on Logwood Av. and adjacent streets. I also believe that any development, even this small, which is aimed at the lower end of the residential market, is something that is in short supply on Cayman.

I respectfully ask the board to consider my request for the variance, and thank you in advance for your time on this matter.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Logwood Way, Prospect.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size

The required lot size as can be seen in section (9) (8) (e) is 12,500 sq. ft. per duplex for total required lot size of 25,000 sq. ft., The subject lot size is 15,520 sq. ft.

The Authority should discuss the request for a variance.

2.23 DWAIN COOKE (AE DESIGNS) Block 15E Parcel 321 (P24-0607) (1.4 million) (JS)

Application for a house with garage & pool

FACTS

<i>Location</i>	Edgemere Circle, South Sound
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2904ac. (12,649 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2796 sq. ft.
<i>Total building site coverage</i>	22%
<i>Required parking</i>	1

BACKGROUND

A planning application was previously made for a 2-storey, 3-bedroom house and was granted permission 2021-01-06.

Recommendation: Discuss the application, **for the following reason:**

- 1) Rear setback (9' 10" vs 20')

APPLICANT'S LETTER

I am writing on behalf of my Client, Mr. Dwaine Cooke, to request a pool setback variance for their Residence on Block 15E parcel 321. We are seeking your favorable consideration for the following variances:

We are kindly seeking a setback variance for the pool and pool deck. The proposed pool encroaches on the rear setback; the elevation would be approximately 1'-6" above the finish grade, ensuring minimal disruption to the neighbors and their surroundings. Additionally, we have contacted our neighboring properties, and none have raised any objections to this encroachment.

Our request for this variance is made after careful consideration and thorough planning to ensure that the development of this property not only adheres to but also enhances the character and quality of the surrounding community. In designing our project, we have meticulously considered all applicable planning requirements and made significant efforts to exceed standards wherever possible.

We are more than willing to provide any additional information or clarification needed and look forward to the opportunity to discuss this request further. Your consideration of our variance application is greatly appreciated, and we hope for a favorable response.

Thank you for your time and attention.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Edgemere Circle, South Sound.

Zoning

The property is zoned Low Density Residential.

Specific Issues

- 1) **Rear Setback**

The required rear setback as can be seen in section (9) (8) (i) is 20', the proposed lot rear setback is 9'10".

The Authority should discuss the request for a variance.

2.24 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 4B Parcel 792 (P23-0861) (\$126,000) (KM)

Proposed modification to two-bedroom house

FACTS

<i>Location</i>	Abraham Dr, West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	0.1325 ac. (5,771.70 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,050 sq. ft.
<i>Total building site coverage</i>	18.20%

BACKGROUND

January 19, 2022 **CPA/02/22; Item 2.19** – Planning permission was granted by the Authority for a 1,050 sq. ft. two-bedroom house

Recommendation: Discuss the application, **for the following reason:**

- 1) Front setback variance for the front step (13'-10" vs 20')

APPLICANT'S LETTER

On behalf of my client, I would like to request a setback variance for the front steps of the house.

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request. Thank you in advance in this matter.

PLANNING DEPARTMENT ANALYSIS

General

Modifications to increase front entrance and steps to approved house located on Abraham Dr, West Bay.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Front step setback

The applicant has increased the front porch from what was originally approved; therefore, is seeking a front setback variance as the porch and steps are 13’-10” and 16’ respectively not meeting regulation 9(6)(h) of the Development and Planning Regulations (2024 Revision) for 20 feet.

2.25 NHD (Whittaker & Watler) Block 72B Parcel 182 (P24-0367) (\$151,800) (MW)

Modification to revise front porch; increase floor area 65 sq. ft., revise elevations & relocate septic tank.

FACTS

<i>Location</i>	Will Jackson Dr, East End
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1171 ac. (5,087.808 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,265 sq. ft.
<i>Total building site coverage</i>	24.8%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

BACKGROUND

October 3, 2023 – Three bedroom house – the application was considered and it was resolved to grant planning permission.

Recommendation: Discuss the application, for the following reasons:

- 1) Side setback (4'-11" (septic) / 1'-11" (deep well) vs. 10'-0")

APPLICANT’S LETTER

On behalf of my client, I would like to request a setback variance for the septic tank and deep well setback encroachment.

There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

Thank you in advance in this matter.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to revise front porch; increase floor area 65 sq. ft., revise elevations & relocate septic tank located on Will Jackson Dr., East End.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Side Setback

Regulation 9(7)(j) of the Development & Planning Regulations (2024 Revision) states “*the minimum side setbacks is 10 feet for a building of one storey*” The relocation of the proposed septic tank would place the septic tank (4'-11") & the deep well (1'-11") from the side boundary a difference of (5'-1" septic tank) & (8'-1" deep well).

2.26 EAMON WILSON (BDCL Architects) Block 22E Parcel 319 (P24-0593) (\$3,000) (EJ)

Application for an after-the-fact outdoor kitchen

FACTS

<i>Location</i>	Bimini Drive, Red Bay
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2984 ac. (12,998 sq. ft.)

<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Pool
<i>Proposed building size</i>	110 sq. ft.
<i>Total building site coverage</i>	23.97%

BACKGROUND

March 29, 2011 – Planning permission granted for a house and swimming pool.

November 11, 2022 – Planning permission granted for a house addition.

Recommendation: Discuss the application, **for the following reason:**

- 1) Side setback variance (8’11” vs 10’)

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Department of Environment.

Department of Environment (August 20, 2024)

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council. The Department of Environment confirms that we have no comments at this time.

APPLICANT’S LETTER

On behalf of our client, we are kindly requesting a variance for a 109.20 sqft outdoor, open air kitchen counter, which has 17’-6” of its total 32’-7” length extending 1’-6” beyond the 10’ setback on the south-western side.

*Within the Cayman Islands “Development and Planning Regulations (Planning Regulations 2022 Revision)”, **Planning Regulation 8.11e** “the Authority may grant permission for a setback to be located at a lesser distance that prescribed in those paragraphs having regard to..... - the location of the adjacent development”*

The outdoor, open air kitchen does not pose as an unsightly feature to the adjacent property, the neighborhood nor to public welfare. Please see pictures below.

***Planning Regulations 8.13(b) (iii):** “the feature will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, nor to the public welfare”*



Figure 1. The outdoor kitchen blends with its environs due to scale and material selections.



Figure 2.

We appreciate your consideration and look forward to your approval of our request for this variance.

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact outdoor kitchen is located on Bimini Drive in Red Bay.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Minimum Side Setbacks –

The applicant is seeking after-the-fact permission from the Authority for the outdoor kitchen, located on the south side at 8'11" vs 10' which does not meet regulations 9 (7)(j); therefore, the applicant is seeking a setback variance from the Authority.

2.27 LG CONTRACTING LTD. (Tropical Architectural Group) Block 19E Parcel 237 (P24-0524) (\$1,582,100) (MW)

Application for an industrial building for a re-bar facility.

FACTS

<i>Location</i>	North Sound Rd., George Town
<i>Zoning</i>	Heavy Industrial
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	3.787 ac. (164,961.72 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	10,121.11 sq. ft.
<i>Total building site coverage</i>	47.35%
<i>Required parking</i>	10.12
<i>Proposed parking</i>	11

BACKGROUND

December 18, 2019 – 8’ Chain link fence (CPA/26/19; Item 2.25)- the application was considered and it was resolved to grant planning permission.

October 27, 2021 – Office building and Use of associated land for landscaping business (CPA/22/21; Item 2.14) – the application was considered and it was resolved to grant planning permission.

Recommendation: Discuss the application, **for the following reasons:**

- 1) Front Setback (15’-11 1/4” (garbage) vs. 20’-0”)

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Water Authority, Department of Environment and the Fire Department.

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 1,500 US gallons for the proposed, based on the following calculations:*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
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Bathrooms	2 x W.C.	150gpd/W.C.	300
Office Space	1863.76 sq.ft.	0.15/sq.ft.	279.56
TOTAL			579.56

- *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:

- 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.

Water Supply

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

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

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

National Roads Authority

No comments received to date.

Department of Environmental Health

No comments received to date.

Department of Environment (6-8-24)

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Ecological Overview

The application site is man-modified and of limited ecological value.

Advice to the Applicant

We recommend that the applicant retains any mature trees on-site and utilizes them for shade. In addition, we recommend that the applicant plants native vegetation and incorporates it into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides ecological benefits by creating habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

The applicant may wish to consider the use of porous or permeable paved surfaces in areas of hardstanding, such as the proposed driveway and parking area. The applicant could use gravel or sustainably designed pavers for the driveway and parking. These materials will allow rainwater infiltration and help manage the impacts of stormwater run-off. Some examples of sustainably designed pavers can be seen in Figures 1-3 below.

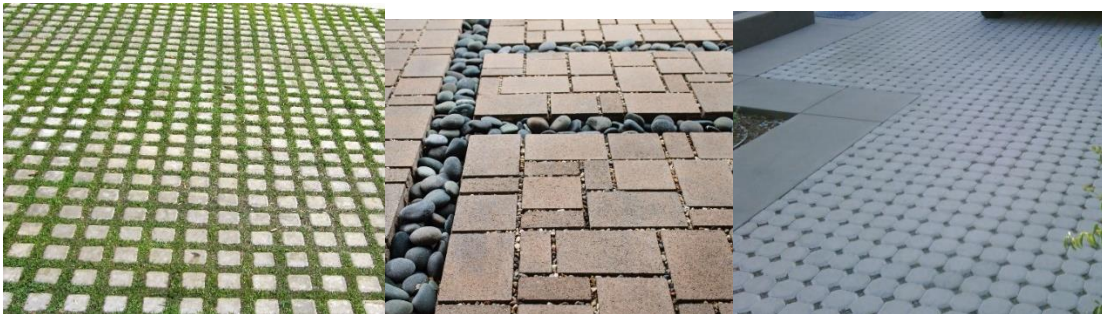


Figure 1-3. Examples of sustainably designed pavers.

Advice to the Central Planning Authority/Planning Department

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

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

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

Fire Department

Approved for Planning Permit Only 10 Sep 24

PLANNING DEPARTMENT ANALYSIS

General

The application is for a re-bar facility; 24,340 sq. ft. to be located on North Sound Rd., George Town.

Zoning

The property is zoned Heavy Industrial.

Specific Issues

1) Front Setback

Regulation 8(8)(b) of the Development and Planning Regulations (2022 Revision) states *“the minimum road setbacks shall be 20’, unless otherwise specified by the Authority.”*

The applicant has proposed the garbage enclosure to be *(15’-11 1/4”)* from the fronting road boundary a difference of *(4’-3/4”)*.

2.28 CAYMAN ISLANDS NATIONAL WEATHER SERVICE STATION (Tropical Architectural Group Ltd.) Block 20E Parcel 356 (P24-0446) (\$10,000) (MW)

Modification to site layout, add new parking area, relocate garbage skip, revise main building (elevations, room reassignment, elevator dimensions); increase floor area of hydrogen generator house; add (2) signs.

FACTS

<i>Location</i>	Agnes Way., George Town
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	4.716 ac. (205,428.96 sq. ft.)
<i>Current use</i>	Existing police station

<i>Proposed building size</i>	12,304 sq. ft.
<i>Total building site coverage</i>	3.33%
<i>Total site coverage</i>	18.14%
<i>Required parking</i>	41
<i>Proposed parking</i>	69

BACKGROUND

December 18, 2019 – Three story building, 8’ wall and proposed satellite dish (CPA/26/19; Item 2.4) – the application was considered and it was resolved to grant planning permission.

April 3, 2020 – Hydrogen generator housing (CPA/06/20; Item 2.31) – the application was considered and it was resolved to grant planning permission.

September 30, 2020 – Modify planning permission to increase the floor area by 310 sq. ft., revise the floor plan and elevations and adjust site levels and gate location (CPA/16/20; Item 2.34)- the application was considered and it was resolved to grant planning permission.

October 28, 2020 – Underground LPG tank (CPA/18/20; Item 2.26) – the application was considered and it was resolved to grant planning permission.

Recommendation: Modify Planning Permission

AGENCY COMMENTS (Section 7 DPA)

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

Water Authority

Please be advised that the Water Authority’s requirements for this development remain unchanged from those submitted previously (Plan Ref: i082019-143724, P19-0876) and are as follows:

Wastewater Treatment & Disposal

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

Existing septic tanks shall be decommissioned

- The Existing septic tanks serving the apartment buildings shall be decommissioned as per the Water Authority's Best management: practices:

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf

Elevator Installation

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

Generator and Fuel Storage Tank(s) Installation

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

Water Supply

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

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

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

National Roads Authority

As per your memo dated July 16th, 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issue

- Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.
- Tire stops (if used) shall be place in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum
- The applicant is required to show a ten (10) feet vehicular Right of Way along the western boundary in favour of 20E6.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 10,575sq. ft. has been assessed in accordance with ITE Code 733 Gov. Office Complex. The anticipated traffic to be added onto Lyndhurst Ave is as follows

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
279	22	20	2	22	9	20

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

Access and Traffic Management Issues

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

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

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

Stormwater Management Issues

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

post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:

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

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

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

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

Department of Environmental Health

The department has no objections to the proposed.

1. Please note and be reminded of the following conditions below for the Hydrogen Generator House:

a. The Generator House must conform to International Mechanical Code Section 304.5 Hydrogen-generating and refuelling operations. Hydrogen-generating and refuelling appliances shall be installed and located in accordance with their listing and the manufactures instructions. Ventilation shall be required in accordance with Section 304.5.1, 304.5.2 or 304.5.3.

i. Section 304.5.1 Natural ventilation

ii. Section 304.5.2 304.5.2 Mechanical ventilation

iii. Section 304.5.3 304.5.3 Specially engineered installations

2. This development requires (1) eight cubic yard container with once per week servicing.

Department of Environment (6-8-24)

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Application History

The DoE reviewed the original planning application for the Cayman Islands National Weather Facility in August of 2019. At the time, the plans showed a 9931 square foot, three-storey building with an 8 foot high perimeter wall and fence.

Advice to Applicant

The DoE recommends that wherever possible, sustainable design features should be incorporated into future government development projects. In particular, renewable energy installations would be appropriate given the target that 70% of energy generation is to be renewably sourced by 2037. Photovoltaic panels could be installed over the proposed parking spaces or on the roof, depending on the availability of space.

Recommendations to the Central Planning Authority / Planning Department

The site is man-modified and of limited ecological value. This application is for a modification of the original planning permission and appears to incorporate some layout changes and alterations to exterior windows. As such, the additional environmental impact is minimal.

Best management practices should be adhered to during construction to reduce impacts on the environment. In particular control measures should be put in place to address pollution

from expanded polystyrene (EPS) beads on construction sites, for example those used in insulating concrete forms (ICF). Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when it enters the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down.

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

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

Fire Department

Approved for Planning Permit Only 15 Aug 24

CIAA

Approved 22-Jul-24

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to site layout, add new parking are, relocate garbage skip, revise main building (elevations, room reassignment, elevator dimensions); increase floor area of hydrogen generator house; 161 sq. ft. & add (2) signs ; 83 sq. ft. & 36 sq. ft. located on Agnes Way, George Town.

Zoning

The property is zoned Medium Density Residential.

2.29 CF HIGH SCHOOL (Kariba Architecture) Block 20E Parcel 87 (P24-0707) (\$900,000) (NP)

Application for additional classrooms.

FACTS

<i>Location</i>	Linford Pierson Highway, George Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections

<i>Parcel size</i>	1.96 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	High school under construction
<i>Proposed use</i>	High School
<i>Proposed Building Footprint</i>	4,722 sq. ft.
<i>Proposed Building Area</i>	4,722 sq. ft.
<i>Total site coverage</i>	49.8%
<i>Parking Required</i>	52 ITE
<i>Parking Proposed</i>	52

BACKGROUND

November 8, 2023 (**CPA/26/23 Item 2.15**) – The Authority resolved to grant planning permission for a high school (P23-0674).

Recommendation: Grant planning permission.

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the WAC, DOE, NRA, and Fire Department.

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 7,651 US gallons per day (gpd), based on the following calculations.*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/BLDG</i>	<i>GPD</i>
<i>CF High School (Phase 1)</i>	<i>Plan Ref: i091223-112446-38, P23-0674</i>		<i>5,439.75</i>
<i>CF High School (Phase 2)</i>	<i>Classroom 2 x 642 sq. ft.</i>	<i>1,284 x 0.75 (school factor - no cafeteria or gym)</i>	<i>963</i>

	<i>Science Block 1 x 1664 sq. ft.</i>	<i>1664 x 0.75 (school factor - no cafeteria or gym)</i>	<i>1248</i>
		<i>TOTAL</i>	<i>7,650.75</i>

- *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.

Fire Department

The Fire Department has stamp approved drawings for the proposal.

Department of Environmental Health (DEH)

Comments not yet received.

National Roads Authority

As per your memo dated July 26th, 2024 the NRA has reviewed the above-mentioned planning

proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the addition of a 4,722 sq. ft classroom and science block with 75 students has been assessed in accordance with ITE Code 522 Middle/JR. High School. The anticipated traffic to be added onto Linford Pierson Highway is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 55% In</i>	<i>AM Peak 45% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 49% In</i>	<i>PM Peak 51% Out</i>
<i>122</i>	<i>41</i>	<i>22</i>	<i>18</i>	<i>12</i>	<i>6</i>	<i>6</i>

Based on these estimates, the impact of the proposed development off of the Linford Pierson Highway is considered to be minimal.

Access and Traffic Management Issues

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

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

Stormwater Management Issues

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

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

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

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto off of the Linford Pierson Highway.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail.s.p df>)*

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

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

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

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Ecological Overview

The application site is now man-modified with planning permission granted in December 2023 for a high school (P23-0674; CPA/26/23 Item 2.15).

Advice to the Central Planning Authority/Planning Department

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

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

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

Ministry of Education

Comments not yet received.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town on the Linford Pierson Highway, west of Mangrove Point apartment complex and north of Vela apartments. It is directly south of the recently constructed Island Primary School.

The property is presently the site of a high school under construction.

The proposal is for two new one-storey classroom buildings (642 sq ft each) and a one-storey science block (1,664 sq ft) at the west end of the site.

Zoning

The property is zoned Low Density Residential.

2.30 GEORGE HUNTER (OAD) Block 68A Parcel 70 (P24-0667) (\$60,000) (NP)

Application for a storage building.

FACTS

<i>Location</i>	High Rock Drive, East End
<i>Zoning</i>	Low Density Residential

<i>Notification results</i>	No objections
<i>Parcel size</i>	47,044.8 sq. ft.
<i>Parcel size required</i>	10,000 sq ft
<i>Current use</i>	House & Communications Tower
<i>Proposed use</i>	Storage Building for Communications Tower
<i>Building size & footprint</i>	114 sq ft

Recommendation: Grant planning permission.

AGENCY COMMENT (Section 7 DPR)

The Authority received comments from the DOE.

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The site is man-modified and has an existing communications tower, and the proposed storage structure is to be located within the existing compound.



Figure 1: 2021 aerial photography showing the application parcel (Source: UKHO, 2021)

Advice to Central Planning Authority / Planning Department

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on High Rock Drive in East End.

The property currently contains a house and communications tower.

The proposal is for a 114 square foot storage shed to be associated with the communications tower.

Zoning

The property is zoned Low Density Residential.

2.31 LISA & KEVIN SCHIRN (PPDS) Block 13D Parcel 9 (P24-0750) (\$8,000) (NP)

Application for 2 lot subdivision.

FACTS

<i>Location</i>	Courts Road, George Town
<i>Zoning</i>	HDR
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	129,591 sq. ft.
<i>Parcel size required</i>	5,000 sq. ft. for dwellings 5,000 sq. ft. for apartments
<i>Parcel width required</i>	60 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	63,472 sq. ft. & 66,098 sq. ft.
<i>Current use</i>	Townhouses & Vacant

BACKGROUND

(CPA/25/97; Item 3.2) – The Authority resolved to grant planning permission for 16 apartments and 28 bedrooms.

(CPA/09/99; Item 6.9) - The Authority resolved to grant planning permission for 16 apartments and 28 bedrooms.

Recommendation: Grant planning permission

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the DOE, NRA and Water 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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

The application site is man-modified, and we have no significant environmental concerns in relation to the proposed subdivision. However, any future development including land clearing should be the subject of a separate consultation.

Water Authority Cayman

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, however, please be advised that the connection of a proposed development to the Water Authority's piped water supply may require an extension.

- *Extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The developer shall contact The 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.

National Roads Authority

As per your email dated August 21st, 2024, 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.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in George Town, on Courts Road.

The proposal is to divide the parcel in two. Lot 1 would have 1.45 acres with 198.3 feet of lot width and Lot 2 would have 1.52 acres with 209.1 feet of lot width.

Lot 1 is developed with 32 townhouse units with 56 bedrooms and this meets the density requirements of the HDR zone after subdivision (36 units and 60 bedrooms would be allowed).

Both proposed properties would also satisfy the minimum lot size and lot width required by the Regulations.

Zoning

The property is zoned High Density Residential.

2.32 SERENA WHITTAKER (OAD) Block 49C Parcel 55 Rem 1 (P24-0449) (\$133,400) (NP)

Application for a kitchen/storage room expansion.

FACTS

<i>Location</i>	North Side Road, North Side
<i>Zoning</i>	Low Density Residential
<i>Parcel size</i>	2.6 acres
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Civic Centre
<i>Proposed use</i>	Kitchen/Store room expansion
<i>Proposed Footprint</i>	667 sq ft

BACKGROUND

Existing Civic Centre

Recommendation: Grant Planning Permission

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the WAC, NRA, DOE, DEH, and Fire Department.

Water Authority Cayman

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

Wastewater Treatment for Existing Structure

The existing building(s) on the parcel are currently served by a septic tank(s). The Water Authority advises that all wastewater infrastructure, including septic tanks, deep wells, ATUs, etc. must be contained within the boundaries of the parcel on which the building stands.

Change-of-Use with Existing Septic Tank

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

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

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

Water Supply

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*

- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>*

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

Department of Environment

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). This review is provided in accordance with Section 41(3) of the National Conservation Act and the Section 41 Guidance Notes issued by the National Conservation Council.

Site Overview

The application site is man-modified with limited ecological value.

Advice to the Central Planning Authority/Planning Department

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

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

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

Department of Environmental Health

DEH has no objections to the proposed with the following condition:

1. A two-compartment prep sink is required in the kitchen.
2. The following must be submitted at the BCU stage: a. The approved BCU hood details. b. The specifications for the hot water heater.

Fire Department

The Fire Department has stamp approved the drawings.

National Roads Authority

As per your memo dated July 2th, 2024 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 extension for a kitchen and storage .

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on North Side Road in North Side.

The property currently contains the North Side Civic Centre.

The proposal is to expand the building with a kitchen expansion and store room consisting of 667 square feet.

Zoning

The property is zoned Low Density Residential.

2.33 ISLAND PROPERTIES LTD. (TAG) Block 1C Parcel 279 (P23-1151) (\$5,000) (NP)

Application for a railing on a seawall.

FACTS

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR/LDR
<i>Notification result</i>	The Objector has withdrawn their objection
<i>Current use</i>	Townhouses

BACKGROUND

April 28, 2021 (CPA/9/21; Item 2.7) – Planning permission was granted for 52 apartments on the property (P21-0151).

May 8, 2024 (CPA/14/24; Item 2.5) – The Authority resolved to adjourn the application and re-invite the parties to another meeting and to have the stairs to the water shown on the site plan.

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on North West Point Road and the townhouse development is known as Sunset Point.

The property contains existing townhouses and a pool.

The applicant is seeking planning permission for a four foot high railing to be placed on top of an existing seawall that is located on the property.

Zoning

The property is zoned Beach Resort Residential/Low Density Residential.

SUPPLEMENTARY COMMENTS

The objector has withdrawn their objection to the proposal.

The applicant has advised that there are no longer stairs from the top of the seawall to the seashore.

2.34 RONNIE ANGLIN (Benitez & Sons Ltd) Block 4C Parcel 157 (P24-0583) (EJ)

Application to modify planning permission for approved apartments adding 690.46 sq. ft. for laundry room and modification to staircase.

FACTS

Location	Birch Tree Hill
Zoning	HDR
Parcel size proposed	0.19 ac. (8,276.4 sq. ft.)
Parcel size required	5,000 sq. ft.

Current use	Apartments under construction
Proposed building size	1,817.85 sq. ft.
Total building site coverage	19.47%
Allowable units	4
Proposed units	6
Allowable bedrooms	7
Proposed bedrooms	8
Required parking	9
Proposed parking	9

BACKGROUND

September 28, 2022 (CPA/23/22; Item 2.11) – the Authority granted permission for six apartments.

December 13, 2023 (CPA/30/23; Item 2.7) – the Authority modified permission for apartments to revise floor layout and external appearance of building.

Recommendation: Grant planning permission.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a modification to add 690.46 sq. ft. under the proposed northern staircase to create another laundry area. The site is located on Birch Tree.

Zoning

The property is zoned High Density Residential.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix A

P24-0471

Popovich, Nicholas

From: Department of Planning
Sent: Friday, June 7, 2024 9:15 AM
To: Popovich, Nicholas
Subject: FW: Planning Application - Project P24-0471

From: Claudia Subiotto <claudia.subiotto@bovell.ky>
Sent: Thursday, June 6, 2024 4:26 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] FW: Planning Application - Project P24-0471

CLAUDIA MARIA JUCA MONTEIRO DE SA SUBIOTTO
531 South Church Street, P.O. Box 673 CAM
Grand Cayman KY1-9006
Cayman Islands
Tel. (+1345) 927-1000; E-mail: csubiotto@gmail.com

6 June 2024

The Director of Planning
P.O. Box 113,
Grand Cayman,
KY1-9000
Cayman Islands

Dear Sir,

Subject: Objections Regarding the Planning Application for New Development on Block 7C Parcel 13 on South Church Street

I am writing to set forth my objections to the above-captioned application for planning permission.

As owner of the property directly across from the land proposed to be developed, I have reservations regarding the development as currently proposed and hope that the planning authority will take these reservations into account in reviewing the application.

My comments are not aimed at stopping the development at all costs; rather I hope they will form the basis for certain adjustments to be made to the proposed development to allow it to progress while retaining the character and dynamics of our local community along South Church Street.

1. Density

This area is predominantly characterised by single-family homes on spacious lots, including my own property at 531 South Church Street (Block and Parcel 7C 21) and the existing residence at Block and Parcel 7C13, where the development is proposed.

While there are other apartment or housing projects on South Church Street, these are generally smaller and with fewer apartments, people, and vehicles, for example, Casa Luna located further down South Church Street.

All of these are in keeping with the character of the area. I believe that constructing a development consisting of 34 apartments on a parcel of land currently occupied by a single dwelling house is excessive.

Of particular concern also are the 70 parking spaces that are proposed to accompany these apartments. With the current lack of public transport, it is not beyond the realm of possibility that each of the 34 apartments will require a minimum of two vehicles per apartment or a total of 68 vehicles, each entering and exiting South Church Street, an already busy road (that will become busier given the other projects on that have been approved and are currently under construction:) making it difficult and risky for us, as well as our neighbours, to exit and enter our drives. This will also significantly increase the traffic volume, which at peak hours already backs up from George Town well past my property.

Finally, it seems that a variance in the rear setback to the property is being sought - but it is worth remembering that there is an indentation in the ironshore that should be a barrier to accepting the variance request, due to the deleterious effects of wave action against the shores of our neighbourhood and in addition, such indentation should push set backs further up by the minimum 50 feet required by the regulations, rendering the usable area for the development, smaller.

2. Entrance/Exit Location

The currently-planned location of the development's entrance/exit appears to be directly across from the entrance/exit of my property. This concerns me for three reasons:

First, cars entering the development from the North will be stopped right in front of my exit/entrance waiting to turn into the development.

Second, cars exiting the development will add a variable and potential risk to take into account when exiting my property.

Third, this adds significant traffic activity into and out of South Church street at a point on South Church street that is right next to a bend that is a problematic bend. We have lived in our property for 21 years now and every year the will be cars hitting the wall of the property on 7C13. The location of the entrance/exit is dangerous, not only for the residents of the proposed development but also for passing motorists and pedestrians.

I suggest that, as a minimum, the entrance should be relocated further north, away from this hazardous area and in the location where there already exists an entrance/exit to the property, to mitigate the increased risk of collisions and ensure safer ingress and egress for all.

3. Waste disposal

I note that is proposed to locate the waste disposal for the whole development on the boundary right on South Church Street. I feel that doing this would be unsightly and negatively impact the characteristics of the area. This should be re-located in a way that is less obtrusive, more centrally within the development.

4. Proximity to the Fuel Tanks and need for a pedestrian passage to the Ocean

While offering a beach/ocean access is a requirement for a development with the 239 feet frontage, I find that this access, located along the north boundary should be better utilized if it would be a wider entrance accounting for fire trucks. My worry is based on a 2018 fire incident that could have ended in a catastrophic way, so enhancing access for the fire services is not only prudent but should be of utmost importance. Furthermore, the plans indicate a request for variance on both sides of the property, and due to the reasons set forth, I believe that allowing the building to sit even closer to the fuel tanks could not increase the risks to the residents. In addition, having a pedestrian alley to the ocean will invite users and visitors, so problems with the lack of parking in the immediate neighborhood would need to be carefully considered and planned for.

5. Lack of Solar Panels and 100% reliance on CUC

The residents of these islands have recently been made aware that we will experience shortages of power as the current needs exceeds the capacity to produce. Considering this extremely urgent problem, I do not see how a project this large, that solely relies on electricity, can be approved without concerns for the broader community. One solution in addition to reducing the number of units would be to add solar panels.

The above points summarize the aspects I find need to be carefully reconsidered.

Yours faithfully,

Claudia Maria Juca Monteiro de Sa Subiotto

535 South Church Street

P.O. Box 190

George Town

Grand Cayman

KY1-1104

Cayman Islands

Email: cpimentel@applebyglobal.com;

seaorchardretreat@gmail.com

Tel: 345 525 4906

345 925 5868

05 June 2024

The Director of Planning,
P.O. Box 113,
Grand Cayman,
KY1-9000
Cayman Islands

Dear Director of Planning,

RE: OBJECTIONS TO NOTICE OF APPLICATION FOR PLANNING PERMISSION ON BLOCK AND PARCEL 7C13

FROM THE OWNERS OF BLOCK AND PARCEL 7C 22

We are writing to set out our objections and concerns to the above application for planning permission for a proposed 46,741 Sq. Ft. (34) Unit Apartment Building; 700 Sq. Ft. Cabana; (1) Swimming Pool, 28 Sq. Ft. Developmental Sign attached to 4' wall; Retaining Wall and Sea Wall.

We have a number of concerns and objections to the proposed development which we wish to communicate to you in a constructive and helpful way.

Overview

Overall, we consider that the proposed development is not in keeping with the character of this particular area of South Church Street, which comprises mainly single residential homes on good sized lots, such as the residence which currently occupies Block and Parcel 7C13 itself and our home at 535 South Church

Street on Block and Parcel 7C 22, as well as our immediate neighbours at 531 South Church Street. To the extent there exist other apartment or housing developments in the area, they tend to be smaller developments with less density of apartments, people and vehicles eg. Casa Luna at Portuguese Point, further along South Church Street. In our view, a development of 34 apartments is too many apartments to build on a lot replacing one dwelling house and will have a negative impact on existing residents for the reasons set out below.

In summary, the proposed development also raises serious concerns around increased volume of traffic, heightened risk of road traffic accidents on this section of South Church Street and increased difficulty of egress and ingress from our own property, as well as the negative impact of the proposed location of the entrance to the proposed development.

Traffic

Our main objections to the proposed development arise from the negative impact the development will have on traffic flow on South Church Street, the increased potential for vehicle accidents and collisions on South Church Street and the current location of the proposed entrance/exit to the development on the plans which have been submitted.

In terms of traffic flow, as we understand it there is provision for 70 parking spaces with the development, which are all likely to be taken up in the event all 34 apartments were to be occupied. We believe that this will add significant additional burdens to the already very busy South Church Street and make entering and exiting our drive and those of neighbours more difficult and risky. Most mornings at peak times the traffic on South Church Street going into George Town is backed up well past this area, as far back as Denham Thomson Road. The addition of 70 cars will worsen congestion at peak times, morning and evening in particular and have a very negative impact on traffic flow. The overall result will be to add significantly to the volume of traffic in the immediate area without offering any solution or suggestion for mitigating the impact for surrounding residents and existing through traffic.

Increased risk of road traffic accidents

South Church Street is narrow and without sidewalks for the most part. There are many pedestrians who exercise and walk their dogs along the street at all times of day walking in the road very close to passing traffic. In addition, the sharp bend in the road between our property, block and parcel 7C13 and the Dart Park is dangerous for drivers and pedestrians and a well-known hot spot for car accidents.

We foresee an increased risk of road traffic accidents with this development as a direct result of additional traffic volumes. We have lived at 535 South Church Street for 19 years. During that time period we have witnessed numerous traffic accidents in front of or adjacent to our property and to block and parcel 7C13, as well as the empty lot opposite our house next to 7C13 and our neighbours at 531 South Church Street. Cars regularly collide with the wall of the property situated at 7C13 which has had to be rebuilt multiple times over the years.

The addition of 70 cars in the immediate vicinity will cause us increased difficulty exiting our drive, which already has restricted visibility and access due to the heavy traffic both ways and the sharp bend in the road, as well as for our neighbours at 531 South Church Street and for parents dropping off and picking up children at the Montessori of Cayman school also immediately opposite the proposed development.

Location of proposed entrance to the development

The proposed entrance on the plans is too close to the bend in the road and is immediately opposite our property and 531 South Church Street. At a minimum the Director of Planning should require that the entrance and exit to the proposed development is as far to the north side of the development as possible, away from the bend in the road and closer to George Town. For reasons already stated the current proposed entrance is very close to the main flashpoint for road collisions and the prospect of an increased flow of traffic in this particular spot is in our view dangerous, not only for the residents of the proposed development but also for passing motorists and pedestrians.

Proximity to Sol Fuel Tanks

Finally, we also consider that the immediate proximity of the proposed development to the Sol Fuel Tanks should be a cause for concern for you. It will be recalled that in 2017 a fire at the Fuel Tanks required the evacuation of residents in the immediate area and up to one mile away initially and the fire services had difficulties tackling the fire which could have been much worse. The Planning department will need to be fully satisfied that building a development of 34 apartments right next door to the fuel tanks is a safe and prudent proposal to approve.

We would be happy to discuss our objections and concerns with you and to answer any questions you may have at your convenience.

Thank you for your attention to these matters.

Yours faithfully,



Carlos and Fiona de Serpa Pimentel

Owners of Block and Parcel 7C 22

CC: Tropical Architectural Group Ltd, P.O. Box 12218, KY1-1010

BODDENS.

LEGAL & CORPORATE

Our ref: Bodden, Maureen & Maxine
Direct telephone: 345-623-8261; Email: paul.simon@boddens.ky

05 June 2024

The Director of Planning
P. O. Box 113, Grand Cayman, KYI 9000

Dear Sir,

Subject: Planning application for Parcel 7C13 (P24-0471)
Objection of Maureen & Maxine Bodden (Parcels 6D71 & 7C23 & 7C25)

Bodden & Bodden represents the objectors named above who object to the proposed application for the following reasons:

1. The Proposed Development

Parcel 7C13 currently has a single-family home on the Parcel. This is to be demolished to create 6 two storey buildings containing 34 units with each being 741 square feet; the size of the units is out of character with the single-family homes in the neighbourhood.

2. Traffic Congestion

Assuming that each unit will have a vehicle, 34 cars will be added to the traffic flow of an already congested South Church Street. North of Parcel 7C13, on Parcels 6D 60 and 6D63, the trucks and tank vehicles of Sol Petroleum Cayman Limited, and on Parcel 6D12, the trucks and tank vehicles of Rubis Cayman Islands Limited, are already causing traffic congestion and sometimes a potentially dangerous situation for the narrow roadway and a bad corner for accidents. South of Parcel 7C13, on Parcel 7C10, you have the occupants of the 18 buildings of The Proprietors, Strata Plan No. 762.

3. Character of the Neighbourhood

Although the West side of South Church Street, to the North of Parcel 7C13, is occupied by commercial business ventures (see above), the East side has single family residential homes on Block 6D and, directly opposite Parcel 7C13, Parcels 7C20 to 7C22. There are a large number of elderly persons who live in the area.

4. Infrastructure

In the opinion of our clients, with CUC warning of planned outages because of high electricity demand, our clients submit that the existing infrastructure does not support the addition of the proposed units.

Our clients wish to be heard at the meeting of the CPA and may make additional points of objection at that meeting.

Yours truly,



Bodden & Bodden

Appendix B

PO Box 552
Savannah, Grand Cayman
KY1-1502

Kenneth Walker
Owner
Block 48E Parcel 70H019



October 15, 2023

Director of Planning
PO Box 113
Grand Cayman, KY1-9000
Planning.dept@gov.ky

To Whom it may concern,

I would like to address my concerns and express my objection of the proposed 6 x five story apartment building (157 apartments in total) with 3 x pools. Block and parcel 43D175.

We (Owners and renters of Moonbay condominiums) have seen some recent and current construction in the last few years and it is disconcerting to everyone that the government is allowing more construction without taking into consideration the impact on the environment or the people of Grand Cayman. What is the increase in rubbish (garbage), water use, fuel consumption, ocean traffic (impacts coral and sea life) as well as impact of road, water and sewage infrastructure?

In recent years we have seen a multitude of residences built or in the process of being built.

The Grand Hyatt Residences	The Watermark	Lacovia	Aqua Bay	Prisma
One Canal Point	The Grove 2	Blue Palms	The Sands	Serrano
Lotus at Canal point	Sapphire Oceans 9	Seadreams	RIA	Point West
Salt Air Townhomes	Sunset Point	Kapok	Secret Beach	One/GT
Urban Flats	The Bentley	Aura	Allure	Paris
Dolphin Point Club	Downtown Reach	Catalina Bay	Kailani	Q
The South Sound Collection	Bahia	Mantras	Karma	Seaview
Harbor Walk Residences	Grand Palmyra	Indigo Bay	Prive'	The Lagoons
The Meadows at Batabano	Beach Groves	Ocean Vista	Tradewinds	Arvia
The Residences at Mandarin Oriental		The Silver Reef Residences		Jay

Every person living on grand Cayman knows how bad the traffic is and once the above-mentioned complexes are filled, the traffic delays and accidents will only increase.

While Grand Cayman is working on some roads around Georgetown to alleviate the traffic, it will not make any difference to those coming from East End, North Sound or West Bay once current construction of complexes is complete, so to add more would only exacerbate the problem.

If the government doesn't look at the future and ensure the ecosystem and infrastructure can handle the current growth, the Cayman Islands government will not only be doing a disservice for the people that live on the island but will be harming the Caymanian people of Grand Cayman.

Until an environmental impact study on the surrounding waters from current construction and the infrastructure on Grand Cayman is in place, particularly the roads, I **OBJECT** to any new construction of any complexes, especially east of Savannah where you are proposing new construction. **Block and parcel 43D175.**

The government should consider a moratorium on construction east of Grand Harbor until they know what it will do to the overall health of the island as well as having the roads in place to mitigate traffic issues.

Sincerely yours,

Kenneth Walker, ELD

Popovich, Nicholas

From: Department of Planning
Sent: Monday, October 23, 2023 1:27 PM
To: Popovich, Nicholas
Subject: FW: 42D175 Objection from owner of 48E 70 H20

From: [REDACTED] <[REDACTED]@hotmail.com>
Sent: Monday, October 23, 2023 12:12 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] 42D175 Objection from owner of 48E 70 H20

Director of Planning

PO Box 113

Grand Cayman, KY1-9000

To Whom it may concern,

As a Caymanian who has spent the majority of my life in Bodden Town, I **STRONGLY OBJECT** to the proposed 6 x five story apartment buildings (157 apartments in total) with 3 x pools. Block and parcel 43D175. [REDACTED]

Firstly, I object due to environmental impact that will be caused by a complex of that size with the quantity of residents. It will impact not only the sea, but also the land and wildlife in the area. We have already seen the impact of building in the surrounding areas with displaced birds and agouti etc.. looking for places to live. We have also seen a huge decrease in the sea life in Bodden Town. Conch, lobster, fish etc. used to be plentiful in Bodden Town. Now it is extremely scarce. Imagine what the impact of 157 new apartments in the area would do.

Secondly, I object due to the "cultural" impact that will be caused by a complex of that size. Bodden Town, being the first capitol of the Cayman Islands, has great importance historically. Bodden Town is where the first school **and the first church** were located. It is where democracy started in the Cayman Islands. The quaintness of Bodden Town and it's historical importance must be preserved for generations of Caymanians to come. The National Trust has worked very hard at ensuring this and building 6 high-rise buildings in Bodden Town will destroy the charm and unique features of the community. The proposed buildings are totally inconsistent with other structures in Bodden Town.

Thirdly, I object due to Bodden Town and the Eastern districts do not have the infrastructure to support 157 units. The roads alone is reason to not build. Daily traffic is a constant challenge for residents of these areas. Families are spending hours a day sitting in traffic as it is now and this will exacerbate the problem.

Planning needs to consider the impact on the lives of Caymanians and a heritage that is slowly being lost and not just the financial gains of the developers. Our beautiful island that "time forgot" is being destroyed by all of the developing and building.

[REDACTED]

Thank you for your consideration in this matter.

Kind regards,

Allison Taylor

Owner of Block and Parcel 48E 70 H20

[REDACTED]

[REDACTED]

[REDACTED]

Oct 25, 2023

Director of Planning
P.O. Box 113
Grand Cayman, KY1-9000

From: Bruno Vecchiato



**Subject: Notice of Application for Planning Permission
Block 43D, Parcel 175
[6 x 5-storey apartment buildings (157 Apts.), 3 – pools and 2 – cabanas]**

To Whom It May Concern:

I write to you with regards to above subject proposed application. I have reviewed the information and drawings on the Planning Department's government website and would like to register my concerns and objection to the proposed development for the following reasons.

The 6 buildings with a total of 157 apartments on a lot with a total road frontage of 1,050ft [approx.] will be too many buildings and apartments for the allocated lot size, the 6 levels for the apartment buildings [basement to level 5 + roof level] would be too high and too dense for the proposed 300,000 sq. ft. on 6.25 acres of land, and the impact it would have on the traffic congestion in the vicinity.

From the drawings I cannot tell where the proposed parking will be located, in the Basement or in front of the buildings, either way there will not be enough parking to accommodate 157 apartments including visitor's parking as the lot size is too small to accommodate all parking necessary for the complex, or are we to assume that the parking for the development will be off site and or to be determined later, which will be problematic in the future.

I suggest that the government not approve or proceed with this application until an environmental impact assessment is done in regards to whether any beachside Ironshore, dock or beach upgrade works is required or is planned for in the future, how the clearing and leveling of the property in preparation for the development is done and how the development will affect traffic congestion in the area on the single-lane road in both east-west direction.

Yours sincerely,
Bruno Vecchiato


Signature

Popovich, Nicholas

From: Department of Planning
Sent: Thursday, October 26, 2023 10:35 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Objection to 43D175 by owner of 48E 70 H4

From: [REDACTED]
Sent: Wednesday, October 25, 2023 3:26 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Objection to 43D175 by owner of 48E 70 H4

Director of Planning
P.O. 113
Grand Cayman, KY1-9000

To Whom It May Concern,

RE: BLOCK & PARCEL 43D175

I am writing this letter to urgently and strongly object to the proposed 6 five-story buildings with 3 pools (157 total units) to be built on the above referenced block and parcel 43D175.

Every time I even think about all the impacts a project this size would have in this district it causes me great concern for the already stressed traffic and what it's going to do to the environment and infrastructure. The roads already can't handle all the traffic now much less adding 157 units for this particular project, with the majority probably owning 2 vehicles, (and the other massive proposed project a little further east)! And as for the environment? You don't have to be a college graduate to see what has and is happening to our island as a whole, much less our quiet districts of Bodden Town, East End and North Side.

People are and have been moving to the eastern districts to get away from the over development of George Town, Seven Mile Beach and West Bay. PLEASE, STOP KILLING THE GOOSE! My family, a McTaggart member, left the island in 1960 and I returned in 1987 to live permanently. My first years were spent in the George Town and South Sound areas as I had children in school, so I have experienced a great number of developments. We moved to Bodden Town in 1998 and have remained here since. And as Barefoot Man penned and sang 40 years ago, "Where have all the mangoes gone?" It would make me most happy to see a moratorium put on developments island wide, with the exception of individual (not developments) single family homes until.....?

Take care of the "little man" instead of "the developers" who are only looking to gain financially.

Thanking you in advance for your consideration, I am

Sincerely,

Anita Jean Lovinggood (Jeanie)

[REDACTED]

Grand Cayman

Cayman Islands, KY1-1007

Popovich, Nicholas

From: Department of Planning
Sent: Wednesday, November 1, 2023 2:29 PM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Registration of Complaint of Project Number P23-0624

From: [REDACTED]
Sent: Friday, October 27, 2023 2:01 PM
To: Department of Planning <Planning.Dept@gov.ky>
Cc: [REDACTED]
Subject: [EXTERNAL] Registration of Complaint of Project Number P23-0624

Complaint to the above-referenced project.

Robyn G. Pharr
Attorney at Law

[REDACTED]

[REDACTED]

October 27, 2023

TO:

Mr. **Haroon Pandohie**
Director of Planning
P.O. Box 113
Grand Cayman, KY1-9000, Cayman Islands,
P23-0624| Department of Planning
Email: planning.dept@gov.ky.

RE: Block 43D, Parcel 175

Project Number P23-0624
323196SQ.FT. TOTAL FOR SIX APARTMENT BUILDINGS; 3 POOLS;
TWO 256 SQ.FT. CABANAS

SUBJECT: Complaint and Concerns Regarding the Development known as Project P23-0624

Dear Mr. Pandohie;

I am writing to register a formal complaint and express my deep concerns about the ongoing development of the new complex adjacent to the Moon Bay Condominium complex. While I understand the importance of development and progress, the current project raises serious issues that need your immediate attention.

First and foremost, the issue of over-density in the proposed complex is a matter of significant concern. The Moon Bay Condominium complex, public beach, and immediate area already struggle with space and infrastructure limitations, and the addition of a new complex will only exacerbate this problem. The increased density of residents and visitors is likely to strain our already fragile resources and utilities.

One of the most pressing concerns is the impact on our local infrastructure, particularly the traffic on the two-lane road that serves as the main access point to our community. The existing road is already congested with a lack of parking and public beach users are currently constricting the narrow road with parked cars and creating road safety problems now. The new development is only going to worsen the traffic situation and make safe travel access worse than it already is. It's imperative that a thorough traffic impact assessment be conducted to address this issue.

The proposed development also poses a severe threat to our local ecosystem, specifically in terms of beach and barrier reef erosion. The beautiful shoreline our community cherishes is at risk due to the construction activities associated with the new complex. We urge you to prioritize ecological preservation and take necessary steps to mitigate beach and reef erosion issues potentially increasing the impact of a hurricane. It's imperative that a thorough ecological impact assessment be conducted to address this issue.

Furthermore, concerns about the water system, electric, and septic systems should not be underestimated. The current infrastructure may not be equipped to handle the increased demand, and residents fear water shortages, electrical brownouts, and potential issues with sewage management.

Noise pollution, overload on public beach access and use, and the lack of adequate parking are also issues that need attention. These problems are not only detrimental to the residents but also have a direct impact on the quality of life in our and surrounding communities.

Additionally, the safety of Moon Bay Condominium residents and the public should be a top priority, and measures to ensure their security during all phases before, during, and after the construction phase must be put in place.

Considering these concerns, we kindly request that the development project be thoroughly reviewed, and necessary modifications made to address the issues raised. We hope that you will consider the long-term well-being of the Moon Bay Condominium residents, the local area, and the preservation of our cherished environment.

Thank you for your prompt consideration and assistance in this matter. I register my complaint.

Sincerely,

Robyn G. Pharr, Esq^{EFG}

Robyn G. Pharr
Attorney at Law

Robert Wood



27 October 2023

Director of Planning
The Department of Planning
PO Box 113
Grand Cayman KY1-9000
Cayman Islands

Cc : Hon. Premier and MP Wayne Panton
Hon. Dwayne Seymour, MP BTE

Re: Planning Application on Block 43D Parcel 175

Dear Director of Planning/Sirs:

It is with deep regret that I have become aware of this tragedy about to rear its head again in our District of Peace, Quiet, and Tranquility.

This previous monstrous plan I noted was stopped through the collective efforts of the residents here in Pease Bay with a visit to their Executive Council under the previous Governor John Owen.

History – Topography

The property is a high bluff lying in front of one of the most vicious natural channels surrounding this island and serves to protect the residents on the North side of the main road.

The area is extremely rocky and shallow with pockets of marshland adjoining the main road, and parts of the old original road can still be seen at the far Western end.

The marsh along the road serves as a drainage area during storms and heavy rain to keep the road open from flooding as it sits below road level.

Had it not been for this bluff during Hurricane Ivan, all houses in this area would possibly have been lost as it broke the force of the waves but did not completely stop the flood water.

I, for one, had fish swimming in my driveway for days after.

Objection

This proposed development is completely out of context with this side of the island and the peaceful lifestyle of the Eastern District. Six (6) five-story buildings with 157 apartments and three (3) pools --- that is horrific.

Given a ratio of 3.5 baths per unit, let us say at a minimum of 550 toilets of sewage --- where is it going? Just reflect on this.

There is no infrastructure to accommodate this and that is only for minimum sewage.

Think of the environment here. This project requires a minimum setback of 75' from the seaside, and 50-60' from the main road to allow for parking. Where will this go? Given two (2) spaces per unit excluding visitors bring 314 vehicles just for residents --- where is the infrastructure to accommodate? What will this do to the already congested road traffic? Where will visitors' parking go? Underground? (No way.) This was part of the previous disastrous application whereby an amount of 680,000 cubic yards of material would have been required to provide parking.

This would create a total disaster with the blasting alone contributing to significant damage to the area already severely fractured by the ongoing quarrying located in the mangroves directly behind the residents in the area.

Ocean Side

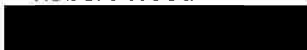
As stated at the beginning, the property sits directly in front of a natural channel which has severe currents most of the year.

The area itself is a non-swimming zone and all history and indigenous Caymanians are aware of the dangers presented here, and there is no beach save for a small cove on the Eastern end.

I strongly suggest that Planning refuses this application in its entirety and would suggest that the developer modify his plan to a more suitable and sustainable type of development such as Cayman-styled individual homes. We do not need to emulate Seven Mile Beach and cater to everyone who wishes to exploit our island for their beneficial gain. Let us stop the greed.

Sincerely,


Robert Wood



MOON BAY CONDOMINIUMS

[REDACTED] Bodden Town Road, Grand Cayman

The Executive Committee of Strata Plan No.59
Moon Bay Condominiums,

[REDACTED]
Grand Cayman, CAYMAN ISLANDS

Director of Planning,
P.O. Box 113,
Grand Cayman, KY1-9000,
Cayman Islands

27th October 2023

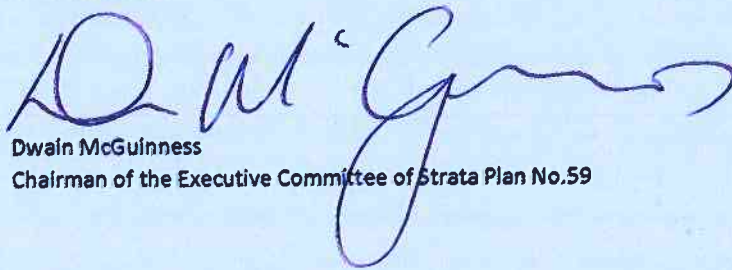
Dear Sirs,

RE: FORMAL OBJECTION TO PROJECT P23-0624

The Executive Committee of Strata Plan No.59, commonly known as Moon Bay Condominiums and located at 820/840 Bodden Town Road, Block 48E Parcel 70, formally submit this objection to project number P23-0624 on the following grounds:

- The detrimental effect to the security of property and residents of Moon Bay Condominiums during construction and on completion of the development.
- Road safety concerns arising from increased traffic.
- Concerns about flooding and storm water management which may detrimentally affect Moon Bay Condominiums.
- Loss of use of beach frontage for Moon Bay Condominiums residents.
- Environmental concerns including potential damage/erosion to the beach on 48E/70, loss of turtle nesting sites, increased boating activity damaging ocean life.
- Project not being in keeping with other developments in the vicinity, particularly noting the height of the proposed buildings.
- Concerns about lighting levels
- Concerns about noise pollution and a loss of privacy for Moon Bay Condominiums residents.

Yours Faithfully,



Dwain McGuinness
Chairman of the Executive Committee of Strata Plan No.59

Popovich, Nicholas

From: Department of Planning
Sent: Wednesday, November 1, 2023 2:31 PM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Planning Application P23-0624 re Block 43D Parcel 175

From: [REDACTED]
Sent: Tuesday, October 31, 2023 10:26 AM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Planning Application P23-0624 re Block 43D Parcel 175

Good Morning,

I am in receipt of the notice of an application being submitted to construct six 5 story apartment buildings (157 units in total) on 43D 175 in Pease Bay, Bodden Town. I wish to advise that I am in favor of the proposed application, but would ask that when approval is given that the developers: 1) widen the existing Bodden Town Road to accommodate a turning lane for the entire stretch of the property; 2) construct a decent width side walk set back from the edge of the road with perhaps a lawn and some trees separating the sidewalk from the roadside as an added means of safety and aesthetics and 3) I would also ask that consideration be given to having a connector road to the East-West arterial road nearby as 157 units will add significantly more additional traffic to the one lane road that currently exists in Bodden Town.

Thank you.

Sincerely,

Joseph Woods

Appendix C

The Chairman
C/O the Executive Secretary
Central Planning Authority
Government Administration Building
Elgin Avenue, George Town
Cayman Islands

BY EMAIL

17 July 2024

Dear Sir,

Re: Application for Planning Permission – Block 59A Parcel 213

1. We are instructed by Inheritance Holdings Ltd., the registered proprietor of Block 59A Parcels 29 and 39. We make the following legal submissions on behalf of our client in relation to their objection to the captioned application.
2. Regulation 8(12) requires applications for restaurants to be advertised by the applicant twice in a newspaper. We are not aware whether this advertisement requirement has been met.

Regulations Applicable to Commercial Development in Hotel/Tourism

3. Although the proposed development is located on a parcel which is zoned as Hotel/Tourism, the application comprises an application for change of use to commercial use as a restaurant/kitchen. It is submitted that commercial development is not permitted in the Hotel/Tourism zone unless it complies with Regulation 10(2) of the Development Regulations (2024 Revision) (“DPR”).
4. Regulation 10(1) DPR provides that in hotel/tourism zoning, permitted development types include hotels and certain residential developments. Regulation 10(2) DPR then goes on to provide that:

*“unrelated development may be permitted by the Authority which Hotel Tourism zone **but it will be required to conform to the setback requirements applicable to hotels as well as to all other requirements applicable to its own particular type of development**”.*

5. It is submitted that “unrelated development” means any type of development that does not fall within the types of development listed in regulation 10(1) DPR, i.e. any development which is not a “hotel, cottage colony developments

and apartment buildings or townhouses". A commercial restaurant and kitchen are not types of development which fall within that regulation and therefore constitute *"unrelated development"*.

6. It should be noted, that neither the Development Plan Planning Statement or the DPR expressly provides for commercial activity within the Hotel/Tourism zone, and the Authority is entitled to infer that it was the intention of Parliament (and its predecessor the Legislative Assembly) to prohibit commercial activity in Hotel/Tourism zones, save for a limited amount of retail activity designed to cater to the particular tourism development itself (eg. a kitchen/dining area or gift shop catering internally to hotel guests). This also conforms to good planning practice, as it is obviously counterintuitive to permit full scale/open commercial/retail activity in the zone which is designed to provide accommodation of tourists, as such commercial use would constitute a nuisance to tourists who are guests in the neighbouring rental properties and thereby adversely impact the amenity of guests staying in the immediate vicinity of such commercial activity with the inherent increase in noise and traffic.
7. It is noted that Regulation 10(3) goes on to provide that entertainment facilities related primarily to the needs of the tourism industry are to be located in Hotel/Tourism. However, it is submitted that a stand-alone restaurant, which is clearly designed to cater to the wider public, such as the proposed development, cannot be considered to be *"entertainment facilities related primarily to the needs of the tourism industry"*. This is clear because *"restaurants"* and *"bars"* fall squarely into the Development Plan 1997's definition of development appropriate for Commercial Zoning. By contrast, a tourist activity centre or tourist watersports rental business would constitute an entertainment facility relating primarily to the needs of the tourism industry.
8. Pursuant to Regulation 10(1), the proposed development must be considered in light of Hotel/Tourism zoning setbacks (and other H/TZ requirements) as well as all of the commercial zoning requirements such that it must conform with all of the requirements of both zones. All other requirements in relation to development in commercial zones would include: building height, parking, site coverage, etc.
9. The proposed change of use being for use as a restaurant and kitchen falls within the intended use of General Commercial zoning, pursuant to regulation 13(1)(iii). Furthermore, part 3.02 of the Development Plan 1997, also provides

that “commercial development includes banks, offices, businesses, restaurants, shops, supermarkets and gas stations”.

10. The proposed Application falls short of meeting the requirements of Hotel/Tourism and Commercial Development in a number of ways. A summary table is provided herein, followed by detailed submissions in respect of each of the requirements.

	Hotel/Tourism	General Commercial	Application Compliance
Setbacks	<ul style="list-style-type: none"> - Road: 20 ft - Side: 20 ft - Beach: 130ft HWM (Variance under 8(11) possible) 	<ul style="list-style-type: none"> - Road: 25 ft - Side: 6 ft - Beach: 75ft HWM (Variance under 8(11) possible) 	<p>Not compliant –</p> <ul style="list-style-type: none"> - Side setbacks - Beach: Less than 63’8” to MHWM (seeking 67 ft variance)
Parking	<ul style="list-style-type: none"> - 50% many be located 500 ft from building - 1 per 200 sq ft 	<ul style="list-style-type: none"> - 50% many be located 500 ft from building - No parking within road setback 	<p>Not compliant-</p> <ul style="list-style-type: none"> - 5 parking spaces located within roadside setback

Setbacks

11. The proposed application does not comply with the waterfront setbacks, nor with applicable side setback requirements.
12. Regulation 8(10)(e) provides that in Hotel/Tourism zones, all structures and building, including ancillary buildings and walls and structures shall be set back a minimum of 130 ft from the high-water mark.
13. The Applicant’s Notice of Application provided that it is seeking a setback variance for the “new rear deck extension along the southern boundary: requesting 71’8” v 130””. However, the Applicant’s site plan indicates that it is also in need of a variance for the “proposed stair”, which stair would only be approximately 63’ from the MHWM.
14. Therefore, the Applicant is requesting a beachside variance of approximately 67’, approximately half of the statutory minimum setback requirement.

15. It is submitted that an application for such a significant beachfront variance is not justified and would be contrary to the Development Plan 1997 which provides at part 3.04 that:

“The Authority shall apply the Hotel/Tourism zone provisions.. in a manner best calculated to-

... (c) prevent the over-development of sites and to ensure that the scale and density of development are compatible with and sensitive to the physical characteristics of the site;

...(e) ensure that waterfront developments are designed to avoid interference with natural coastal processes.”

16. Therefore, an application which requires setback variances in respect of three out of four setbacks, is inconsistent with the Authority’s duty to prevent over-development of the site and granting significant beach side setback variances, such as those proposed by this Application, is contrary to the Authority’s duty to ensure that beachside developments do not interfere with the natural coast processes.

17. It is further submitted that the granting of the proposed side-setback variances, particularly in light of the proposed new use (being transient patrons, as opposed to a single-family home) is also contrary to Part 2.6 of the Development Plan 1997, which provides that setbacks are for the purposes of achieving the following purposes:

“(a) to provide adequate natural light, ventilation and privacy to all buildings;

(b) to provide amenity space and to facilitate landscaping around buildings;

(c) to maintain and enhance the quality and character of development fronting a road;

(d) to provide a buffer between buildings on neighbouring lots; and

(e) to avoid or minimise any negative impact the development or use of one lot may have on the occupants of a neighbouring lot.”

18. It is therefore submitted that permitting the use of the subject property for the purposes of a bar/restaurant would be in flagrant breach of the intent and purpose of the Development Plan, which is to enhance the quality and character of the neighbourhood and to provide privacy and minimise any negative impact on the surrounding properties.

19. Insofar as the existing variances are concerned, it is submitted that those variances were granted for a single-family home, whereas, due to the proposed more intensive use as a commercial restaurant, the effect of those same variances would be significantly more intrusive to our clients' right to privacy and peaceful enjoyment of its land, as the proposed new use is for a bar and restaurant will be used by a much larger amount of persons being the transient guests of the proposed commercial development and this will cause significantly more noise pollution and damage to the amenity and peace of the adjoining properties.

Parking

20. The proposed application is in breach of the requirements Regulation 8(8)(c) DPR as parking spaces have been placed within the road-side setback which is expressly prohibited. It is noted that a variance in respect of regulation 8(8)(c) DPR is not possible. The application must therefore be refused as this poses a legal impediment to the application.

Amenity of the Neighborhood

21. On 20 March 2019, an applicant applied for planning permission for a ten storey hotel building in another Hotel Tourism Zone. That application was refused by the Authority on the basis that the proposed development was inconsistent with Part 3.04 of the Development Plan 1997. In relation to that ten storey application the Authority's decision stated:

"In assessing the proposed development in regard to the characteristics of site, the Authority is of the view that a site cannot be considered solely in isolation onto itself, but must be considered in relation to the character of the existing development surrounding the site. Essentially, the site must be considered in context with its general locale. In this regard, the Authority has determined that the mass and scale of the proposed development is not in keeping with the character of the established area and will detract from the ability of the surrounding land owners to enjoy the amenity of their properties and the area in general."

22. Whilst the Authority is not strictly bound by its own previous decisions, it is submitted that, in the interests of fairness, it is duty bound to ensure that its decisions are consistent with previous decisions, and Section 5(1) of the Development and Planning Act provides that it is the duty of the Authority to "secure consistency and continuity".

23. It is further submitted that precedent is a material planning consideration which the CPA must take into account. As held by the UK Court of Appeal in *North Wilshire District Council v Secretary of State for the Environment and others* [1992] 3 PLR 113, previous decisions constitute material planning considerations to be taken into regard in determining planning decisions. It is important to have consistency in decision-making and where the relevant decision has been drawn to the attention of the decision maker should be properly considered. Again, the essence and intent of this principle is to ensure fairness.
24. It is further submitted that the previous decision of the Authority in regard to the 20 March 2019 application is therefore a material consideration to the current application.
25. It is further submitted that permitting the proposed application would be detrimental to the tranquillity and amenity of the area generally and that a restaurant at the proposed location would constitute a nuisance to our client and the surrounding landowners who have purchased these properties for the very reason that the area is more tranquil and not densely developed.
26. Our client's property is operated as a short-term rental single-family accommodation and if the proposed development is allowed next door, that would be detrimental to our client's existing business, as common sense would dictate that clientele who rent single family homes in this area are seeking quiet, tranquil accommodation, not the noise and hustle and bustle that will be created by a restaurant and bar operation next door.
27. Furthermore, it is submitted that the placement of parking across a main arterial road with a 50 mile per hour speed limit would be very dangerous for the patrons of the proposed development.
28. For all of the foregoing reasons, it is respectfully submitted that the Authority cannot approve the application.

Respectfully submitted,



JacksonLaw