

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **23 October 2024 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

27th Meeting of the Year

CPA/27/24

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

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- 2.2 JOE THOMAS & GABRIELLE LEBREDEU (Garden City Designs) Block 4D Parcel 381 (P24-0497) (\$50,000) (JS) 12
- 2.3 BARRINGTON BENNETT (Abernethy & Associates) Block 43A Parcel 421 (P23-0694) (\$1,000) (NP) 15
- 2.4 SOFIA PRICILLA EBANKS THOMAS (Ernesto Carter) Block 28C Parcel 523H7 (P24-0548) (\$40,000) (EJ) 25
- 2.5 ANA CELIA QUINONEZ (AD Architecture) Block 4E Parcel 782 (P22-1120) (\$150,000) (NP) 27
- 2.6 ADAM LLEWELLYN (Island drafting) Block 14CF Parcel 41 (P24-0201) (\$75,000) (JS) 34
- 2.7 HIGHPOINT RESIDENCES LTD. (Professional Planning and Development Services) Block 4B Parcel 243, 247 & 294 (P24-0187) (\$11,000,000) (EJ) 36
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- 2.9 RENSFORD BODDEN (LUXURY END CONSTRUCTION & DESIGN) Block 13EH Parcel 72 (P24-0599) (\$344,300) (JS) 54
- 2.10 ALDO GIANNE (Elegant Design) Block 14C Parcel 307 (P24-0572) (\$0) (NP) 60
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- 2.14 PHILIP RANKIN (AE Designs) Block 27C Parcel 554 (P24-0671) (\$30,000) (EJ) 86
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- 2.32 STRATA PLAN No. 405 (Paradise Drafting) Block 10E Parcel 64 (P24-0684) (\$50,000) (NP) 137**
- 2.33 CAYMAN SHORES DEVELOPMENT LTD. (Decco Ltd) Block 13C Parcel 37 (P24-0613) (\$49.0 million) (NP) 138**
- 3.1 SOUTH SOUND PARCEL RZ23-0005; Block 23B Parcel 112 (RM) 139**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
Patrice & Junior Codner	10:30	2.1	4
Joe Thomas & G Lebredeu	11:00	2.2	12
Barrington Bennett	11:30	2.3	15
Sofie Ebanks Thomas	1:00	2.4	25
Ana Celia Quinonez	1:30	2.5	27
Adam Llewellyn	2:00	2.6	34
Highpoint Residence	2:30	2.7	35
Arch & Godfrey	3:00	2.8	43

- 1.1 Confirmation of Minutes CPA/24/24 held on 2nd October 2024**
Confirmation of Minutes CPA/25/24 held on 7th October 2024

1.2 Declarations of Conflicts/Interests

Item	Member

2.0 APPLICATIONS
APPEARANCES (Items 2.1 to Item 2.8)

2.1 PATRICE & JUNIOR CODNER. (Kozaily Design) Block 27D Parcel 279 (P24-0343) (\$100,000) (EJ)

Application for after-the-fact addition to house creating three (3) apartments, addition to shed, 4' front wall and 5' rear wall.

Appearance at 10:30am

FACTS

<i>Location</i>	Vision St., Newlands
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2040 ac. (8,886.24 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	house
<i>Proposed building size</i>	645 sq. ft.
<i>Total building site coverage</i>	24.7% (43.1% with parking).
<i>Allowable units</i>	3
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	4.9
<i>Proposed bedrooms</i>	2 plus 3 existing (5 total)
<i>Required parking</i>	5
<i>Proposed parking</i>	4

BACKGROUND

The existing house was approved in 2006

August 14, 2024 (CPA/21/24; Item 2.10) - The Authority adjourned the application to invite the applicant to appear to address suitability and lot size.

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability
- 2) Lot size (17,781 sq. ft. vs 25,000 sq. ft.)

3) Bathroom addition

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Water Authority, National Roads 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:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Townhouse	6 x 1-Bed Units	150gpd/1-Bed Unit	900
TOTAL			900

- *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 the 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 email dated March 13th, 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

- *Driveways may be no closer to the corner of intersecting rights of way than 60% of parcel frontage or one-hundred feet (100'); whichever is less. Please have the applicant revise the site plan so that there is only one entrance/exit at least 60% of the parcel frontage (90 feet) away from the intersection.*
- *Entrance and exit curves shall be no less than fifteen (15) feet in radius, beginning on a tangent with the road. Please have the applicant revise the entrance curves accordingly.*

- Entrances shall be twenty-four (24) feet wide. Please have the applicant revise the site plan to meet this requirement.
- Tire stops (if used) shall be placed in parking spaces such that the length of the parking space is not reduced below the sixteen-foot (16') minimum.

The NRA requests that the CPA have the applicant revise the site plan as outlined above.

Road Capacity Issues

The traffic demand to be generated by a residential development of five (5) dwelling units has been assessed in accordance with ITE Code 220 – Apartments. Thus, the assumed average trip rates per dwelling unit provided by the 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 to Hampton Drive is as follows:

<i>Expected Daily Trips</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>
33	3	1	2	3	2	1

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

Access and Traffic Management Issues

A six (6) foot sidewalk shall be constructed along Hampton Drive and along Tonbridge Drive within the property boundary, to NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).

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 Hampton Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains along the road are no longer acceptable.*
- *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 connections to catch basins or alternative stormwater detention devices. Catch basins (Per NRA specifications (available at: https://www.caymanroads.com/upload/files/4/628e65_99be2c9.pdf) 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 details need to be provided per NRA specifications (available on our website at: <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf%20>).*

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

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 limited ecological value.

Advice to the Applicant

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

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, to allow rainwater infiltration and help manage the impacts of stormwater run-off.

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 approve the planning application, we recommend the inclusion of the following condition:

- *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

Stamped approved drawings.

APPLICANT'S LETTER

We are submitting this letter to address and seek the following variances stated below for the Enforcement Notice received with REF: CE24-0030 dated 22nd of February 2024.

I. Lot Size

Being in a Low Density Residential Area, Development & Planning regulation requires for an Apartment a minimum lot size of 25,000 sq. ft., 15 units per acre or 24 bedrooms per acre. The existing land has a total area of 0.2040 acre equivalent to 8,886.24 square feet. Although we respect the fact under the above said regulation, the after the fact construction of the two units apartment as a house addition, the total square footage of the existing house including the two units' apartment is now 1,835.16 S.F. which is 20% site coverage of the land and within the maximum site coverage required of 30%.

The house addition or the two units' apartment were built and completed year 2019 and were timely used for quarantine/isolation purposes during the Covid-19 pandemic.

II. Apartment Setback

The two units' apartment were attached to the existing house on the rear left corner and partial footprint of the building encroached 6'-8" of the required 20feet minimum rear setback and half of the building exterior wall footprint encroached the 10 feet side setback. See attached photo no.1

Photo No.1



I. Washroom Setback

Part of the After the Fact Construction is the additional washroom attached to the existing Shed. The toilet room encroached 3'-2" of the 10feet side setback as shown on Photo No.1.

We humbly request that the CPA to consider such After the Fact Construction with the above variances that there will be no activity that is detrimental for the health and well-being of its surroundings.

PLANNING DEPARTMENT ANALYSIS

General

The proposed seeks permission for six (6) one-bedroom units with loft area located on Hampton Drive & Tonbridge Drive, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) Suitability

Regulation 9(8) permits apartments in suitable locations; therefore, the Authority is asked to consider if the subject parcels are in a suitable location. A review of the available aerial photography does not reveal other apartments in this Frank Hall Homes subdivision and should this application be approved it will set the standard for other development in the subdivision.

2) Lot size

The applicant proposed the six-apartments on a (17,781 sq. ft. vs 25,000 sq. ft.); mindful, that regulations 9 (8) (f) requires a minimum lot size of 25,000 sq. ft.; therefore, an undersized of 7,219 sq. ft. lot size is requested.

3) Bathroom addition

The applicant is also seeking after-the-fact permission for a bathroom attached to the existing shed and the Authority should determine if this is acceptable.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.2 JOE THOMAS & GABRIELLE LEBREDEU (Garden City Designs) Block 4D Parcel 381 (P24-0497) (\$50,000) (JS)

Application for an ATF house, ATF house addition and two ATF sheds.

Appearance 11:00am

FACTS

<i>Location</i>	Scholars Drive in West Bay
<i>Zoning</i>	Medium Density Residential
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	11,325 sq. ft.
<i>Site coverage allowed</i>	30 %
<i>Proposed site coverage</i>	12.5 %
<i>Current use</i>	House
<i>Proposed use</i>	House

BACKGROUND

Existing house approved in 1998.

July 31, 2024 (CPA/20/24; item 2.13) - It was resolved to adjourn the application and invite the applicant in to discuss concerns regarding lot size and setbacks.

Recommendation: Discuss the application, for the following reason:

- 1) Lot size
- 2) Rear setback
- 3) Side setback

APPLICANTS LETTER

Good morning Mr. Pandohie. We are seeking a variance for this application pursuant to Regulation 8 (13) (b) (iii), The Development and Planning Regulations, 2024 (the Regs). The applicants performed the works for the following reasons:-

- 1. The applicants purchased the property in March 2015 and advised us that when they purchased it that the shed currently on the South side of the site was on the East side (rear).*
- 2. The second shed (currently on the North side of the site) was constructed without the requisite planning permission.*
- 3. The Porch addition was done primarily for protection from the afternoon's sun and to provide some much-needed additional living area.*
- 4. The one-bedroom unit was added for the applicants' son who was residing in the main house at the time because the house was becoming too small and lastly,*
- 5. The father suffered a heart attack and was unsure of when and how he would recover, and if he would be able to return to his full-time employment. In the event he was unable to return to work rent from the 1-bedroom addition could assist with monthly expenses.*

Therefore, pursuant to the above Regs, we respectfully seek the Authority's favourable consideration of the infractions because the setback and lot size variance requests "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" (see attached photographs) for the following reasons:-

- a) Most houses on the Island have a shed on the site.*
- b) From Scholars' Drive and the Rear, the building has the appearance of a house and not a duplex. From the sides it does appear to be a duplex, but there is a mixture of multi-family buildings within the neighbourhood and two of the three sides of the subject parcel.*
- c) The shed on the southern side is 7'-9" instead of the minimum 10'-0", but because of the mature neem tree it is noticeable from Scholars Dr.*

d) *The rear setback of 12' vs 20' is roughly what the adjoining neighbour is constructing.*

We trust that the above is sufficient for the Authority to use its discretion pursuant to the above referenced regulation and grant planning permission for the ATF application.



FRONT



REAR



NORTH SIDE



SOUTH SIDE

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Scholars Drive in West Bay.

The application is for an ATF one bed unit, two sheds and porch addition.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Lot size (11,325SF vs 15,000SF)

The required lot size for this development is 15,000SF, 7,500 per detached dwelling as can be seen in Regulation 9(7)(d), the proposed lot size is 11,325SF.

2) Rear setback (12' vs 20')

The required rear setback is 20ft as can be seen in Regulation 9(7)(i), the proposed rear setback is 12ft.

3) Side setback (7' 9" vs 10')

The required side setback is 10ft as can be seen in Regulation 9(7)(j), the proposed rear setback is 7'2".

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

2.3 BARRINGTON BENNETT (Abernethy & Associates) Block 43A Parcel 421 (P23-0694) (\$1,000) (NP)

Application for a 4 lot subdivision.

Appearance at 11:30 a.m.

FACTS

<i>Location</i>	Quarry Road, Bodden Town
<i>Zoning</i>	Agricultural/Residential
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	16.6 acres
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel width required</i>	80 feet

Proposed lot sizes

2 @ 21,780 sq ft, 1 @43,560 sq ft, & 635,540 sq ft

Current use

Buildings, Containers, Derelict Vehicles

BACKGROUND

October 11, 2023 (**CE23-0117**) – The Authority authorized the issuance of a Maintenance of Land Notice for the storage of derelict vehicles, equipment and construction debris. The notice was issued on November 10, 2023.

November 1, 2023 – the Director of Planning issued an Enforcement Notice for various infractions including:

- Clearing and filling
- Construction of wooden animal enclosures
- Construction of wooden sheds
- Storage of shipping containers

December 13, 2023 (**CPA/30/23: Item 2.6**) – The Authority resolved to adjourn the application and invite the applicant to address section 2 (a-1) of the NCA as well as discuss the proposed agricultural use of the lots.

April 24, 2024 (**CPA/13/24; Item 2.4**) – The Authority resolved to adjourn the application at the applicant’s request so they could provide a more detailed response to the Department of Environment’s comments.

Recommendation: Discuss the application for the following reasons:

- 1) Access scenario
- 2) Whether LPP is required
- 3) Active Maintenance of Land Notice and Enforcement Notice
- 4) Compatible land uses
- 5) Whether the land is suitable for agricultural uses

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Department of Environment, Water Authority and National Roads Authority are noted below.

Department of Environment

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

The application site consist of primary seasonally flooded mangrove habitat and is part of a wider mangrove wetland system which includes the Meagre Bay Pond Protected Area (see Figure 1) and extends into the Central Mangrove Wetland.

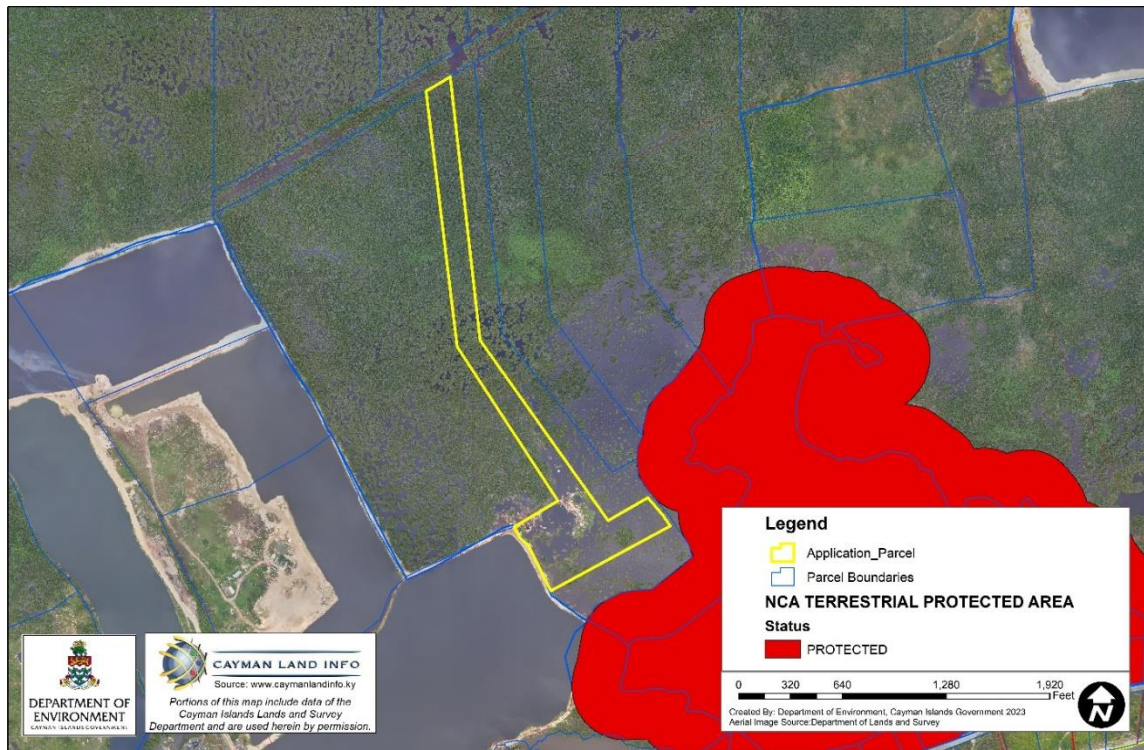


Figure 1: Aerial imagery showing the application site outlined in yellow (Source: UKHO, 2021)

After we received the planning application for review, it appeared from Google Maps that part of the site had been cleared and filled. We used our drone to capture imagery of the site and found that the site was being landfilled with waste material including derelict vehicles and construction waste (see Figure 2). During our investigation, we noted that there were multiple potential infractions occurring that fell into the remit of other government agencies such as Planning Department, Water Authority, Department of Environmental Health, and Department of Agriculture. The DoE met with these agencies and visited the site. Afterwards, it was concluded that each agency would issue compliance/enforcement and abatements notices accordingly.

Our understanding from our investigation is that the purpose of this subdivision is to sell the resultant lots, which may complicate each agency's case and may allow the current landowner to divest responsibility for clean-up. It is also our understanding that the Central Planning Authority gave approval to issue a Maintenance of Land Notice. It is strongly recommended that the application is deferred until all of the agencies have completed their enforcement cases. The current landowner should be responsible for and undertake clean-up of the site prior to approving the subdivision.



Figure 2: Drone imagery showing unauthorised clearing, filling and use of land and its impacts on the water quality on the surrounding area (Source: DoE, October 2023)

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.

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*
- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system will require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.*

The 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 September 11th, 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 is concerned as to how the owners of the parcels to be divided are to gain access to their property. There is only one private right of way to this parcel that passes through a pond pictured below. The applicant is required to provide an adequate vehicular right of way before parcels could be subdivided.

APPLICANT'S LETTER

As part of CPA member's consideration of the application and to address the Department of Planning and the National Roads Authority responses, we would be grateful for the following clarifications and comments to be taken into account.

National Roads Authority

We appreciate NRA responding to the application and highlighting access difficulties related to one of the rights of way. As noted, the access along the northern boundary of 43A 346 has deteriorated significantly over the past decade:



Upon reviewing the historical aerials on Caymaps it is evident the route collapsed between 2008-2013, in excess of 10+ years: 2008 screenshot



Fortunately, an alternative route is available to the applicant and established as a legal access as evidenced through the submitted Land Registers which accompany the Planning application. For the benefit of members, the following screenshot plots the route and the one referenced by NRA, highlighted in green:



We acknowledge that this alternative route may appear convoluted, however, it is essential to recognise that it constitutes a legally established right of way.

We kindly request CPA members recognise adequate legal access exists and consider it when reflecting upon NRA's concerns.

Department of Planning

The Department of Planning has referred to Regulation 28 which stipulates the requirement for 'Land for Public Purposes' (LPP) to be set aside. We would appreciate CPA considering the following key points:

- (i) *The primary objective of the subdivision is to create smaller agricultural lots. At this stage, it is not intended for any part to be developed as a residential subdivision.*

- (ii) *There is no direct access to the land from a public road, therefore, in the absence of public accessibility it is difficult to envisage use of a parcel of land set aside for active and passive recreation by members of the public.*
- (iii) *Whilst Regulation 28 does not define the size of a subdivision eligible for an LPP, historically, as members are aware, LPPs are generally sought on residential subdivisions which comprise in excess of 6 lots which this application does not propose.*

In light of the above considerations, we believe it is justified in this instance to waive the requirement for an LPP. We kindly request CPA to review our application with due regard to the proposed agricultural use, the constraints related to public accessibility, and the limited number of lots being created.

To conclude, we hope the above satisfactorily addresses comments from NRA and DoP and look forward to a favourable determination.”

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located east of Quarry Road in Bodden Town.

The proposal is for a four lot subdivision.

Zoning

The property is zoned Agricultural/Residential.

Specific Issues

1) Whether LPP is required

Regulation 28(1) states that according to the size of the subdivision, the Authority may require the applicant to set aside 5% of the gross area of the land being developed for public purposes.

The Authority should discuss if LPP is required in this instance.

2) Active Enforcement Case

The Department would note that the subject property has a CPA authorized Maintenance of Land Notice as well as an Enforcement Notice for buildings located on the property without the necessary building permits.

3) Access

The applicant has outlined their proposed access scenario utilizing a series of vehicular rights-of-way and the Authority needs to determine if this proposed access is acceptable.

4) Compatible Land Use

It should be noted that the existing zoning would allow residential uses on the proposed lots. It is questionable whether residential land uses are compatible with the existing quarry uses in the area and may lead to land use conflicts in the future.

5) Proposed Agricultural Use

The Department would question whether the lands are suitable for agricultural uses, which are proposed by the applicant.

SUPPLEMENTARY ANALYSIS

Although the applicant requested the application to be adjourned on April 24, 2024 (CPA/13/24; Item 2.4) so they could provide a more detailed response to the Department of Environment’s comments, no further written submissions have been provided. The applicant requested to appear before the Authority.

2.4 SOFIA PRICILLA EBANKS THOMAS (Ernesto Carter) Block 28C Parcel 523H7 (P24-0548) (\$40,000) (EJ)

Application for addition to house to create duplex.

Appearance at 1:00pm

FACTS

<i>Location</i>	Larva Drive, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.1649 ac. (7,183 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	468 sq. ft.
<i>Total building site coverage</i>	24.48%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

Existing house approved in 2012.

August 14, 2024 (CPA/21/24; item 2.12) - It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding lot size, setbacks

and the definition of a duplex.

Recommendation: Discuss the application, for the following reasons:

- 1) Lot Size Variance (7,183 sq. ft. vs 12,500 sq. ft.)
- 2) Side Setback Variance (5'.0" vs 10' house)
- 3) Definition of a Duplex

APPLICANT'S LETTER

Please accept this letter for your boards humbly consideration as a formal request for a site setback variance of my property as per the Development and Planning regulations 8. (13) (b) (ii) unusual terrain characteristics limit the site's development potential; and 8 (13) (b) (i) the characteristics of the propose development are consistent with the character of the surrounding area;

I bought the property & house sometime in August- 2012 for our family home/duplex and that later when the children get older that we could build-on to the house for our expanding families. I do hereby request your kind consideration for site setback variances of approx. 2ft-6in for existing shed, 5ft -7ft on the side for proposed addition to create a duplex respectively. The site plan layout drawings and maps extract submitted will show that the some of the houses were built with five (5) feet – seven (7) feet setbacks from subdivision development & the existing axillary shed was built more than five (5) years on our property with the agreement of the neighbour. The house has existing asphalt/ concrete parking & drive-way and with grass & gravel parking all comply with Planning regulations 8. (13) (b) (ii) and 8 (13) (b) (i).

Plans was submitted for the PROPOSED ADDITION TO EXISTING HOUSE TO CREATE A DUPLEX to be constructed of reinforced concrete block and 2X4/6in PT timber rafters with 5/8 CDX plywood roof to the Cayman Islands Building Codes standard.

Registered mail notices were sent to Block 28C 523 – H6, H8, 28C 522 & 28C531, to notify them of the proposed addition to house to create a duplex along with existing shed and lot & setbacks variance request from 2ft-6in – 5ft at left-sides (showing existing shed is 2ft-6in on left-side with the owners of 28C 523-H6 and the proposed addition at front of house) for my children to assist with our mortgage because my husband and I recently separated respectively and the submitted plan showing existing house & proposed addition setbacks where variance is being requested.

PLANNING DEPARTMENT ANALYSIS

General

The proposed studio unit is located on Larva Drive (off Hirst Road) in Savannah.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size Variance

The applicant is seeking a house addition to create a duplex; however, the proposed duplex is on a lot size of 7,183 sq. ft. vs 12,500 sq. ft. consequently not meeting regulations 9 (8)(e); therefore, the proposed is seeking a lot size variance from the Authority.

2) Side Setback Variance

In addition to a lot size variance, the applicant is seeking permission for a side setback variance, proposed at 5’ vs 10’ as required under regulations 9 (8)(j) thus also seeking a left side setback variance.

3) Definition of Duplex

Finally, the Authority is asked consider the proposed design which is with a roof connection and does not meet the definition in the regulations as a “**duplex**” means two dwelling units one above the other or side by side having a common wall.

2.5 ANA CELIA QUINONEZ (AD Architecture) Block 4E Parcel 782 (P22-1120) (\$150,000) (NP)

Application for an ATF duplex, ATF addition to an existing house to create a duplex, ATF house and an ATF laundry.

Appearance at 1:30 p.m.

FACTS

<i>Location</i>	Papaya Close, West Bay
<i>Zoning</i>	High Density Residential
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	5,945.9 sq. ft.
<i>Parcel size required</i>	15,000 sq. ft.
<i>Current use</i>	Residential – 3 BR House
<i>Proposed building size</i>	2,137 sq. ft.
<i>Total building site coverage</i>	36.3 %
<i>Maximum site coverage</i>	40 %
<i>Required parking</i>	5
<i>Proposed parking</i>	3

BACKGROUND

July 17, 2024 (CPA/19/24; Item 2.10) – The Authority resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding lot size, setbacks and the number of parking spaces.

Recommendation: Discuss the application, for the following reasons:

- 1) Lot Size (5,945.9 sq ft vs 15,000 sq ft)
- 2) Rear Setback (2’1” vs 20’)
- 3) Front Setback (6’10” vs 20’)
- 4) Side Setback (6’ vs 10’)
- 5) Parking (3 vs 5)

AGENCY COMMENTS (Section 7 DPA)

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

Department of Environment – 26 June 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 notes that the parcel is man-modified and the application is after- the-fact, as such we have no comments at this time.

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 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>
<i>Existing House</i>	<i>1 x 3-Bed Unit</i>	<i>300gpd/3-Bed Unit</i>	<i>300</i>
<i>ATF Apartments</i>	<i>4 x 1-Bed Unit</i>	<i>150gpd/1-Bed Unit</i>	<i>600</i>
		<i>TOTAL</i>	<i>900</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.*

Change-of-Use with Existing Septic Tank

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

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

The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications.

Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.

Traffic Rated Tank and Covers

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

Buried Septic Tank

- *The drawings indicate that the septic tank is proposed to be buried under a structure. Please note, the Water Authority will not accept septic tanks located under proposed buildings/structures. Burial of septic tanks is acceptable under approved handicapped parking OR within non-traffic, landscaped areas of the property, granted all other Water Authority requirements are met.*

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

Lint Interceptor Required - Commercial, Institutional & Coin-op Laundries

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

Water Supply

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

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

The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.

Fire Department

The Fire Department has NOT approved the drawings.

Department of Environmental Health

Solid Waste Facility: 1. This development requires 5 (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.

National Roads Authority

As per your memo dated June 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

- *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 Powell Smith 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.*
- *As per NRA “Design and Constructions Specifications for Subdivision Roads & 4.3 Grade” states The maximum longitudinal gradient as measured along the centreline of any roads shall be 8 percent. The minimum longitudinal gradient along the centreline of any road shall be 0.5 percent.*
- *Parking on Block 4E Parcel 783 is not owned by the applicant and cannot be used as part of their parking designation.*

Please have applicant make the necessary adjustments and resubmit.

Road Capacity Issues

The traffic demand to be generated by a residential development of Four (4) dwelling 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 Powell Smith 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>
<i>27</i>	<i>2</i>	<i>0</i>	<i>2</i>	<i>2</i>	<i>2</i>	<i>1</i>

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

Access and Traffic Management Issues

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

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 Powell Smith Road. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*

- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located at the corner of Powell Smith Road and Papaya Close in West Bay.

The property currently contains an existing three bedroom house.

The proposal is after the fact and comprises the following existing structures:

- A one bedroom unit addition to the existing house to create a duplex.
- A duplex with one bedroom on each side.
- A single bedroom detached house.
- A laundry building.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Lot Size (5,945.9 sq ft vs 15,000 sq ft)

Regulation 9(6)(d) and (e) require a minimum 5,000 square feet of lot area for each house and duplex.

As noted previously, there are two duplexes and a detached house existing on the property. Therefore a total of 15,000 square feet is required.

The subject parcel has 5,945.9 square feet of area.

2) Rear Setback (2'1" vs 20')

Regulation 9(6)(h) requires a minimum setback of 20 feet for the after the fact additions.

Proposed units 2, 3, and 4 are setback 2'10" from the rear boundary.

3) Front Setback (6'10" vs 20')

Regulation 9(6)(h) requires a minimum setback of 20 feet from Papaya Close for unit 4. Unit 4 is setback 6'10" from Papaya Close.

4) Side Setback (6' vs 10')

Regulation 9(6)(i) requires a minimum side setback of 10 feet.

Units 1 and 2 are setback 6 feet from the south side boundary.

5) Parking (3 vs 5)

Regulation 8(1)(viii) requires a minimum of one parking space for each dwelling unit.

There are five units on the property and five parking spaces would be required.

The applicant has three parking spaces on the property.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans. NRA has now provided comments, see above.

2.6 ADAM LLEWELLYN (Island drafting) Block 14CF Parcel 41 (P24-0201) (\$75,000) (JS)

Application for an ATF patio and utility room.

Appearance at 2:00pm

FACTS

<i>Location</i>	Off of Rock Hole Road in George Town
<i>Zoning</i>	Neighbourhood Commercial
<i>Parcel size required</i>	10,000 sq. ft.
<i>Parcel size proposed</i>	11,774 sq. ft.
<i>Site coverage allowed</i>	30 %
<i>Proposed site coverage</i>	26.93 %
<i>Current use</i>	House
<i>Proposed use</i>	House

BACKGROUND

August 14, 2024 (CPA/21/24; item 2.4) - The applicant was present and available for the meeting, but the objector was not. 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) Rear Setback
- 2) Side Setback (encroachment on adjacent land)

OBJECTION LETTER

I am writing to formally object to the planning application in question. My strong objection comes as a result of the illegal structure the Mr. Adam Llewellyn has constructed on my property without my permission.

The property is located on Rock Hole Road, George Town, and the block and is as follows: Block 14CF Parcel 42. Over the past few months, I have made many verbal complaints to your department (Planning) regarding this matter.

Despite the repeated complaints to your department, the illegal structure is still erected, and the problem still persist. I and concern about the long term effects of this illegal structure, and I believe that immediate action is required to address this issue.

Mr. Llewellyn actions, or lack thereof, have caused significant concerns for me and could potentially harm our family relationship. It is with respect for your department and the due process that I bring these concerns and objection to your attention, hoping for a quick and just oversight to this matter.

I trust that the department will take the necessary steps to address this objection and take the appropriate actions against the violator. Please see attached for your reference.

Thank you for your time and attention to this matter, have a blessed weekend.

APPLICANTS LETTER

Variance letter was requested, none was supplied.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located Off of Rock Hole Road in George Town

The application is for an ATF patio and utility room.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Rear setback

The required rear setback as can be seen in section (8) (5) (b) is 6ft, the existing rear setback is 1ft.

2) Side setback

The required side setback as can be seen in section (8) (5) (b) is 6ft, the existing side setback is not being met as the ATF patio is almost entirely on the adjoining lot 14CF42, which is owned by a different person than the applicant.

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans and no additional documentation has been submitted.

2.7 **HIGHPOINT RESIDENCES LTD. (Professional Planning and Development Services) Block 4B Parcel 243, 247 & 294 (P24-0187) (\$11,000,000) (EJ)**

Application for twenty-seven townhouses, one duplex, one retail space and a 6-ft high fence.

Appearance at 2:30pm

FACTS

<i>Location</i>	Fountain Road, Foremast Close & Pembroke Drive, West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.1949 ac. (52,050 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	42,174 sq. ft.
<i>Total building site coverage</i>	27.48% building (69.73% with parking)
<i>Allowable units</i>	29
<i>Proposed units</i>	29
<i>Allowable bedrooms</i>	50
<i>Proposed bedrooms</i>	58
<i>Required parking</i>	48
<i>Proposed parking</i>	49

BACKGROUND

On June 5, 2024 (**CPA/16/24; Item 2.9**) – The Authority resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the proposed access driveway abutting Block 4B Parcel 247 and the number of bedrooms/dens.

Recommendation: Discuss the application, for the following reasons:

- 1) Suitability
- 2) Bedroom density (58 vs 50)
- 3) Fence height (6' vs 4')
- 4) NRA comments re: access
- 5) DEH comments re: garbage enclosure location

AGENCY COMMENTS (Section 7 DPA)

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

Water Authority

Please be advised that the Water Authority’s requirements for this development have been determined based on the understanding that the parcels in question are to be combined.

Wastewater Treatment and Disposal

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

- *The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 8,775 US gallons per day (gpd), based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Highpoint Residences	27 x 3-Bed Units	300gpd/3-Bed Unit	8,100
	2 x 2-Bed Units	225gpd/2-Bed Unit	450
	Retail Unit (1,500sq.ft.)	0.15/sq.ft.	225
TOTAL			8,775

- ***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 4’8’’ 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.***

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.*

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.*

Water Supply

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

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

National Roads Authority

As per your memo dated April 3rd, 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 means of access to the proposed development are problematic on two fronts:

1. Per NRA’s specification 7.1 Driveway Location on Collector Roads, *the development’s proposed driveway on Fountain Rd. cannot be next to the registered road parcel 4B247 and not can it align with Velma Banks Dr. as a minimum separation of 100 feet is required and must therefore be relocated as follows;*

a. the applicant needs to investigate the possibility of using the unbuilt subdivision road 4B247 as its main mean of access, and construct this roadway to NRA’s specification for subdivision roads (including drainage conveyance requirement). With this access option, the NRA would not recommend an additional access onto Foremast Close.

2. *Alternatively, the proposed development could utilize Foremast Close as its only mean of access. Given that Foremast Close has a narrow right-of-way width (that varies from 11 feet to 23 feet near Pembroke Dr and Capt Cadian Dr and widens to 30 feet neat Fountain Road) and a road surface varies from about 11 to 16 feet with section encroaching onto the subject land, it is NRA’s recommendation that this roadway be widened to a minimum of 24 feet and re-surfaced with HMA.*

- *Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft.*
- *The development access driveway should be designed to accommodate two stacked vehicles (40 feet) at the front of any proposed entry gate.*
- *The location on the garbage bin on the site plan is not functional.*

Road Capacity Issues

The traffic demand to be generated by the above proposed development of a multi-family residential development of 27 units and retail space of 1500 sq. ft. has been assessed in accordance with ITE Code 230-Residential Condo/Townhouse and 820-Shopping Center. The anticipated traffic to be added onto Fountain Rd. & Foremast Cl. is as follows:

Dev’t Type	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
<i>Residential</i>	<i>157</i>	<i>12</i>	<i>2</i>	<i>10</i>	<i>57</i>	<i>35</i>	<i>22</i>
<i>Retail</i>	<i>64</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>6</i>	<i>2</i>	<i>2</i>
Total	221	13	3	10	63	37	24

From’s Travel Demand Model, it is estimated that Daily Traffic Volumes along Fountain Road is in the order of about 1,500 to 1,8000 vehicle per day. Based on the traffic generation

estimates, the impact of the proposed development onto Fountain Rd. is considered to be nominal.

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 Fountain Rd and Foremast Close to NRA standards.

A minimum radii curve of 20 feet at the Fountain Road intersection should be required.

It is NRA's recommendation that a truncation at the Pembroke Drive and Foremast Close should be provided the aerial imagery demonstrates that one already exists.

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

Stormwater Management Issues

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

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

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

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

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

Department of Environmental Health

Solid Waste Facility: This development will require (2) 8 cubic yard containers with twice per week servicing. The drawing must be revised to show the location of both enclosure and the route for collection. 16-Apr-24 11:10:34

Department of Environment (April 8, 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

As seen in Figure 1 below, the application site is man-modified and of limited ecological value.



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

Advice to the Applicant

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

The DoE is encouraged to see that the applicant has considered how to manage drainage on-site and included their Stormwater Management Plan in the application. However, we encourage the applicant to increase the area of porous or permeable paved surfaces in areas of hardstanding, such as the proposed driveway and parking area. This will allow more rainwater infiltration and help to better manage the impacts of stormwater run-off.

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 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 environment.*

Fire Department

1. *Plan Not to Scale.*

2. *Please depict Fire Hydrant and fire well Locations*

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

603.1.3.2 Location. The location and number of hydrants shall be designated by the fire official, but in no case shall distance between installed fire hydrants exceed 1,000 ft (305 m). Maximum distance from the nearest hydrant to the most remote exterior point of any building shall be 500 ft (152 m). The distance shall be measured on a roadway surface meeting the fire department access requirements of 602.6. 3. All Gate should install SOS system for emergency responders.

APPLICANT'S LETTER

See Appendix A

PLANNING DEPARTMENT ANALYSIS

General

The proposed twenty-seven (27) townhouses, one (1) duplex, one (1) commercial space and six (6-ft) fence with gate is located on corner of Fountain Road, Foremast Close & Pembroke Drive in West Bay. The development is in two blocks with 27 (2-bedrooms) townhouses, a duplex (2x2-bedrooms) above the proposed 1,500 sq. ft. retail space.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability

The area includes a mixture of uses including, commercial, institutional, houses and apartments on 4B 618, 780 and 4E 439.

2) Bedroom density

The three-storey, twenty-seven townhouses contains a kitchen and living on the ground floor, one-bedroom/bathroom and den on the second floor and one-bedroom/bathroom on the third floor. The Authority is asked to consider if it has any concerns for the den being used as a bedroom.

Additionally, the proposed two-storey duplex position above the 1,500 sq. ft. retail space, contains kitchen, living and bedroom/bathroom of the second floor and a bedroom/bathroom and den on the third floor.

Whilst the proposed meets the number of units permissible under regulations 9 (6)(c) for number of townhouses, the Authority is asked to decide if the proposed 27 townhouses, one duplex and 1,500 sq. ft. retail meets regulations 9(6)(c). Consequently, the total number of bedrooms proposed is 58 vs 50 permitted; therefore, the applicant is seeking an over bedroom count variance from the Authority as the proposed does not meet regulation 9(6)(c).

3) Fence Height

Whilst, the proposed 6' meets regulations 8 (18) for walls and fences adjacent to the road setback a minimum of four feet from the road side parcel boundary; the Authority is asked to satisfy itself with the proposed 6' vs 4' walls/fences normally permitted in residential zone.

SUPPLEMENTARY ANALYSIS

The applicant has submitted a revised site plan showing a temporary fire truck exit gate and a siren operating system to gate. The Fire Department has approved this proposal.

2.8 ARCH & GODFREY STUDIO (MJM Design Studio) Block 20B Parcel 360 & 448 (P24-0087) (\$2,000,000) (MW)

Application a workshop, warehouse, covered parking & 6' chain link boundary fence.

Appearance at 3:00pm

FACTS

<i>Location</i>	Kingbird Dr., George Town
<i>Zoning</i>	Light Industrial
<i>Notification result</i>	Objection
<i>Parcel size proposed</i>	1.59 ac. (69,260.4 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	11,128.4 sq. ft.
<i>Total building site coverage</i>	7.64%
<i>Total site coverage</i>	38.44%

Required parking 14

Proposed parking 14

BACKGROUND

August 4, 2021 – Warehouse (CPA/16/21; Item 2.37)- the application was considered and it was resolved to grant planning permission.

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

- 1) Definition of light industry
- 2) Zoning
- 3) 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

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least 2,500 US gallons for the proposed development.*
- *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.*

Change-of-Use with Existing Septic Tank

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

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

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

Buried Septic Tank

- Please note, the Water Authority will not accept septic tanks located under proposed buildings/structures. Burial of septic tanks is acceptable under approved handicapped parking OR within non-traffic, landscaped areas of the property, granted all other Water Authority requirements are met.***

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

Oil / Water separator

- *An approved coalescing oil / water separator is required. The fuel dispensing area(s) shall be finished with an impermeable surface (i.e. concrete) and be sloped towards a dedicated drainage system that discharges into the oil/water separator which discharges into a drainage well installed per approved NRA design. Areas outside of the dispensing area(s) shall be sloped in such a manner that stormwater does not drain into the drainage system for the oil/water separator. The developer shall submit a drainage plan for all hard cover areas of the development including slopes, flow gradients and the drainage system plumbed towards the oil / water separator. In addition, the developer shall submit details of the area covered by the canopy. Upon receipt of the required information the Water Authority will determine the minimum treatment capacity of the oil/water separator. The minimum treatment capacity (GPM) of the coalescing Oil Water Separator is based on the surface area that drains into the OWS and a rainfall intensity of 2 inches per hour. For any parts of the drainage area that are covered by a canopy, the rainfall intensity is reduced to 1 inch per hour.*
- ***The oil/water separator shall be installed in such a manner that it can easily be accessed for routine maintenance and inspection.** Best Management Practices (BMPs) shall be employed to prevent or minimize spills of hazardous materials stored / used at the facility. The oil/water separator shall be inspected by the Water Authority as a condition for Certificate of Occupancy and shall be routinely maintained.*
- *The developer shall submit the Manufacturer's specification sheet and installation and operation manual for the oil / water separator with design guidelines for review and approval. The required information can be submitted via email to development.control@waterauthority.ky, or hand delivered to the Water Authority's Administration Office at 13G Red Gate Road.*

Water Resource Protection

The site operator and staff shall, at all times, employ Best Management Practices (BMPs) to prevent contamination of water resources by accidental spills of hazardous materials stored / used at the facility. BMPs shall include the following:

- *Vehicle service and other industrial workshops where fuels, greases, oils or solvents are stored and/or handled shall have all floor drains plumbed to an oil/water separator. The outlet of the separator shall be plumbed to a disposal well. Oil/water separators must meet Water Authority standards, per attached guidelines.*
- *Conduct maintenance and repairs on a non-porous surface (concrete, not asphalt or soil). Protect the concrete work area with a sturdy rain canopy that extends two feet*

beyond the concrete work area. Berm the concrete work area to contain any spills. Use drip pans and oil change catch basins to minimize spills.

- *Use dry methods (absorbent material such as sand, cat litter, or rags) to clean up any drips or spills that do occur. Collect soiled absorbent materials for delivery to the George Town Landfill for proper disposal. Call 949-8793 before delivering the wastes.*
- *Minimize inventory of fluids and chemicals; stock only what is needed in the near term. Store fluids and chemicals in their original containers; transfer fluids using funnels or drum pumps to minimize spills. Use less toxic or nontoxic solvents for parts cleaning; e.g., terpenes and citric acid or microbial or water-based cleaners.*
- *Collect and store liquid wastes to be recycled in an area protected from the rain. Store wastes in labelled drums with bung closures. Store waste drums within a secondary containment structure designed to contain 110% of the storage capacity. Store lead-acid batteries upright in a single layer, within an acid-resistant secondary containment bin. Limit the amount of wastes stored by regularly delivering them to the George Town Landfill recycling drop-off. Call 949-8793 before delivering the wastes.*

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

Memorandum #1

As per your memo dated March 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

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

If the applicant is providing access to Parcel 20B242, they are required to maintain the NRA's standard road width of 30 ft to subject parcel from Kingbird Dr.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 11,128 sq. ft. has been assessed in accordance with ITE Code 150 - Warehousing. The anticipated traffic to be added onto Kingbird Dr is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i> 79%	<i>AM Peak Out</i> 21%	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i> 25%	<i>PM Peak Out</i> 75%
40	3	3	1	4	1	3

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

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

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

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

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

Memorandum #2

As per your memo dated April 29th, 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, regarding the revised proposed Kingbird Dr. workshop and warehouse as the applicant has satisfied adjusting the entrance and exit curves to the required 24ft width and 15ft. radius. Furthermore, the gate connecting to Parcel 20B242 will only be utilized for traffic control as the main access to this parcel is registered on Kingbird Dr.

All other conditions referenced in the memorandum dated April 12th, 2024, still apply.

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

Department of Environmental Health

The application is recommended for approval with the following condition:

Location of the used oil containment area to be identified on the drawing. The oil containment area must be constructed. The containment area must be at least 110 percent of storage tank capacity.

Department of Environment (8-4-24)

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.

Site Overview

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

Advice to the Applicant

The applicant may wish to consider leaving some areas outside the built footprint at the existing grade and using porous or permeable surfaces in areas of hardstanding to allow for rainwater infiltration and assist with stormwater management.

We highly recommend that the applicant considers the incorporation of sustainable design features to help mitigate some of the environmental impacts associated with traditional single-level parking lots. Integration of renewable energy sources such as solar panels

over the parking should be considered given that is a covered parking which will not only to help offset the additional cooling demand resulting from the additional paved area, as well as improve the utilisation of the land by adding other beneficial functions (e.g. renewable electricity, etc.).

Advice to the 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 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 10 May 24

OBJECTION

We have received notice of planning from block and parcel 20B448,20B360. We would like to object to the planning. We live and own block and parcel 20B227. The reasons are that our house is an old building and the roller that they use during the construction process shakes our house and foundations, rattling our windows and destroys our personal effects eg pictures being shaken off the walls inside the house.

This old house was built long before all of the warehouses were built, it is an old caymanian house and we do love to live in this area, but now all of the construction and traffic going on around here is affecting our house and daily lives.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a workshop; 6,294.40 sq. ft., warehouse; 3,904 sq. ft., covered parking; 930 sq. ft. & 6' chain link boundary fence to be located on Kingbird Dr., George Town.

Zoning

The property is zoned Light Industrial.

Specific Issues

1) Definition of use

Regulation 2 defines “Light Industry” as – an industry which is carried on in a special building and in which the process carried on or the machinery used is such as if carried on or used in a residential area would not cause detriment to the amenity of that area including detriment by reason of noise, vibration, smell, fumes, electrical interference, smoke, soot, ash, dust or grit.

The Authority needs to determine if the proposed workshop element of the proposed development would comply with the aforementioned definition.

2) Zoning

Regulation 12(1) states that industrial development is permissible within heavy and Light Industrial zoned provided that –

- a) it is not detrimental to the surrounding area;
- b) it provides centres of local employment;
- c) access to industrial areas is ensured; and
- d) this regulation is complied with fully.

It would appear that the proposed development would comply with b), c) and d), but given the definition of light industry and the objection that has been received, the Authority needs to determine if the proposed use is detrimental to the surrounding area.

2.0 APPLICATIONS
(Items 2.9 to 2.33)

2.9 RENSFORD BODDEN (LUXURY END CONSTRUCTION & DESIGN) Block 13EH Parcel 72 (P24-0599) (\$344,300) (JS)

Application for 4 townhouses.

FACTS

<i>Location</i>	Autumn Lane in George Town
<i>Zoning</i>	General Commercial
<i>Parcel size required</i>	25,000 sq. ft.
<i>Parcel size proposed</i>	13,438 sq. ft.
<i>Current use</i>	House
<i>Proposed use</i>	townhouse units
<i>Site coverage allowed</i>	75%
<i>Proposed site coverage</i>	25%
<i>Allowable Units</i>	CPA discretion
<i>Proposed Units</i>	4
<i>Allowable bedrooms</i>	CPA discretion
<i>Proposed bedrooms</i>	4
<i>Required Parking</i>	7
<i>Proposed Parking</i>	8

BACKGROUND

This application forms part of application P90-000309, approved 1990.08.28.

CE23-0086 – enforcement notices issued for unauthorized wooden structures and container

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

- 1) Zoning
- 2) Road width
- 3) Parking setback

AGENCY COMMENTS (Section 7 DPA)

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

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 of limited ecological value.

Advice to Applicant

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and 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 also recommend that the applicant considers permeable or porous paving in areas of hard-standing such as the parking lot.

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 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.*

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

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.

The existing access road Autumn Ln has an average width of thirteen (13) ft., which does not meet NRA requirement of minimum thirty (30) ft wide.

Per the Development and Planning Regulations (2021 Revision) Section 25 Road Requirements Planning applications involving the provisions of new public roads or the extension of existing private roads on frontage development or an existing road shall comply with the following conditions (f) minimum road reserves shall be thirty feet with a maximum reserve of fifty feet laid down by the Roads Act (2005 Revision).

Road Capacity Issues

The traffic demand to be generated by a residential development of four (4) 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 Autumn Ln is as follows:

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

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

Access and Traffic Management Issues

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

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-two (22) ft./twenty-four (24) ft.

A six (6) foot sidewalk shall be constructed on Autumn Ln, 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 Autumn Ln. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

Curbing is required for the parking areas to control stormwater runoff.

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

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

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

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

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

Cayman Water Authority

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

Decommission Existing Septic Tank

- *The existing septic tanks and/or cesspits 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

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:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Existing House	1 x 3-Bed House	300gpd/3-Bed House	300
Proposed Apartments	4 x 1-Bed Units	150gpd/1-Bed Unit	600
		TOTAL	900

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

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

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

Buried Septic Tank

- *Please note, the Water Authority will not accept septic tanks located under proposed buildings/structures. Burial of septic tanks is acceptable under approved handicapped parking OR within non-traffic, landscaped areas of the property, granted all other Water Authority requirements are met.*

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

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>*

Cayman Fire Service

Please depict Fire Hydrant and fire well Locations

603.1.3 Fire Hydrants/Fire Well

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

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

Cayman Fire Service

Cayman fire service granted permission for this proposal dated 16th July, 2024.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Autumn Lane in George Town.

The application is for 4 one-bedroom townhouse units.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Zoning

Section (13) (8) in General Commercial zones, residential development is permissible if the development is not on the ground floor, however this development is for 4 ground floor apartment units.

Consideration should also be given to Section (13) (6) which speaks to other uses other than Commercial uses providing that the primary use is still commercial, along with Section (13) (10) which speaks to residential development being permissible once the development replaces or is a redevelopment of an existing development or the development forms part of a mixed-use development or the development is located within General commercial zones 1-4.

In this instance, the proposed four townhouse units would replace existing unauthorized wooden structures that appear to be used for residential purposes. The property is not subject to the GC1-4 overlays.

2) Road width

The applicant's site plan indicates that the Autumn Lane is 25' wide. The constructed road surface may be approximately 18' wide, but the width of the road parcel is only approximately 14' wide. Parts of Autumn lane leading to Bodden Road are as narrow as 11'. The Authority needs to assess if the road width is acceptable to accommodate traffic from the proposed 4 townhouse units.

3) Parking setback

Regulation 8(8)(c) states that parking areas should not be provided within road setbacks. The proposed site plan shows does not comply with this requirement.

2.10 ALDO GIANNE (Elegant Design) Block 14C Parcel 307 (P24-0572) (\$0) (NP)

Application for change of use to restaurant.

FACTS

Location

Godfrey Nixon Way, George Town

Zoning	General Commercial
Approved use	Commercial and residential
Proposed use	Restaurant
Area	1,600 sq. ft.

BACKGROUND

November 24, 2021 (**CPA/24/21; Item 2.22**) – The Authority resolved to grant planning permission for a 3 storey mixed use building (P21-0901).

Recommendation: Discuss the application for the following reason:

- 1) Number of Parking Spaces (33 vs 37)

APPLICANT’S LETTER

On behalf of our Client, we would like to request a Parking Variance for the proposed Change of Use at the Escala project. The Change of Use was requested as to shift some of the approved ground floor commercial areas, as well as remove one apartment from above and replace with a back of house service area on the 2nd and 3rd floor, of that previously proposed apartment level.

On the review of the required parking count, we were told on Oct. 2nd email that the Planner is calculating: “37 parking spaces are required and 32 are provided.”

Our parking analysis is different to the Planners, as detailed below: PARKING GROUND FLOOR:

CONVENIENCE and LIQUOR STORE AREA= 650 SF / 300 = 2.2 SPACES REQ.

RESTAURANT OLIVE GARDEN DIN. & B.O.H. = 2,939 SF /200 = 14.7 SPACES REQ.

RESTAURANT - STARBUCKS DINNING= 1,520 SF / 200 = 7.6 SPACES REQ.

TOTAL COMMERCIAL PARKING REQUIRED = 24.5

Plus the 5 parking spaces for the apartments 5

TOTAL COMM.AND RES. PARKING REQUIRED = 29.5

PARKING PROVIDED: 33

We believe the difference in the calculations is that the Planner is including a restroom block, as well as all the corridors, plus the vertical circulation. Our position is those restrooms and circulation areas are only being used by the same patrons of the commercial area. Therefore, their parking requirement is already being accounted for. As per the calculations above.

We hope the CPA may grant the approval based on the calculations above with the understanding that the spirit of the parking requirement is being covered. However, if the CPA does not agree with our calculations we would like to request that the CPA consider granting a Parking Variance.

Additionally, the Client has informed us that the apartments above are meant to house the staff for these same commercial operations on the ground floor. So, he feels the staff will be only have 2 to 3 parking spaces needed for those apartments.

PLANNING DEPARTMENT ANALYSIS

General

The subject application is for a 1,600 square foot change of use to a restaurant at the new mixed use project located at the corner of Godfrey Nixon Way and the Esterley Tibbetts Highway.

The approved use of the building is commercial on the ground floor and residential on the upper two storeys.

The proposal is to change the use of 800 square feet of residential located on the second floor and 800 square feet of residential on the third floor to restaurant use: specifically, the back of house for the ground floor restaurant. The upper two floors of the proposed restaurant will be connected to the ground floor restaurant by stairs as well as a dumb waiter.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Parking

The applicant is providing a total of 33 parking spaces on the property.

The Department's analysis of the existing and proposed uses reveals a total of 39 parking spaces are required. The Department's analysis is based upon the approved planning drawings as well as the approved Building Permit drawings. Both sets of drawings include area calculations for each commercial use provided by the designer. The Department based the parking calculations on the following figures:

Commercial Bay 1	– 1,192 square feet @ 1 space per 300 = 3.9 spaces
Commercial Bay 2	– 1,443 square feet @ 1 space per 200 = 7.2 spaces
Commercial Bay 3	– 1,996 square feet @ 1 space per 200 = 9.9 spaces
Restroom	- 700 square feet @ 1 space per 300 = 2.3 spaces
Change of use	- 1,600 square feet @ 1 space per 200 = 8 spaces
Apartments	- 5 apartments @ 1.5 per unit = 7.5 spaces
TOTAL	=38.8 spaces

As per Authority protocol, the parking requirements are always rounded up, which would be 39 required parking spaces in this instance. In addition, it is also standard practice to include corridors and washrooms as well as back of house areas within the required parking calculations for restaurants and commercial uses.

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

2.11 SOUTH COVE LTD. (Professional Planning and Development Services (PPDS) Cayman Ltd.) Block 73A Parcel 23 (P24-0596) (\$15,000) (MW)

Application for a 28 lot subdivision (26 residential lots, 1 LPP lot & 1 road lot)

FACTS

<i>Location</i>	Queens Hwy., East End
<i>Zoning</i>	Agricultural/ Residential
<i>Notification result</i>	No Objectors
<i>Parcel size existing</i>	9 ac. (392,040 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Proposed lot sizes</i>	10,033 sq ft to 17,028 sq ft
<i>Current use</i>	Vacant

BACKGROUND

NA

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

- 1) Density/lot size
- 2) Lot widths

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 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 memo dated September 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 Issues

The NRA has no concerns or objections to the revised proposed 28 lot subdivision, as the applicant has satisfied showing the minimum intersection sight distances as measured from a point fifteen (15) ft back along the centreline of the minor road and three-and-one half feet (3 ½) above the road surface shall be four-hundred and twenty-five feet (425') for major road speed limits of 50 MPH as measured along the near edge of the running carriageway has been satisfied.

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

Department of Environment (12 July 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 Figures 1 and 2, the application site contains primary dry shrubland with scattered primary dry forest.



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

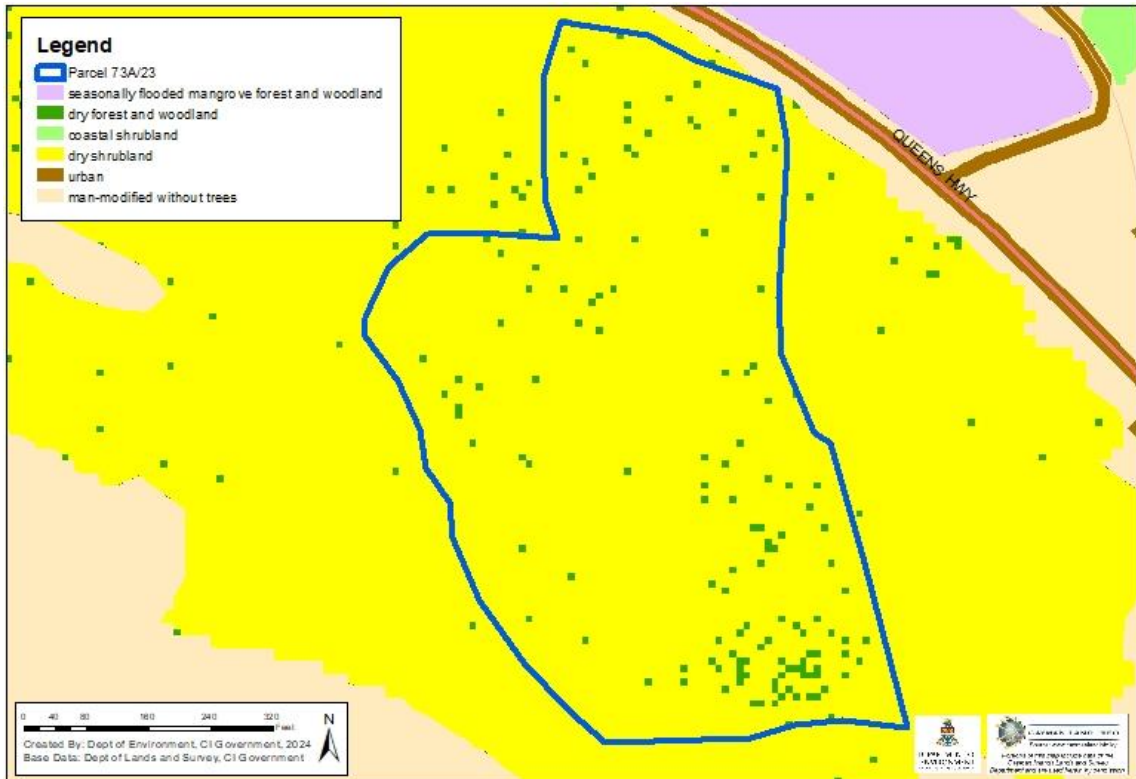


Figure 2. The application site with the parcel boundary highlighted in blue and an overlay of vegetation data (Aerial Imagery Source: UKHO, 2021 & Vegetation Data Source: DoE,2018).

Ecological Overview

Importance of Primary Habitat

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

Grand Cayman Parrot

*The Grand Cayman Parrot (*Amazona leucocephala caymanensis*) is listed as a Part 1 of Schedule 1 Protected Species in the National Conservation Act meaning they are protected at all times. The Grand Cayman Parrot is frugivorous (eats fruits) but also forages on young leaves and flowers. It is a secondary cavity nester, needing a large, hollowed-out space in a tree to nest. This means they are dependent on a limited supply of existing cavities in forest trees to make their nests. Wholesale clearing of sites removes the possibility of any vegetation providing continued parrot habitat, nesting sites and food.*

These parrots are an important part of Cayman’s natural and cultural history and serve as a symbol of national pride and natural resource conservation. They are a resilient species, but with a small habitat range, climate change pressures (such as more severe storms and hurricanes) and the conversion of land for human uses, the long-term future of these birds depends on the ability to use land sustainably and preserve mature trees and old-growth forests. The applicant should keep this in mind if the lots are to be cleared and filled. Any mature trees found on-site should be retained to provide a habitat for nesting parrots.

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 meaning they are protected at all times. As seen in Figure 3 below, the application site is in proximity to the Colliers Wilderness Reserve where captive-bred endemic Blue Iguanas have been released and now naturally reside and reproduce. Blue Iguanas have 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 have been recorded Blue Iguanas feeding in other parcels around the proposed subdivision site therefore, it is highly likely that there are Blue Iguanas present in the subdivision site as well. Blue Iguana nesting could also take place in areas where soil is present.

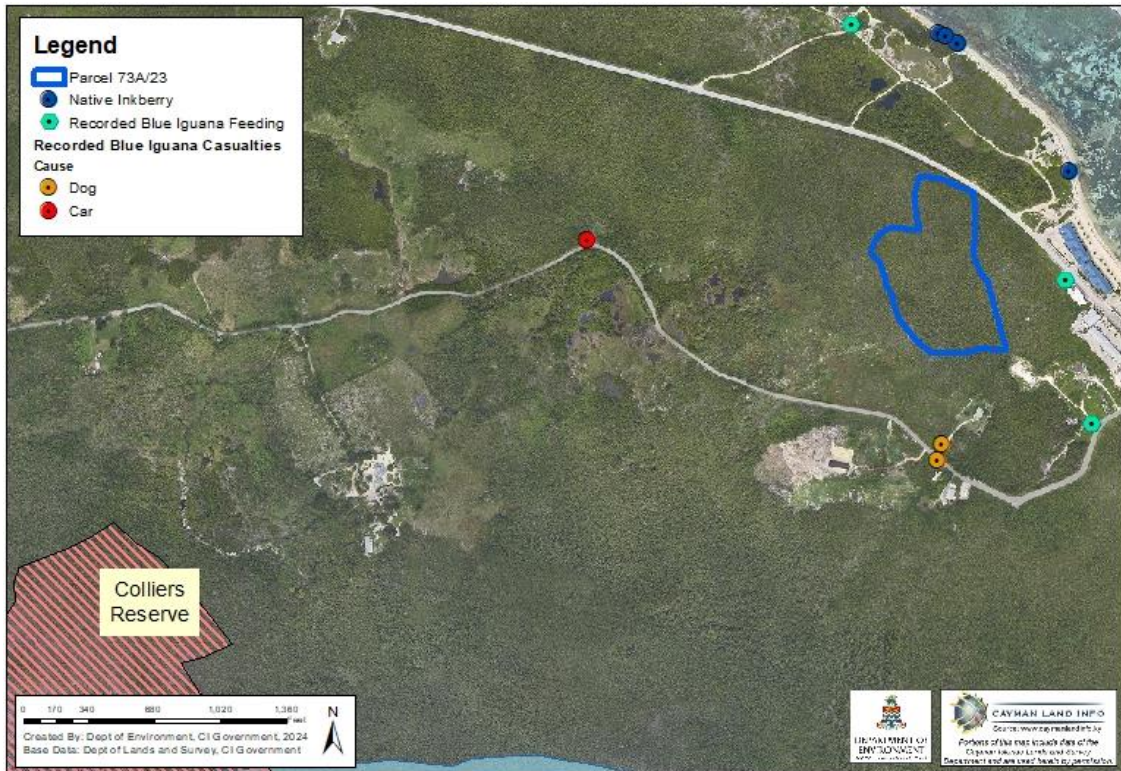


Figure 3. The application site with the proposed subdivision site highlighted in blue in proximity to the Colliers Reverse shown in striped red (UKHO, 2021).

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 threats to the recovering species. Firstly, the installation of road infrastructure in approved subdivisions could lead to an increase in Blue Iguana road strikes and introduce invasive species deeper into the forest. One of the primary human-associated threats to the Blue Iguana is road kills due to cars travelling faster than the iguana or the driver can react. Free-roaming cats and dogs also predate Blue Iguanas, particularly hatchlings and juvenile iguanas. Figure 3 shows a recorded Blue Iguana death due to a car (red dot) and two recorded Blue Iguana deaths caused by dogs (orange dot). In addition, the direct removal of primary habitat that could provide food and habitat to the Blue Iguana is also a threat. 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

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 East End should also be considered given there would be increased 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 East End 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 which 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. Should this subdivision be approved, we strongly recommend that the proposed Land for Public Purpose (LPP) be retained in its natural state.*

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 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.*

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 on this valuable habitat:

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

Fire Department

The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.

Department of Agriculture

No comments received to date.

APPLICANT'S LETTER

The below content is provided for inclusion in the CPA report as the applicant letter. I shall upload a copy of this email to OPS.

Variance request

The land which is zoned agricultural/residential is not sited over a water lens nor is it particularly suitable to agriculture. Having regard to Regulation 21, the requirements for low density residential areas is applicable.

As members are aware, Regulation 9(8)(g) requires a minimum lot width of 80ft for houses and duplexes. We respectfully request the Central Planning Authority's consideration of a variance for lot widths of proposed parcels 1,3, 8-9, 12-14, 19, 20-23, 27.

Lots 1, 3, and 27

The design of these parcels is affected by the existing parcel shape and location of boundaries in relation to neighbouring parcels.

Lots 8-9, 12-14, 19, 20-23

These lots are located on cul-de-sacs which results in reduced lot widths of the parcels adjacent to the road.

Justification

We respectfully request the members to consider and grant variances for the proposed lots. We believe several factors support this request and seek to demonstrate sufficient reason and exceptional circumstance exists to enable a variance to be granted:

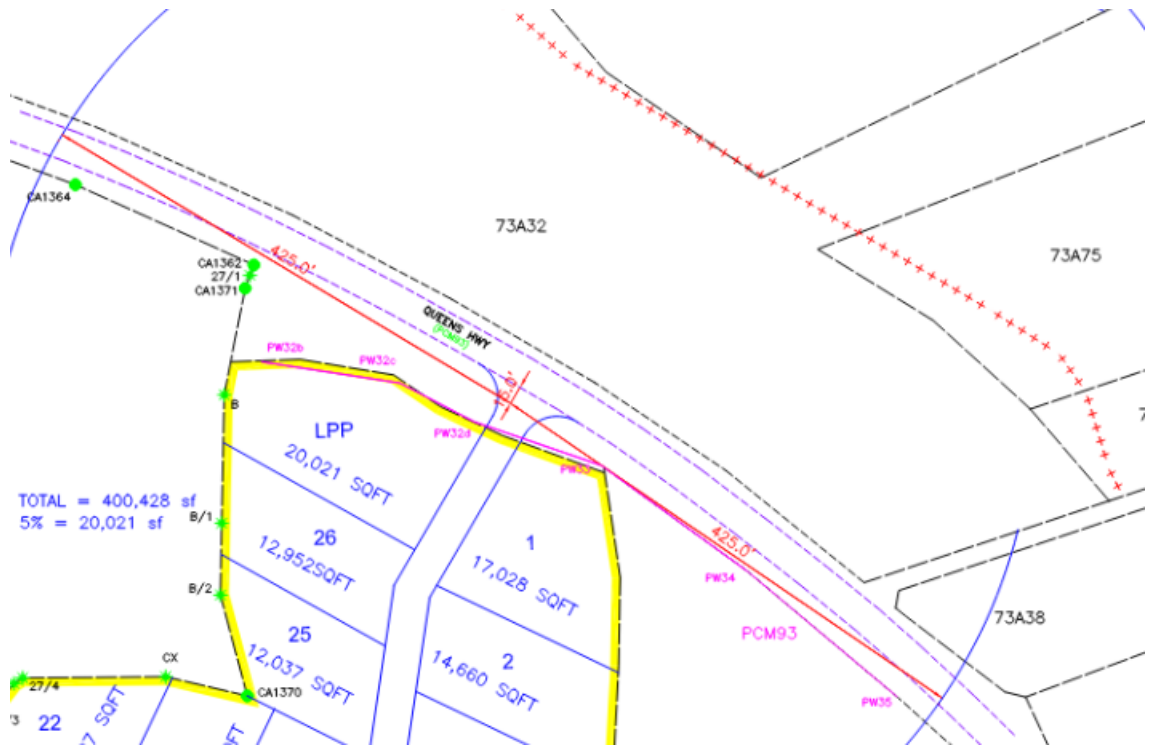
- 1. All the parcels are designed to meet and/or exceed minimum lot sizes ensuring above average development land is available for future projects.*
- 2. The proposed Land for Public Purpose is a generous sizes to support active and passive recreation of residents.*
- 3. The reduced lot widths do not affect access to the parcels, the proposed widths are adequate to accommodate future driveways.*
- 4. The proposed lot widths would not affect the amenity of neighbouring lots.*

National Roads Authority consultation

On 15th August 2024, the NRA advised that minimum sightlines of 15' back from the carriageway and 425' in length is required.

Following receipt of NRA's consultation response on the 15th August 2024 a topographic survey was undertaken of Queens Highway which incorporated the boundary information for the southern side of the road. The boundary information for the southern side consists of the Fixed Boundary Survey 50/767 to the west and PCM93 to the east, both of which are coordinated to the Grand Cayman Grid.

Sightlines of 425' in each direction setback 15' from the carriageway edge are achieved within the road corridor as detailed below:



The above sightline plan was uploaded to the Online Planning System and a re-consultation issued with a response date of the 22nd September. To date, we have not received any further dialogue from the NRA.

We trust members will consider the additional information regarding the sightlines demonstrates suitable visibility will be achieved of road users approaching the subdivision in either direction and conforms with the NRA's minimum specifications.

Conclusion

We respectfully ask members to consider our request for variances on the specified lots, as they meet all remaining requirements and adequate visibility for road users is available.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 28 lot subdivision (26 residential lots, 1 LPP lot & 1 road lot) to be located on Queens Hwy., East End.

Zoning

The property is zoned Agricultural Residential.

Specific Issues

1) Zoning/density

Regulation 21 allows two houses per acre, therefore the subject property at 9 acres could accommodate 18 houses. The applicant is proposing 26 residential lots.

Regulation 21 also states that if the Authority is satisfied that any such land is not situated over a water lens and is not particularly suited to agriculture, it may permit any development which complies with the requirements for low density residential areas.

In this instance, the subject lands are not situated over a water lens and would appear to range between class 4 and 5 on the Development Plan agricultural classification map. Class 1 being the best, class 6 being the worst.

Should the Authority determine that the subdivision may proceed on the basis of the low density residential zone provisions then the proposal would comply with minimum lot size requirements, but several lots would not comply with minimum lot width requirements which is addressed below.

2) Lot Width

Regulation 9(8)(g) of The Development and Planning Regulations (2024 Revision) states “*the minimum lot width for detached and semi-detached houses and duplexes is 80 feet.*” The proposed widths as follows for Lot 9 (**71.7’**), Lot 13 (**66.5’**), Lot 14 (**62.7’**), Lot 21 & Lot 22 (**15.1’**), Lot 23 (**33’-10”**). These lots are either on turnarounds or are flag shaped which are fairly typical subdivision design elements.

2.12 JONATHAN MCLEAN (Johnson Design & Architecture) Block 22C Parcel 96 (P23-0800) (\$1,000,000) (AS)

Application for a house, pool & carport.

FACTS

<i>Location</i>	VROW from Spinnaker Rd
<i>Zoning</i>	LDR
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	3.14 AC (136,778 sq. ft.)
<i>Parcel size required</i>	10,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed bldg footprint</i>	5,250 sq ft
<i>Proposed bldg area</i>	5,250 sq ft
<i>Site Coverage</i>	3.8%

BACKGROUND

May 8, 2024 (CPA/14/24; item 2.9) - Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (2022 Revision) and after reviewing the DOE's response to DPA s7 consultation, as part of its consideration of Section 41 of the National Conservation Act (2014) (NCA), the Authority

resolved to adjourn the application and require the applicant to provide a written response to the issue of potential adverse effects of the proposal, as defined in Section 2 (a-1) of the NCA as follows:

“adverse effect” means an effect that may result in the physical destruction or detrimental alteration of a protected area, a conservation area, an area of critical habitat or the environment generally and includes-

- (a) alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife;
- (b) development that may increase the potential for damage to the area from floods, hurricanes or storms;
- (c) alterations of salinity levels, nutrient balance, oxygen concentration or temperature that may be harmful to wildlife or the ecological or aesthetic value of the area;
- (d) alterations of hydrology, water flow, circulation patterns, water levels or surface drainage that may be harmful to wildlife or the ecological or aesthetic value of the area or that may exacerbate erosion;
- (e) alterations that may interfere with the public use and enjoyment of the area;
- (f) 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;
- (g) changes in littoral or sediment transport processes that may alter the supply of sediment available for those processes or that may otherwise exacerbate erosion;
- (h) alterations that may increase losses of the area from a rise in the sea level with respect to the surface of the land, whether caused by an actual sea level rise or land surface subsidence;
- (i) emissions of air pollutants at levels that may impair the air quality of the area;
- (j) alterations that may hinder or impede the movement or migration of wildlife;
- (k) alterations that may impair the capacity of a beach ridge to function as a protective barrier and as a reserve of sand for beach nourishment during storms; and
- (l) alterations that may impair the capacity of the area to act as a sink or reservoir of greenhouse gases or enhance its potential as a source of greenhouse gases.

The applicant is also advised that they are required to submit a revised letter providing reasons for the requested high water mark setback per the provisions of Regulation 8(11), not Regulation 8(13). Further in this regard, the Authority does not accept that the presence of rocks along a portion of shoreline as being akin to ironshore, therefore a minimum 75’ high water mark setback is applicable except along the canal.

Recommendation: Discuss the application for the following reason:

- 1) HWM setback (75 ft v 53 ft 10 in)

AGENCY COMMENTS (Section 7 DPA)

The Department 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).

Site Overview

As seen in Figure 1 below, the application site is man-modified consisting of regrowth in the central area of the parcel and mangroves around the edges of the parcel.

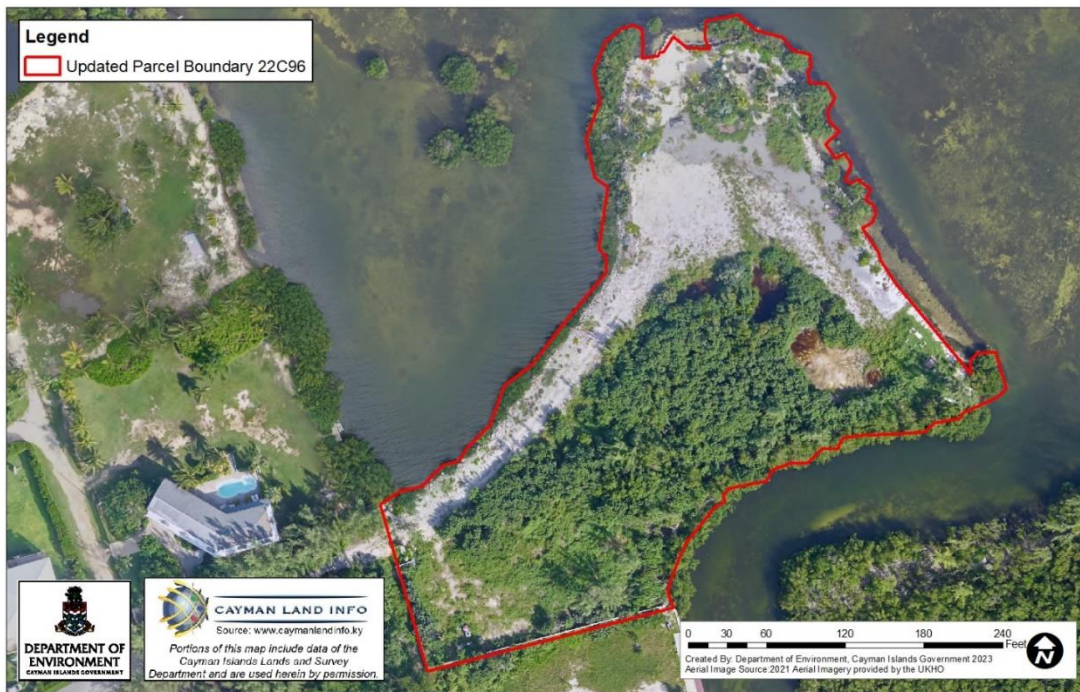


Figure 1. The application site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

Importance of Native Vegetation

We recommend that the applicant retains as much native vegetation as possible, particularly the mangroves on the edges of the parcel, and incorporates it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-

effective choice. 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 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>.

The DoE strongly encourages the applicant to consider planting more mangroves around the edges of the parcel as they will stabilize the shoreline and aid in preventing more erosion of the site. Mangroves provide natural infrastructure protection by preventing erosion and absorbing storm surge impacts during extreme weather events such as hurricanes. Both mangroves and other canal-side vegetation provide a natural buffer that helps to intercept surface water that may run off the land into the canal. Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. 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 removal 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.

With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. Should the applicant wish to trim the mangroves to give a view of the canal, it must be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/).

Climate Change

As shown in Figure 2 below, we note that the setback of the proposed development falls short of the minimum required setbacks from the registered Mean High Water Mark (MHWM) under section 8(10)(b) of the Development and Planning Regulations (2022 Revision). We note that the proposed pool is as close as approximately 51 feet from the MHWM and the proposed house is as close as approximately 54 feet from the MHWM. Although the submitted plans indicate that the site has a 50-foot coastal setback, which is used for ironshore coastlines, it does not contain the elevated ironshore features that are more resilient against erosion and sea level rise. The site has a mangrove coastline and should adhere to the minimum 75-foot coastal setback for mangrove coastlines required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure.

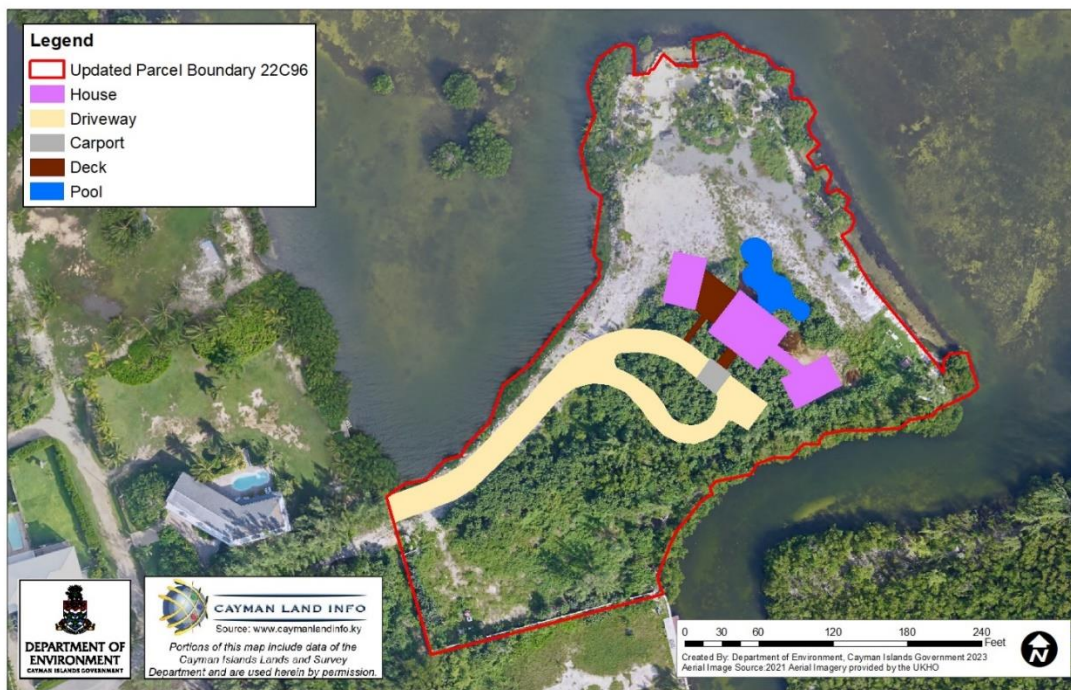


Figure 2. Proposed developments on site with the parcel boundary highlighted in red (Aerial Imagery Source: UKHO, 2021).

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 that are too close to the MHWL reduces the site’s potential to recover after major events.

*The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner. For this reason, the Department does **not** support a coastal setback variance. The DoE recommends that the property is redesigned to ensure it meets the 75-foot mangrove coastline setback. Although the DoE supports the raised development design, we strongly encourage that the coastal setbacks are adhered to as it will further increase the resilience of the property against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.*

Construction Impacts on the Environment

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.

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:

- 1. All construction materials shall be stockpiled at a minimum of 75 feet from the Mean High Water Mark (MHWM) to reduce the possibility of run-off washing material and debris into the surrounding marine environment 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 surrounding marine environment.*

APPLICANT'S LETTERS

Letter #1

See Appendix B

Letter #2

See Appendix C

Letter #3

Kindly accept this letter in response to the CPA meeting held May 8th, 2024. Please see the response below pertaining to the CPA request to address the NCA Section 2 (a to l):

(a) alterations that may impair the capacity of the area to function as a habitat beneficial to wildlife.

This is an application for a house on stilts on an 3.14 Acre site, its impact is minimal. The client has planted the site entirely with indigenous vegetation, which will support local habitat for wildlife.

(b) development that may increase the potential for damage to the area from floods, hurricanes or storms.

No. There is riprap at the perimeter of the site with mangrove growing through much of it. Mangroves absorb storm surge. The proposed house is on stilts and minimal hard surfaces are proposed for the site.

(c) alterations of salinity levels, nutrient balance, oxygen concentration or temperature that may be harmful to wildlife or the ecological or aesthetic value of the area.

Not applicable to this planning application.

(d) alterations of hydrology, water flow, circulation patterns, water levels or surface drainage that may be harmful to wildlife or the ecological or aesthetic value of the area or that may exacerbate erosion.

Not applicable to this planning application.

(e) alterations that may interfere with the public use and enjoyment of the area.

No. The site is private and will be used for a proposed house.

(f) 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.

Not applicable to this planning application.

(g) changes in littoral or sediment transport processes that may alter the supply of sediment available for those processes or that may otherwise exacerbate erosion.

Not applicable to this planning application.

(h) alterations that may increase losses of the area from a rise in the sea level with respect to the surface of the land, whether caused by an actual sea level rise or land surface subsidence.

No. The proposed house is on stilts and sits well behind the riprap perimeter.

(i) emissions of air pollutants at levels that may impair the air quality of the area

Not applicable to this planning application.

(j) alterations that may hinder or impede the movement or migration of wildlife

This is an application for a house on stilts on an 3.14 Acre site, its impact is minimal. The client has planted the site entirely with indigenous vegetation, which will support local habitat for wildlife.

(k) alterations that may impair the capacity of a beach ridge to function as a protective barrier and as a reserve of sand for beach nourishment during storms

Not applicable to this planning application. Seafront is mostly riprap and mangroves.

(l) alterations that may impair the capacity of the area to act as a sink or reservoir of greenhouse gases or enhance its potential as a source of greenhouse gases.

The best way to combat greenhouse gases is to have and retain or plant as many trees and vegetation as possible on site. The client has planted the site almost entirely with indigenous vegetation on this 3.14 acre site.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a four (4) bedroom, 5,240 sq ft house to be constructed on 10 ft columns. The application also includes a pool and a carport.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) HWM setbacks

Pursuant to Section 8(10)(b) of the Development and Planning Regulations (2022 Revision) “in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), all structures and buildings, including ancillary buildings, walls and structures, shall be a minimum of seventy-five feet from the high water mark.”

In this instance, the applicant’s agent has indicated that part of the shoreline is rip rap and that the setback from ironshore should apply in that area. The setbacks from the buildings to this portion of shoreline range from 64’ to 75’. If the Authority agrees with the applicant then the buildings would exceed a 50’ setback. If the Authority does not agree with the applicant then a HWM setback variance would be needed.

The remainder of the shoreline on the North Sound is mangroves therefore a 75’ setback is required. The master bedroom portion of the house would have a 53’ 10” setback. The closest point of the pool to the HWM is 59’ 10”.

It is unclear how DOE’s HWM setback references were achieved.

Finally, the applicant’s agent is referring to an incorrect section of the regulations for justifying a HWM setback variance. Regulation 8(13) does not apply in this instance. Instead, reference should have been made to the criteria of Regulation 8(11). Pursuant to that Regulation, the Authority may allow a lesser setback having regard to:

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

SUPPLEMENTARY ANALYSIS

There have been no changes to the plans. The applicant has provided an updated HWM setback variance request letter as well as a written response to s2(a-l) of the NCA.

2.13 CRYMBLE LANDHOLDINGS LTD. (Decco) Block 10E Parcel 76 & Block 10A Parcels 234 and 235 (P24-0780) (\$1.8 million) (NP)

Application for land clearing and filling (5 acres).

FACTS

<i>Location</i>	Anchor Road, West Bay
<i>Zoning</i>	Low Density Residential & Hotel/Tourism
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	42 acres
<i>Area to be cleared</i>	5 acres.
<i>Current use</i>	Vacant
<i>Proposed use</i>	None at this time

BACKGROUND

NA

Recommendation: Discuss the application for the following reason:

- 1) Lack of application for the primary development of the site

AGENCY COMMENTS

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).

The DoE notes that the site of the proposed expansion consists of tidally flooded mangrove forest and woodland (refer to Figures 1 and 2). 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>.

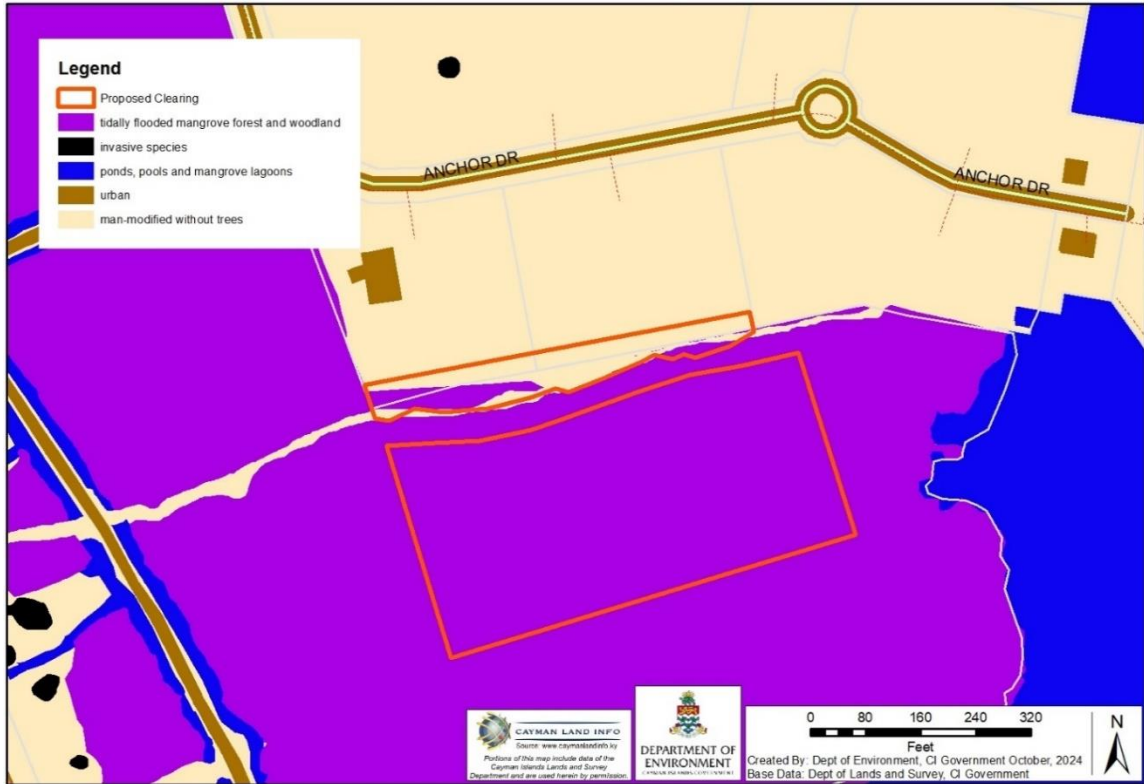


Figure 1. Land cover at the application site showing the proposed expansion site consists of tidally flooded mangrove forest and woodlands (Source: DoE, 2018).



Figure 2: 2021 aerial imagery showing the landcover over the proposed expansion site(Source: UKHO, 2021).

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.

The DoE notes that the property contains a large, man-modified area, directly to the north of the existing Pro-Yacht marine site, which is currently vacant and largely devoid of vegetation and is within the same ownership as the proposed site. As shown in Figure 3, This man-modified area contains more than enough space to host the proposed 5 acre expansion without the need to remove mangroves.

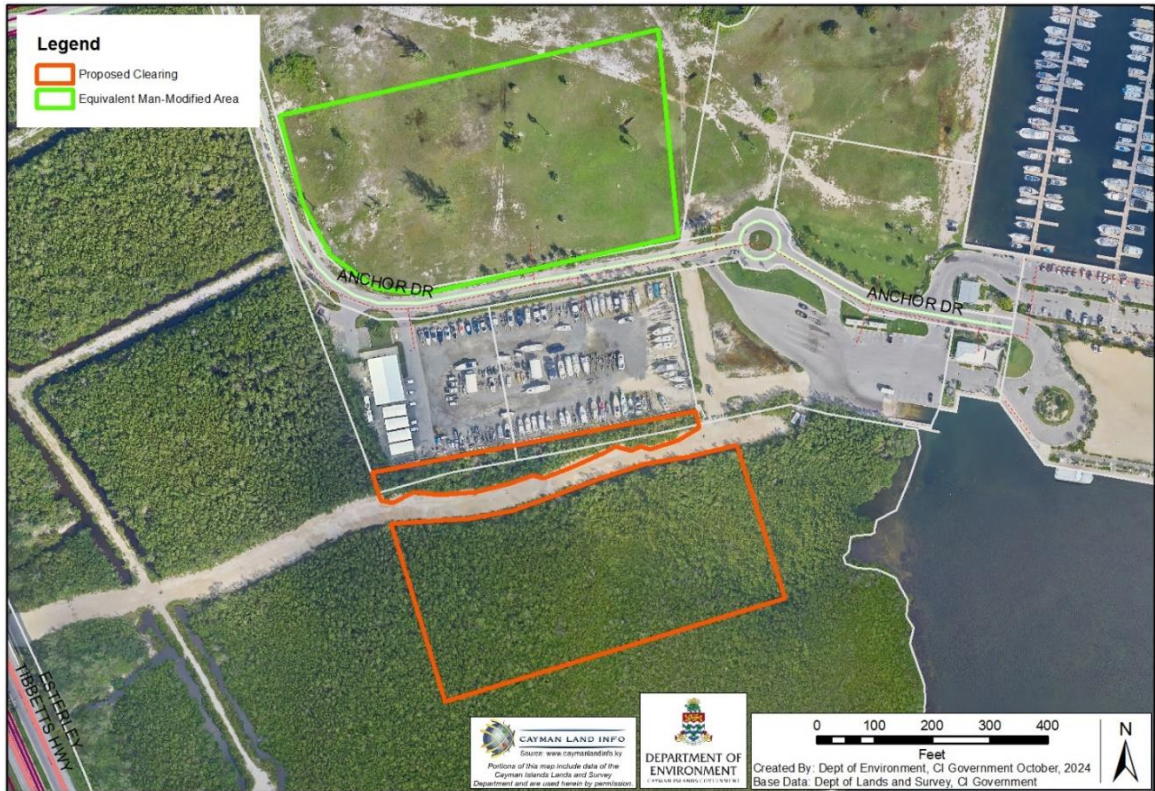


Figure 3: An equivalent 5 acre site to the north of the Pro Yacht site that could accommodate the proposed expansion.

As such, we highly recommend the applicant considers the relocation of the proposed expansion to use the man-modified area to the north of the Pro-Yacht site as opposed to the loss of 5 acres of mangroves and the biodiversity and ecosystem services they provide.

APPLICANT'S LETTER

Please find enclosed the following documentation for the above-referenced planning application, submitted on behalf of Crymble Landholdings Ltd. and Pro-Yacht.

Pro-Yacht is currently operating at capacity at their C.I. Yacht Club location and wishes to expand their services offering boat maintenance, sales and storage. Their location

within CIYC offers the ability to easily serve customers given their proximity to the marina, marine fueling station, and public boat ramp. Given this, they wish to remain at their location.

The area chosen for expansion is zoned LDR, while ProYacht's current footprint is zoned Hotel Tourism. Expansion to the south will facilitate Pro Yacht to provide easier access to the boat ramp, maintain efficient and safe operations by avoiding having to regularly cross Anchor Drive, and be hidden from public view.

Regulation 8(13)(b) gives the CPA the authority to allow marine commercial uses within a residential zone if they are satisfied that:

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

The expansion site is adjacent to Pro-Yacht's existing facility that offers boat maintenance, sales and storage to C.I. Yacht Club & Marina tenants. The site is also adjacent to CIYC's public boat ramp, marine fueling station, and harbor retail.

(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.

The expansion area is surrounded by vacant land and adjacent to existing marine uses. Placing the expansion south of the service yard will avoid traffic impacts on Anchor Drive.

Dart reaffirms our commitment to the 'Acre for Acre' pledge. For each acre of land we develop that has not been previously man-modified, we will preserve an acre of ecologically significant, untouched natural habitat.

We trust that we have provided sufficient information for CPA to consider this application.

PLANNING DEPARTMENT ANALYSIS

General

The subject properties are located south of Anchor Drive in West Bay.

Block 10A Parcels 234 & 235 are presently the site of the Pro Yacht marina operation and are zoned Hotel/Tourism.

The applicant is seeking permission to clear and fill a small sliver of Parcels 234 & 235 as well as an approximate 4 acre portion of Block 10E Parcel 76, which is zoned Low Density Residential.

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

Zoning

The properties are zoned Low Density Residential and Hotel/Tourism.

Specific Issue

1) Nature of the application

Discuss the request to clear and fill a portion of the lands.

2.14 PHILIP RANKIN (AE Designs) Block 27C Parcel 554 (P24-0671) (\$30,000) (EJ)

Application for an after-the-fact boat shed & 20' container.

FACTS

<i>Location</i>	Leeward Drive, Newlands
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3341 ac. (14,553 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	ATF Boat Shed & Container
<i>Proposed building size</i>	1,048 sq. ft.
<i>Total building site coverage</i>	8.85%

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

- 1) Canal setback variance (15' 6" vs 20')
- 2) Container in residential area

AGENCY COMMENTS (Section 7 DPA)

The Authority received comments from the Department of Environment.

Department of Environment (August 22, 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 as the site is man-modified with limited ecological value.

APPLICANT'S LETTER

I am writing on behalf of our client, Mr. Philip Rankin, the property owner of Block 27C Parcel 554, to kindly request a variance for an after-the-fact planning application regarding a recently constructed boat shed structure on his property. Specifically, we kindly request a variance for the Boat Shed after the fact and setback requirement on the canal side, reducing the setback from 20' to 15'-6".

Our client was unaware that a planning application was required for such a structure during construction. When we were contacted for professional advice, we informed him of the need to submit a planning application and prepare the appropriate drawings for review

and approval by the department. Mr. Rankin immediately expressed his commitment to ensuring the project complies with all relevant planning regulations.

Since then, he has taken all the necessary actions and provided our firm with clear instructions to work towards bringing the project into compliance. Mr. Rankin's top priority is to meet all requirements and seek the planning department's approval for the boat shed.

Please consider our client's situation and grant the variances requested. We appreciate your time and assistance with this application and hope the department will favorably consider this request.

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact 888 sq. ft. boat shed and 20-ft storage (160 sq. ft.) container is located on Leeward Drive in North Sound Estates.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Canal setback

The applicant is seeking after-the-fact permission for the 888 sq. ft. boat shed existing 15'-6" vs 20' from the canal edge; however, the actual boundary extends 32'-3" from said boat shed; therefore, a setback variance is being sought due to regulations 8 (10)(ea) (**Canal**) 20' setback requirement.

2) Container in residential area

The Authority has typically discouraged the placement of shipping containers in residential areas, especially when there is no application for the primary development of the site.

2.15 LOMA WHITTAKER (SURVEY SOLUTION LIMITED) Block 57A Parcel 17 (P24-0914) (\$10,000) (JS)

Application for 5 lot subdivision.

FACTS

<i>Location</i>	Neezas Way in Savannah
<i>Zoning</i>	Low Density Residential
<i>Current use</i>	Vacant
<i>Proposed use</i>	5 lot subdivision
<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>Parcel size proposed</i>	12,490 sq. ft. to 14,550 sq. ft.
<i>Proposed lot widths</i>	88.8'

BACKGROUND

NA

Recommendation: Discuss the application, for the following reason:

- 1) Acute lot lines

AGENCY COMMENTS (Section 7 (DPA))

The Authority received comments from the Department of Environment and Cayman Fire Service. However, no comments were received from the National Roads Authority or Cayman Water Authority though they were requested.

Department of Environment

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

The site is man-modified and the DoE has no environmental concerns related to the formation of this subdivision.

Cayman Fire Service

The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Nezas Way in Savannah.

The application is for a Subdivision of land to create 6 residential lots.

Zoning

The property is zoned Low Density Residential.

Specific Issues

- 1) Lot lines

The subdivision design includes side lot lines that meet the access road at an acute angle instead of being perpendicular. This often results in buildings being set out incorrectly resulting in the need for setback variances.

2.16 DEMOY NASH (LSG Designs) Block 43E Parcel 360 (P24-0793) (\$750,000) (EJ)

Application for a duplex.

FACTS

<i>Location</i>	Raspberry Drive, Bodden Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2360 ac. (10,280 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,077 sq. ft.
<i>Total building site coverage</i>	16.26%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

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

- 1) Lot size (10,280 sq. ft. vs 12,500 sq. ft.)

APPLICANT'S LETTER

We are writing to respectfully seek the Central Planning Authority's (CPA) favourable consideration of the application for planning permission on 43E 360, with one variance request. The application pertains to the construction of a duplex, and due to the lot size of 0.2360 acres (10,280.16 sf), a variance is required.

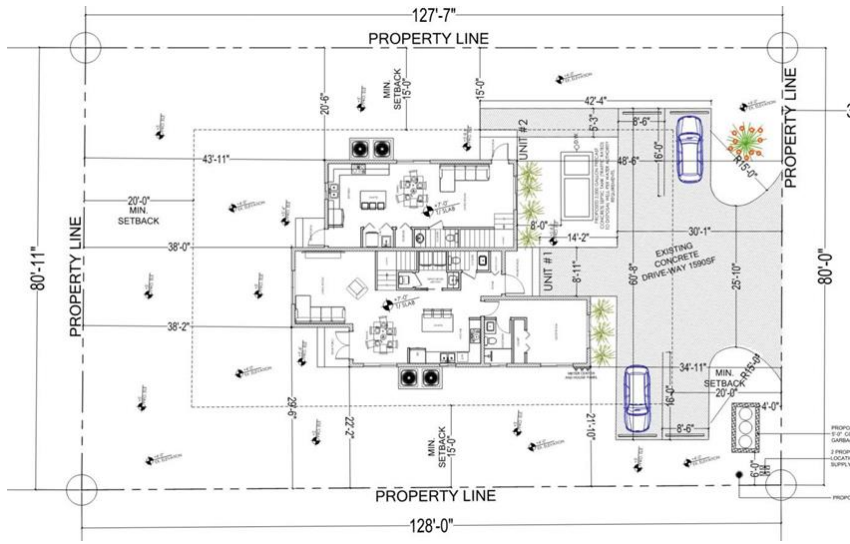
Demoy Nash purchased the land earlier this year with the intent to construct a duplex. This would allow him and his family to occupy one side while rendering the other, thus helping to offset high construction costs and securing a reliable source of income to mitigate the cost of living in the Cayman Islands.

Justification for variance

In accordance with Regulation 8(13) of the Development and Planning Regulations (Revision 2024), we respectfully submit the following justification for the requested variance based on exceptional circumstances and sufficient reason:

- (i) *Lot size 10,280.16 sf vs. 12,500 sf*

The application site is located in a Low Density Residential zone, which requires a minimum lot size of 12,500 sf for a duplex under Regulation 9(8)(e) of the Development and Planning Regulations (2024 Revision). While the lot size is smaller than the standard requirement, the building's site coverage is 16.26%, well below the permitted 30% and the total site coverage, including the building and parking area, is 32.6% compared to the permitted 75%. These aspects help minimize the development's impact on surrounding lots by ensuring sufficient landscaped areas are maintained.



(ii) Character of the area

Through research undertaken as part of the design process the project team noted the surrounding area, in particular, the approach to the application site is characterized by a mix of detached houses and duplexes. Of particular relevance is the recent approval of a duplex development on 43E 319, approximately 250' to the south, which received a lot size variance for a 10,271 sf parcel (CPA/18/21; item 2.5, P20-0852):



The approved site was 18% smaller than the minimum required for a duplex. In comparison, Demoy's site is 17.76% below the required lot size. We trust the Authority will consider this precedent when evaluating the current request, and we hope the reduced lot size will be deemed acceptable to support this duplex development.

(ii) Impact on neighbouring properties

The proposed development exceeds the 15' side setback requirements for a two storey development, with duplex being sited over 20' from the side boundaries. This ensures minimal impact on future occupants of adjoining lots and preserves the privacy and space of neighbouring properties.

(iii) Impact on the surrounding area

The development provides four parking spaces with sufficient turning facilities to support the two units. This ensures that the project does not compromise public welfare or residential functionality. The design maintains the residential character of the area and aligns with the established one and two storey structures in the neighbourhood.

(iv) Compliance with Regulations

The proposed duplex complies with all other regulatory requirements, including setbacks and site coverage. The development is sensitively designed and appropriately sited, ensuring no encroachment or undue harm to the amenities of neighbouring properties.

Conclusion:

In light of the above considerations, we respectfully request that the CPA approve the necessary variance and grant planning permission accordingly for the duplex development at 43E 360.

PLANNING DEPARTMENT ANALYSIS

General

The proposed five-bedroom, two-storey duplex is proposed on Raspberry Drive, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Minimum Lot Size for Duplex –

The proposed duplex is on a 10,280 sq. ft. vs 12,500 sq. ft. lots size (or a difference of 2,220 sq. ft. under), not meeting regulations 9 (8)(e); therefore, the applicant is seeking a lot size variance from the Authority.

2.17 RAQUEL WOOLAVER (Steve Gurley) Block 4C Parcel 553 (P24-0677) (115,000) (JS)

Application for a house.

FACTS

<i>Location</i>	Ching Ching Lane, West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.29ac. (12,632 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	322.50 sq. ft.
<i>Total building site coverage</i>	18.04%
<i>Required parking</i>	2
<i>Proposed parking</i>	3

BACKGROUND

A planning application was approved on this lot on 2010-03-12, the project number was P10-0220.

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

- 1) Lot size
- 2) Rear setback

APPLICANT'S LETTER

I hope this message finds you well. I am writing on behalf of my client, Raquel Woolaver, to inform you of our intent to apply for a setback variance for constructing a tiny house at Block 4C Parcel 553, West Bay, Grand Cayman. To proceed with this project, I am requesting a variance to reduce the required setback from the property line, with respect to the Section 8(13) of the Cayman Islands Development & Planning Regulations:

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

Reason for Variance Request:

- 1. Lot Constraints: The unique positioning and use of the proposed tiny house on the lot, makes adherence to the standard setback requirements impractical.*
- 2. Minimal Impact: The cottage will have a minimal impact on the surrounding properties privacy and will not obstruct any views.*
- 3. Aesthetic Harmony: The location of the proposed tiny house is not visible from the street.*
- 4. Existing Precedent: There are existing cases of setback variance in the neighborhood.*

Proposed Setback Details:

- * Current required setback: 20FT from the rear of the lot*
- * Proposed setback: 5FT- 8INCH from the rear of the lot*

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Ching Ching Lane, West Bay

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) (d) is 10,000 sq ft for each detached house, therefore the required lot size would be 20,000 sq ft, the proposed lot size is 12,632 sq ft.

2) Rear Setback

The required rear setback as can be seen in section (9) (8) (i) is 20ft, the proposed rear setback is 5’8”.

2.18 DAVID OLIVEIRA (CARMAN O’BRIEN) Block 9A Parcel 639 H2 (P24-0833) (50,000) (JS)

Proposed bedroom addition (in attic space) to townhouse unit.

FACTS

<i>Location</i>	Batabano Road, West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Current use</i>	townhouse unit
<i>Proposed bedroom</i>	476 sq. ft.

BACKGROUND

January 8, 2020 (CPA/01/20; item 2.2) – Approval granted for 113 units. At that time 192 bedrooms were allowed and 231 bedrooms were approved. 170 parking spaces were required and 223 spaces were provided.

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

- 1) Additional bedroom

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Batabano Road, West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Number of bedrooms

As noted in the Background section, the original development was approved with 231 bedroom when 192 were permitted. The Authority needs to determine if an additional bedroom variance is warranted.

2.19 ALEXI EBANKS (AE Architecture) Block 4B Parcel 645 (P24-0448) (\$180,000) (NP)

Application for 3 apartments.

FACTS

<i>Location</i>	Allamanda Drive, West Bay
<i>Zoning</i>	High Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	13,481.8 sq ft
<i>Parcel size required</i>	10,000 sq ft
<i>Current use</i>	Existing house & duplex
<i>Proposed use</i>	3 apartments
<i>Buildings Footprint</i>	2,686 sq ft
<i>Buildings Area</i>	3,161 sq ft
<i>Units Permitted</i>	7
<i>Units Proposed</i>	4
<i>Bedrooms Permitted</i>	13
<i>Bedrooms Proposed</i>	7
<i>Parking Required</i>	8
<i>Parking Proposed</i>	10

BACKGROUND

Existing house approved in 2002

Existing duplex approved in 2017

Recommendation: Discuss the application for the following reasons:

- 1) Suitability
- 2) Parking functionality

AGENCY COMMENTS

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

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). 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 largely man-modified, with limited ecological value.

Advice to Central Planning Authority

If renovations are required in order to support the change of use to apartments, then best management practices also should be adhered to during construction to reduce impacts on the 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.

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 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:*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Existing House</i>	<i>1 x 4-Bed Unit</i>	<i>375gpd/4-Bed Unit</i>	<i>375</i>
<i>Existing Duplex</i>	<i>2 x 1-Bed Unit</i>	<i>150gpd/1-Bed Unit</i>	<i>300</i>
<i>Proposed Apartments</i>	<i>3 x 1-Bed Unit</i>	<i>150gpd/1-Bed Unit</i>	<i>450</i>
<i>TOTAL</i>			<i>1,125</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 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

Change-of-Use with Existing Septic Tank

- *If the developer proposes to utilize the existing septic tanks and/or disposal wells, the 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 design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.

Water Supply

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

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

Department of Environmental Health

Solid Waste Facility:

1. *This development require 8 (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.*

Spa The spa must comply with Chapters 5 of the International Swimming Pool and Spa Code.

National Roads Authority

Not yet received.

Fire Department

The Fire Department has approved the drawings.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Allamanda Drive in West Bay.

The proposal is for a three apartment addition to an existing four bedroom house, which would create a four bedroom apartment building if approved.

The property also contains an existing duplex.

The applicant is also proposing parking for 10 vehicles.

Zoning

The property is zoned High Density Residential.

Specific Issues

1) Suitability

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

2) Parking Areas

The Department would note that the northern parking area would contain 6 parking spaces with little reverse area for north/south oriented spaces.

In addition, cars would reverse into the street from all proposed parking spaces.

The Authority should discuss whether the proposed parking layout functions properly.

An accessible parking space has not been provided on the site plan.

The Authority should discuss whether an accessible space should be provided.

2.20 RAINBOW DEVELOPMENT LTD (AE Designs) BLOCK 12C PARCEL 86 (P24-0665) (\$1,390,000) (AS)

Application for a duplex and two (2) pools.

FACTS

<i>Location</i>	Jennifer Dr
<i>Zoning</i>	LDR
<i>Notification Results</i>	No objectors
<i>Parcel size proposed</i>	.2777 ac (12,096.612 sq ft)
<i>Parcel size required</i>	12,500 sq ft
<i>Current Use</i>	Vacant
<i>Proposed building size</i>	6,348 sq ft
<i>Proposed building footprint</i>	3,634 sq ft
<i>Total building site coverage</i>	30%
<i>Required parking:</i>	2
<i>Proposed parking</i>	2

Recommendation: Discuss the application for the following reasons:

- 1) Lot size (12,500 sq ft v 12,096.612 sq ft)
- 2) Rear setback (20 ft v 13 ft 10 in)
- 3) Front setback (20 ft v 17 ft)
- 4) Side setback (10 ft v 5 ft 4 in)
- 5) Side setback (10 ft v 5 ft 7 in)

APPLICANT'S LETTER

I am writing on behalf of my Clients, Rainbow Realty, to request a minimum lot size variance for duplex project on Block 12C parcel 86. We are seeking your favorable consideration for the following variances:

The current zoning regulations require a minimum lot size of 12,500 square feet; however, our property consists of 12,101 SF, representing approximately 96.8% of the mandated requirement. Furthermore, we would like to note that the adjacent property, Block 12C Parcel 85, which has the same lot size as ours, has been granted approval for a duplex.

Additionally, we kindly seek a variance for the pool setback and septic tank. The proposed 14ft pool setback from the property boundary will provide sufficient space for vehicle access when necessary. Both structures will be situated at the same level as the finish grade, ensuring minimal disruption to the neighbors and their surroundings.

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.

Our project has been designed with careful consideration to meet all other planning requirements. The main structure of the building and the rooms are all within the setback requirements. We have also ensured that the site coverage meets the code requirements, and we have provided more than the required parking spaces.

In designing the duplex, we took special care to ensure that it complements the character of the neighborhood. The design features a mix of single-story areas, and a two-story structure concentrated mainly at the center of the building, which we believe will harmonize well with the surrounding properties.

We understand the importance of maintaining the integrity and character of our community, and our proposal has been developed with this in mind. We believe that the minor variance in lot size does not detract from the overall quality and feasibility of the project. Instead, our plan demonstrates a comprehensive approach to responsible development that prioritizes community values, aesthetic harmony, and functional design.

In light of these considerations, we kindly request that the Planning Department grant the requested variance for our lot size and pool & septic tank setbacks. We are confident that our proposed development will not only meet but enhance the standards of quality and design expected in our community.

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.

Please do not hesitate to contact me should you have any questions.”

PLANNING DEPARTMENT ANALYSIS:

General

The application is for a two (2) storey duplex at Jennifer Dr. Each unit will have 4 bedrooms.

Zoning

The parcel is zoned Low Density Residential.

Specific Issues

1) Lot size

Pursuant to Section 9 (8) (e) of the Development and Planning Regulations (2024 Revision) the minimum lot size for each duplex is 12,500 sq ft. The subject parcel is 12,096 sq ft in size.

2) Setbacks

Pursuant to Section 9 (8) (i) of the Development and Planning Regulations (2024 Revision) the minimum front and rear setbacks are 20 ft. The site plan shows a front setback of 17 ft and a rear setback of 13 ft 10 in.

Pursuant to Section 9 (8) (j) of the Development and Planning Regulations (2024 Revision) the minimum side setback is 10 ft for a building of one (1) storey and 15 ft for a building that is more than one (1) storey. The site plan shows side setbacks of 5 ft 7 in and 5 ft 4 in from the septic tanks.

2.21 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 72B Parcel 209 (P24-0361) (\$151,800) (EJ)

Application for modification to increase front porch and relocate septic tank.

FACTS

<i>Location</i>	Will Jackson Drive, East End
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1174 ac. (5,113 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	House approve
<i>Proposed building size</i>	65 sq. ft.
<i>Total building site coverage</i>	23.75%

BACKGROUND

October 30, 2023 - planning permission granted for a three-bedroom house.

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

- 1) Side setback (septic) - (4'4" & 1'5" vs 10')

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.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 65 sq. ft. front porch addition, and relocation of septic tank and deep well does not meet the required side setback and is located on Will Jackson Drive in East End.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Side setback

The proposed 65 sq. ft. front porch addition meets all requirements; however, the applicant is seeking a side setback variance for the septic tank and deep well proposed at 4'4" & 1'5" vs 10' respectively from the side boundary in order to accommodate the porch increase.

The Authority is reminded of a similar NHDT application at CPA/25/24; item 2.25 (October 7, 2024) where the Authority requested a revised site plan showing a minimum 5' side setback for both the septic tank and the deep well.

2.22 NATIONAL HOUSING DEVELOPMENT TRUST (Whittaker & Watler) Block 72B Parcel 183 (P24-0366) (\$151,800) (EJ)

Application for modification to increase front porch and relocate septic tank.

FACTS

<i>Location</i>	Marvelle McLaughlin Drive, East End
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1160 ac. (5,052 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	House approve
<i>Proposed building size</i>	65 sq. ft.

Total building site coverage 23.75%

BACKGROUND

October 3, 2023 - planning permission granted for a three-bedroom house.

Recommendation: Discuss the application, for the following reasons:

- 1) Side setback (septic) - (5’0” vs 10’)
- 2) front setback (septic) – (19’1” vs 20’)

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.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 65 sq. ft. front porch addition, and relocation of septic tank does not meet the required front and side setbacks is located on Marvelle McLaughlin Drive in East End.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Side and front setbacks

The proposed 65 sq. ft. front porch addition meets all requirements; however, the applicant is seeking variances for the septic tank 5’-0” & 19’.1” vs 10’ & 20’ from the side and front boundary in order to accommodate the porch increase.

2.23 CATHY SEYMOUR (CLS CONTRACTORS) Block 43E Parcel 445 (P24-0327) (275,000) (JS)

Application for a house.

FACTS

<i>Location</i>	Frost Street, Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1162ac. (5,062 sq. ft.)

<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1200 sq. ft.
<i>Total building site coverage</i>	23.71%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

NA

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

- 1) Side setback

AGENCY COMMENTS (Section 7 DPA)

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

As seen in Figure 1 below, the application site has been cleared and filled making it of limited ecological value.



Figure 1. The phase 4 area of works outlined in red (Aerial Imagery Source: Google Maps, 2023).

Advice to the Applicant

Previously, the site consisted of mangrove wetlands and freshwater ponds and there may still be mangrove vegetation on-site that has regrown. 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.

With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. We recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and that any remaining wetland vegetation is retained where possible to assist with on-site drainage. In addition, there should be no clearing of mangroves outside the parcel boundary.

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.

We also encourage the applicant to use porous or permeable paved surfaces for the proposed driveway and parking area. This will allow rainwater infiltration and help to manage the impacts of stormwater run-off.

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and 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.

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 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 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.*

APPLICANT'S LETTER

I am writing to submit the residential house plan for the aforementioned with an approved Template Permit (T20-

002) for a 1,200SF, 3-bedroom, 2-bath house to be constructed. I am seeking approval for a variance regarding the 10-foot side and 20-foot rear setbacks.

As outlined on the attached site plan the variance is necessary due to site constraints. Instead of a 10' side setback, the right side setback is 7'-3" for the steps and 9'-6" for the building. This does not pose any adverse effects on neighbouring properties or the community as a whole. Moreover, the design adheres to all other zoning regulations and building codes.

Variance Justification:

1. **Minimal Impact:** *The encroachment into the side setback is minimal and does not infringe significantly on the neighbouring properties or obstruct any views.*
2. **Aesthetics and Functionality:** *The design of the house is consistent with previous phases of the development. Altering the design to conform to the setback would compromise the livability of the small 1,200 Sq. Ft. house.*
3. **Precedent:** *Similar variances have been granted in the past for the adjacent NHDT homes due to the small lot size, indicating a precedent for such requests.*

The building will be set out by a licensed land surveyor and the proposed construction will comply with all other applicable regulations, ensuring the safety, functionality, and aesthetic appeal of the property.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Frost Street, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side setback

The required side setback as can be seen in section (9) (8) (j) is 10ft, the proposed side setback is 7’3”.

2.24 CATHY SEYMOUR (CLS CONTRACTORS) Block 43E Parcel 443 (P24-0328) (275,000) (JS)

Application for a house.

FACTS

<i>Location</i>	Frost Street, Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1115ac. (4,857 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1200 sq. ft.
<i>Total building site coverage</i>	24.71%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

NA

Recommendation: Discuss the application, for the following reason:

- 1) Rear setback

AGENCY COMMENTS (Section 7 DPA)

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

As seen in Figure 1 below, the application site has been cleared and filled making it of limited ecological value.



Figure 1. The phase 4 area of works outlined in red (Aerial Imagery Source: Google Maps, 2023).

Advice to the Applicant

Previously, the site consisted of mangrove wetlands and freshwater ponds and there may still be mangrove vegetation on-site that has regrown. 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.

With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. We recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and that any remaining wetland vegetation is retained where possible to assist with on-site drainage. In addition, there should be no clearing of mangroves outside the parcel boundary.

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.

We also encourage the applicant to use porous or permeable paved surfaces for the proposed driveway and parking area. This will allow rainwater infiltration and help to manage the impacts of stormwater run-off.

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and 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.

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 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 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.*

APPLICANT'S LETTER

I am writing to submit the residential house plan for the aforementioned with an approved Template Permit (T20-

002) for a 1,200SF, 3-bedroom, 2-bath house to be constructed. I am seeking approval for a variance regarding the 20-foot rear setback.

As outlined on the attached site plan the variance is necessary due to site constraints. Instead of 20' rear setback, the rear building setback is 16'-6" and AC is 14'-3". This doesn't pose any adverse effects on neighbouring properties or the community as a whole. Moreover, the design adheres to all other zoning regulations and building codes.

Variance Justification:

- 1. **Minimal Impact:** The encroachment into the rear setback is minimal and does not infringe significantly on the neighbouring properties or obstruct any views.*
- 2. **Aesthetics and Functionality:** The design of the house is consistent with previous phases of the development. Altering the design to conform to the setback would compromise the livability of the small 1,200 Sq. Ft. house.*
- 3. **Precedent:** Similar variances have been granted in the past for the adjacent NHDT homes due to the small lot size, indicating a precedent for such requests.*

The building will be set out by a licensed land surveyor and the proposed construction will comply with all other applicable regulations, ensuring the safety, functionality, and aesthetic appeal of the property.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Frost Street, Bodden Town.

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 20ft, the proposed rear setback is 16’6”.

2.25 CATHY SEYMOUR (CLS CONTRACTORS) Block 43E Parcel 444 (P24-0337) (275,000) (JS)

Application for a house.

FACTS

<i>Location</i>	Frost Street, Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1132ac. (4,931 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1200 sq. ft.
<i>Total building site coverage</i>	23.71%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

BACKGROUND

NA

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

- 1) Side setback

AGENCY COMMENTS (Section 7 DPA)

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

As seen in Figure 1 below, the application site has been cleared and filled making it of limited ecological value.



Figure 1. The application site with the area of works outlined in red (Aerial Imagery Source: Google Maps, 2023).

Advice to the Applicant

Previously, the site consisted of mangrove wetlands and freshwater ponds and there may still be mangrove vegetation on-site that has regrown. 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.

With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. We recommend that stormwater is managed on-site to avoid run-off and prevent the flooding of adjacent properties and that any remaining wetland vegetation is retained where possible to assist with on-site drainage. In addition, there should be no clearing of mangroves outside the parcel boundary.

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.

We also encourage the applicant to use porous or permeable paved surfaces for the proposed driveway and parking area. This will allow rainwater infiltration and help to manage the impacts of stormwater run-off.

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and 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.

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 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 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.*

APPLICANT'S LETTER

I am writing to submit the residential house plan for the aforementioned with an approved Template Permit (T20-

002) for a 1,200SF, 3-bedroom, 2-bath house to be constructed. I am seeking approval for a variance regarding the 10-foot side setback.

As outlined on the attached site plan the variance is necessary due to site constraints. Instead of a 10' side setback, the right side setback is 8'-1" for the steps. This does not pose any adverse effects on neighbouring properties or the community as a whole. Moreover, the design adheres to all other zoning regulations and building codes.

Variance Justification:

- 1. **Minimal Impact:** The encroachment into the side setback is minimal and does not infringe significantly on the neighbouring properties or obstruct any views.*
- 2. **Aesthetics and Functionality:** The design of the house is consistent with previous phases of the development. Altering the design to conform to the setback would compromise the livability of the small 1,200 Sq. Ft. house.*
- 3. **Precedent:** Similar variances have been granted in the past for the adjacent NHDT homes due to the small lot size, indicating a precedent for such requests.*

The building will be set out by a licensed land surveyor and the proposed construction will comply with all other applicable regulations, ensuring the safety, functionality, and aesthetic appeal of the property.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Frost Street, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Side setback

The required side setback as can be seen in section (9) (8) (j) is 10ft, the proposed side setback is 8’1”.

2.26 ANAND ADAPA (Whittaker & Watler) Block 1D Parcel 721 (P24-0774) (\$10,000) (NP)

Application for a 6’ fence.

FACTS

<i>Location</i>	Hell Road, West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Current use</i>	Townhouses under construction

BACKGROUND

June 19, 2019 (CPA/12/19; item 2.11) – 7 apartments granted planning permission

Recommendation: Discuss the application for the following reason;

- 1) Height of Fence (6’ vs 4’).

PLANNING DEPARTMENT ANALYSIS

General

The subject parcel is located on Hell Rd, West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Height of Fence

CPA Guidelines recommend the height of a fence or wall to a maximum 4 feet in height in residential areas.

The applicant is seeking permission for a 6 foot high aluminum fence on the inside of the required 6’ wide sidewalk.

2.27 GARY EBANKS (TSC Architecture) Block 28C Parcel 462 (P24-0010) (\$550,000) (EJ)

Application for a commercial building which includes a restaurant.

FACTS

<i>Location</i>	Shamrock Road, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3285 ac. (14,309 sq. ft.)
<i>Parcel size required</i>	CPA discretion
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,000 sq. ft.
<i>Total building site coverage</i>	13.98% & (39.83% with parking)
<i>Required parking</i>	8 (3.7 restaurant, 4.3 retail)
<i>Proposed parking</i>	13

BACKGROUND

May 8, 2024 (CPA/14/24; Item 2.11) – The Authority adjourned the application in order for the applicant to submit a revised site plan showing a solid waste enclosure in a location approved by the Department of Environmental Health. Also, the applicant is encouraged to provide additional parking spaces to improve the functionality of the site.

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

- 1) Determine if the revised plans are acceptable.

AGENCY COMMENTS (Section 7 DPA)

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

Water Authority

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:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>Proposed Mixed-Use Building</i>	<i>1 x Restaurant (684 sq.ft.)</i>	<i>1.0/sq.ft.</i>	<i>684</i>
	<i>3 x Retail Units (380 sq.ft.) each</i>	<i>0.15/sq.ft.</i>	<i>171</i>

TOTAL	855
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- *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.*
- *A **grease interceptor with a minimum capacity of 684 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 septic tank. 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.*
- ***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 5’0” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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.*

Stormwater Management

*This development is located over the (Lower Valley) fresh water lens or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a **maximum depth of 60 ft** instead of the standard depth of 100ft as required by the NRA.*

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

As per your memo dated March 21st, 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 a four unit commercial building consisting of one unit that is a 680 sq ft. restaurant and three retail units totalling 1,140 sq ft has been assessed in accordance with ITE Code 933 Fast Food w/o Drive Thru and 820 Shopping Center. The anticipated traffic to be added onto Shamrock Rd. is as follows:

Dev’t Type	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
Restaurant	716	44	26	18	26	13	13
Retail	362	10	4	2	29	9	10
Total	1,078	54	30	20	55	22	23

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

Solid Waste Facilities:

The solid waste facility does not meet DEH requirements.

This development will require a (8) eight cubic yard container serviced daily.

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

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.

Restaurant:

The following must be submitted at the BCU stage for review for all kitchens:

1. The approved BCU hood details.
2. Specifications for the hot water heater.
3. Equipment schedule.
4. Specifications for all kitchen equipment.

Department of Environment (February 22, 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).

It is noted that the site has been cleared and therefore, our ability to make meaningful comments with respect to the environmental impact of clearing the site or to retain native vegetation has been removed.



Figure 1: Photo showing apparent site as of 04 March 2024 (Source: DoE, 2024)

We recommend that native plants are incorporated into the landscaping scheme. Native plants are best suited for the conditions of the site, including the temperature and 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.

Fire Department

Please note, this development requires a Fire Hydrant, and the location shall be depicted on the site drawings. Chapter 6 of the 1994 Standard fire prevention code; 603.1.3 Fire Hydrants 603.1.3.1 Water Supply. Approved fire hydrants shall be provided for buildings to meet the necessary fire flow requirements as determined by the fire official.

APPLICANT'S LETTER

This letter is written on behalf of Gary Ebanks. Approval was granted for a single-story commercial building with a take-out restaurant on the referenced property. The total square footage is 2,000. As required, notices were sent by registered mail to all landowners on March 11th, 2024, within a 500 radius. The ads will also be published in the Cayman Compass on March 15th and 22nd, 2024. The applicant meets planning regulations and would like the board's consideration to move forward with the building.

PLANNING DEPARTMENT ANALYSIS

General

The proposed 2,000 sq. ft. commercial building has three-retail units and a restaurant located east of Country Corner shopping village and across from Domino's Pizza on Shamrock Road in Savannah.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

The proposed single storey, 2,000 sq. ft. building contains three retail units and a take-out restaurant. The Authority needs to determine if the proposal is in a suitable location under Regulations 9(3).

2) Lot size

The subject parcel is 0.3285 ac. (14,309 sq. ft.); therefore, the Authority should determine if the proposed is sufficient; mindful, that similar lots exist in the surrounding area with the mixture of low-density residential and neighbourhood commercial zones.

3) Lack of buffer for the drive aisle

The parking drive aisle is one the westerly property boundary so there is no space to provide screening or a buffer from the adjoining property.

SUPPLEMENTARY ANALYSIS

The applicant has submitted a revised site plan to address DEH and that Agency provided the following additional comments:

The revised location of the enclosure and turning area provided meets DEH requirements. The applicant is reminded of the following: This development will require a (8) eight cubic yard container serviced daily. 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. Restaurant: The following must be submitted at the BCU stage for review for all kitchens: 1. The approved BCU hood details. 2. Specifications for the hot water heater. 3. Equipment schedule. 4. Specifications for all kitchen equipment.

The applicant has also revised the site plan to show 16 parking space plus 1 accessible space vs 13 that was originally applied for.

2.28 STEPHEN NELSON (Benitez & Sons Ltd.) Block 22E Parcel 50 (P23-0639) (\$262,600) (EJ)

Application for change of use from house to duplex.

FACTS

<i>Location</i>	Tropical Lane in George Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2983 ac. (12,994 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	House & shed
<i>Proposed building size</i>	2,626.70 sq. ft.
<i>Total building site coverage</i>	21.24%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

BACKGROUND

The existing house appears on the 1994 aerials and the existing shed appears on the 1999 aerials. Record of their approval could not be located.

October 28, 2020 – approval was granted for two houses additions, but those were not progressed.

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

- 1) Rear setback (10.2’ & 11.9’ vs 20’).

APPLICANT’S LETTER

I would like to start off by thanking the board for taking the time to read and consider my letter. I realize that the board is busy with any number of applications and that my request simply adds to a very long list of tasks.

I am writing you this letter to request approval for an after the fact addition on my property. Specifically, the small addition extending approximately 3 feet outward, along the 14 feet long south- east facing, back wall (of the existing shed found in the back yard of the property).

Further details regarding my needs and noting my requirements are listed below:

When I purchased the property in mid-July 2020, the shed was derelict.

As I was planning a remodeling of the shed anyway, my contractor said I needed more space for storage, and so I added the 3 feet.

I now realize I ought to have requested approval in advance, but I submit to your discretion and am respectfully asking the Board to please take into consideration my request that the after the fact approval is granted.

I have seen exceptions made in the past to other plans and developments so all I ask is that the Board consider my request as well. Thanking you in advance for your consideration to the above.

PLANNING DEPARTMENT ANALYSIS

General

The proposed change of use from house to duplex and storage shed with setback variance is located on Tropical Lane in Tropical Gardens.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Rear setbacks

The existing house has a rear setback of 10.2' vs 20' from the existing shed has a rear setback of 10.9' vs 20'.

2.29 MARCO CALLEJA & DANIELLA STOKNICKI (Robert Towell Architects Ltd.) Block 17A Parcel 355 (P24-0564) (2.7 million) (JS)

Application for a house with pool & spa.

FACTS

<i>Location</i>	Modern Lane, West Bay
<i>Zoning</i>	Hotel Tourism
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3691ac. (16,078 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3078 sq. ft.
<i>Total building site coverage</i>	19%
<i>Required parking</i>	1
<i>Proposed parking</i>	5

BACKGROUND

N/A

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

- 1) Side setbacks

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.

Site Overview

The application site is man-modified with limited ecological value.

Advice to the Applicant

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

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, to allow rainwater infiltration and help manage the impacts of stormwater run-off.

Advice to the Central Planning Authority/Planning Department

Best management practices should be adhered to during the construction of the dock to reduce impacts to the canal including to the environment and water quality. In addition 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:

- *All construction materials shall be stockpiled at a minimum of 20 feet from the canal edge to reduce the possibility of run-off washing material and debris into the canal causing turbidity and impacting water quality.*

- *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.*
- *The dock construction area shall be fully enclosed with silt screens with a 4-foot minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock. The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water outside of the screens.*
- *The dock shall have a minimum dock height of 4 feet and the installation of dock decking shall have a minimum of ½ inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.*

APPLICANT'S LETTER

We are writing to the CPA Board to request approval for a 15'-0" side setback house variance and 10'-0" pool setback rather than the current 20'-0" setback as stated in the Planning Regulations for hotel tourism zoning. While this residential community is listed as hotel tourism zoning the existing houses have been developed as single-family homes.

We feel that these lots meet the intent of Low Density Residential given the lots have been sold to separate owners to build single family homes on individual parcels.

As per Planning Regulations, Section 8 (13b) our proposal meets the characteristics of the surrounding residential neighborhood & will not be materially detrimental to persons resident or working in the vicinity, to the adjacent property, to the neighborhood or public welfare.

As per Section 8 (13d), we have notified each landowner within a distance of 80'-0".

Thank you for your consideration on our request. Should you require additional information please contact us for further details.

PLANNING DEPARTMENT ANALYSIS

General

The application is for duplex located on Modern Lane, West Bay.

Zoning

The property is zoned Hotel Tourism.

Specific Issues

1) Side setback

Regulation 10(1)(g) will allow for 10' (one storey) and 15' (two or more storeys) side setbacks for houses and duplexes. A small portion of the staircase leading to the second floor has a side setback of 10' instead of 15'.

2.30 STEFAN CAPLESCU (DDL Studio) Block 13E Parcel 120 (P24-0662)(\$1,500) (NP)

Application for an extension of an existing concrete walkway.

FACTS

<i>Location</i>	Poinsettia on West Bay Road
<i>Zoning</i>	Hotel/Tourism
<i>Parcel size</i>	1.59 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Townhouses
<i>Proposed use</i>	Concrete Walkway

BACKGROUND

25 September 2019 (CPA/20/19; Item 2.26) – The Authority resolved to grant planning permission for a concrete walkway.

26 October 2022 (CPA/26/22; Item 5.3) – The Authority resolved to not require an updated High Water Mark survey for this property.

15 March 2023 (CPA/6/23; Item 2.19) – The Authority resolved to modify planning permission for a concrete walkway and ladder access to the sea.

11 September 2024 (CPA/23/24; Item 2.36) – The Authority considered the application and 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 a Marine Protected Area.

Recommendation: Grant planning permission.

AGENCY COMMENTS

The Authority received the following comments from the DOE.

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. The site has a perched beach with a low laying ironshore outcrop. A perched beach means that the beach is resting on a 'sill', in this case the ironshore, and the sand does not interface with the sea on a daily basis but does during storms and with wave action. The site is also immediately adjacent to a Marine Reserve (a Protected Area under the National Conservation Act (NCA)) as shown in Figure 1.

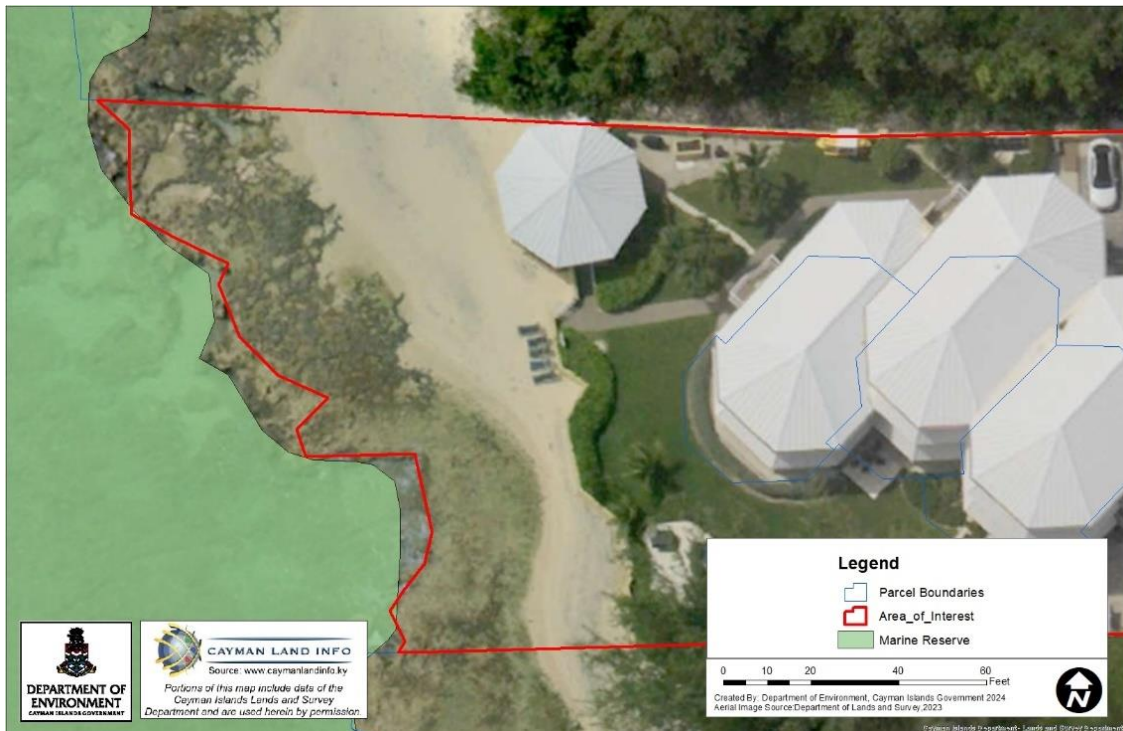


Figure 1: LIS 2023 aerial imagery showing the application site outlined in red in relation to the Marine Protected Area (green).

Advice to the Applicant

The DoE notes that this extension will be landward of the existing walkway and will connect to the beach access stairs. The applicant has indicated that beach has lost sand and therefore more ironshore has been exposed. The DoE conducted a site visit and confirmed that this was the case as shown in Figures 2-4. It is noted that the loss of sand is due to the fact that the beach in this location is a perched beach and can either be stripped or nourished of sand by major weather events.



Figures 2 and 3: Photos showing the coastline in the proposed location of walkway extension (Source: DoE, 13 August, 2024).

It is the DoE's preference for the ironshore to be left in its natural state, as the ironshore forms an important habitat, assists with the damping of wave energy and represents a unique and visually appealing vista.

Comments to the Planning Department and Central Planning Authority

Given that there is already an existing walkway and the proposed extension is landward, the DoE has no major objections to the proposed extension, provided that the works do not result in any impacts to the Marine Protected Area offshore and to the ironshore/bedrock outside the footprint of the walkway extension as long as that the walk is flushed against the ironshore. Developing directly on or driving heavy machinery over the ironshore removes much of these important physical and aesthetic characteristics and leads to the creation of fine material which risks causing turbidity in the marine environment due to surface water run-off.

Construction-related debris and sediment must not enter the marine environment. Poor construction management practices can degrade the environment by:

- *Movement of sediments and pollutant-laden runoff such as concrete slurry which can enter the marine environment through natural fissures in the ironshore;*
- *Washing stockpiled aggregates, loose material or bulk material into the marine environment, causing turbidity and impacting water quality; and*

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.

Inappropriate Location of Stockpiles

Storage of materials too close to the water's edge can result in pollution of the marine environment. 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 or informal stockpiles can be impacted by wave activity and impact the marine environment.

Therefore, it is important that construction materials and debris are 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 4 and 5. The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.



Figures 6 and 7. Loose materials and construction debris being stored on the water's edge, and that material entering into the marine environment.



Figure 8. Stockpiling and on-land activities impacting the marine environment through turbidity and deposition of waste.



Figure

12,

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



Figure 11. The same site as Figures 9 and 10, showing the interaction of stockpiled materials entering the marine environment during moderate wave activity.



Figure 12. Material stockpiled too close to the water's edge which would or would be likely to enter the marine environment during a storm.

In this instance, given the nature of the project, the Applicant must provide a Construction Environmental Management Plan which outlines how they will prevent adverse effects on the Marine Protected Area. Measures could include specific time periods for work to avoid bad weather, using sandbags to reduce run-off or stockpiling materials away from the water's edge. Given the nature of the works, it is important that the applicant indicate the measures that they intend to use and those be verified, rather than specific measures be imposed.

Recommended Conditions

If the Central Planning Authority is minded to approve the proposed development, we recommend the inclusion of the following condition in any planning permission:

- 1. Heavy equipment shall not operate on the ironshore and the ironshore shall be conserved in its natural state outside the footprint of the proposed walkway extension.*

Section 41(4) Considerations

The site is adjacent to a Marine Protected Area under the NCA. Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area.

Without appropriate environmental management practices during construction, there would or would be likely to be an adverse effect on the Marine 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 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 are 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 Directed 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.

- 1. The Applicant shall prepare a Construction Environmental Management Plan for review and approval by the Department of Environment on behalf of the National Conservation Council. Written confirmation of the approval must be received by the Planning Department prior to the issuance of a Building Permit.*

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.

NCC Directed Conditions

On 24 July 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:

- 1. The Applicant shall prepare a Construction Environmental Management Plan for review and approval by the Department of Environment on behalf of the National Conservation Council. Written confirmation of the approval must be received by the Planning Department prior to the issuance of a Building Permit.*

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.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on West Bay Road and is known as Poinsettia condominiums.

The proposed modification is to extend an approved concrete walkway over the ironshore.

Zoning

The property is zoned Hotel/Tourism.

SUPPLEMENTARY ANALYSIS

The NCC has provided the following response:

On 24 July 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:

- 1. The Applicant shall prepare a Construction Environmental Management Plan for review and approval by the Department of Environment on behalf of the National Conservation Council. Written confirmation of the approval must be received by the Planning Department prior to the issuance of a Building Permit.*

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.

2.31 HAMPTON BY HILTON GRAND CAYMAN (Decco) Block 13B Parcel 193 (P24-0829) (\$500) (NP)

Application for a sign

FACTS

<i>Location</i>	Piper Way, George Town
<i>Notification result</i>	No objections
<i>Zoning</i>	Hotel/Tourism
<i>Proposed use</i>	Sign
<i>Sign Area</i>	12 sq ft x 2 sides

Recommendation: Grant Planning Permission

PLANNING DEPARTMENT ANALYSIS

General

The proposed sign would be located within the Piper Way median, which is located west of West Bay Road.

The size of the proposed two-sided sign is 12 square feet and would advertise Ms. Pipers restaurant, which is located at the Hampton Inn.

Zoning

The property is zoned Hotel/Tourism.

2.32 STRATA PLAN No. 405 (Paradise Drafting) Block 10E Parcel 64 (P24-0684) (\$50,000) (NP)

Application for a subdivision guardhouse

FACTS

<i>Location</i>	Salt Creek Drive, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objections

Recommendation: Grant Planning Permission

AGENCY COMMENTS

The Authority received comments from the DOE and Fire Department.

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environment

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a new 112 square foot guardhouse on Salt Creek Drive.

There is an existing gate on the roadway and there are no concerns with the proposal for a new guardhouse.

Zoning

The property is zoned Low Density Residential.

2.33 CAYMAN SHORES DEVELOPMENT LTD. (Decco Ltd) Block 13C Parcel 37 (P24-0613) (\$49.0 million) (NP)

Application to modify planning permission for a medical office building.

FACTS

<i>Location</i>	Cerasee Way in Camana Bay
<i>Zoning</i>	Low Density Residential
	Transect T6 -Building
	Transect T4 -Parking
<i>Proposed use</i>	Office Tower, Restaurant, Retail, 2 Generators
<i>Building Area</i>	96,422 sq ft
<i>Parking Required</i>	317
<i>Parking Proposed</i>	317 (with 4 EV spaces)

BACKGROUND

August 28, 2024 (CPA/22/24; Item 2.9) – The Authority resolved to grant planning permission for a five storey health and wellness building.

Recommendation: Modify Planning Permission.

APPLICANT’S LETTER

Please accept the enclosed application to reduce the building height for an approved 5-storey commercial building to 4 storeys.

Parking has been reduced from 393 spaces to 317 spaces with four EV spaces placed along the building’s west frontage.

PLANNING DEPARTMENT ANALYSIS

General

The proposal is to delete one storey from the approved five storey building.

Zoning

The property is zoned Low Density Residential. (Transect T6 -Building and Transect T4 - Parking).

3.0 DEVELOPMENT PLAN MATTERS

3.1 SOUTH SOUND PARCEL RZ23-0005; Block 23B Parcel 112 (RM)

Proposal to Amend Development Plan 1997 from Low Density Residential and unassigned zoning to Beach Resort Residential.

FACTS

Location:	South Sound, George Town
Parcels:	23B112
Current Zoning:	Low Density Residential
Proposed Zoning:	Beach Resort Residential
Ownership:	Private
Total Parcel Size:	0.41 Acres
Subject Zoning Area:	0.09 Acres

DEPARTMENT OF PLANNING RECOMMENDATION

The Authority is being asked to consider this request for an amendment to the Development Plan in light of the now expired public comment period in which no objections or representations were received, and if so minded to forward the file onto to the Ministry of Planning, Agriculture, Housing, Infrastructure, Transport and Development (Min. PAHITD) for onward transmission to Cabinet and Parliament for consideration.

UPDATE

The Central Planning Authority heard the request (RZ23-0005) during meeting 4 on the on the 31st January 2024 (CPA/04/24; Item 3.1), and it was resolved to forward the application for 60 day notification and advertising per Section 11 (2) in the Development and Planning Act (2021 Revision). The notice period commenced on May 3rd 2024 and concluded on July 2nd 2024, during which time no letters of objection were received by the Department of Planning.

DEPARTMENT OF PLANNING ANALYSIS

Site details

The proposed rezone concerns a small (0.09ac) section of Block and Parcel 23B112. This section is made up of 0.07ac of Low Density Residential (LDR) zoning and 0.02ac of unassigned land which reflects the former alignment of South Sound Road.

RZ23-0001 (adjacent rezone)

The adjacent four (4) parcels to the west – Block and Parcels 23B 108, 109, 110 and 111 – are the subject parcels for Rezone application RZ23-0001. This application sought to amend the Development Plan 1997 from Low Density Residential to Beach Resort Residential and to relocate Public Open Space. The Rezone was passed by the House on Parliament on 23rd July 2024.

Proposal

It has been observed that with RZ23-0001 having been accepted, and those 4 parcels being rezoned to Beach Resort Residential zoning, it has left a small section within Block and Parcel 23B112 with Low Density Residential zoning. Therefore, for the purposes of creating a contiguous zoning swath and to apply zoning to the blank space on the map where South Sound Road was previously located, it is recommended to rezone that small 0.09ac section to Beach Resort Residential.

Site details

The subject parcel is occupied by a single house that was approved in 2019 (P19-0827).

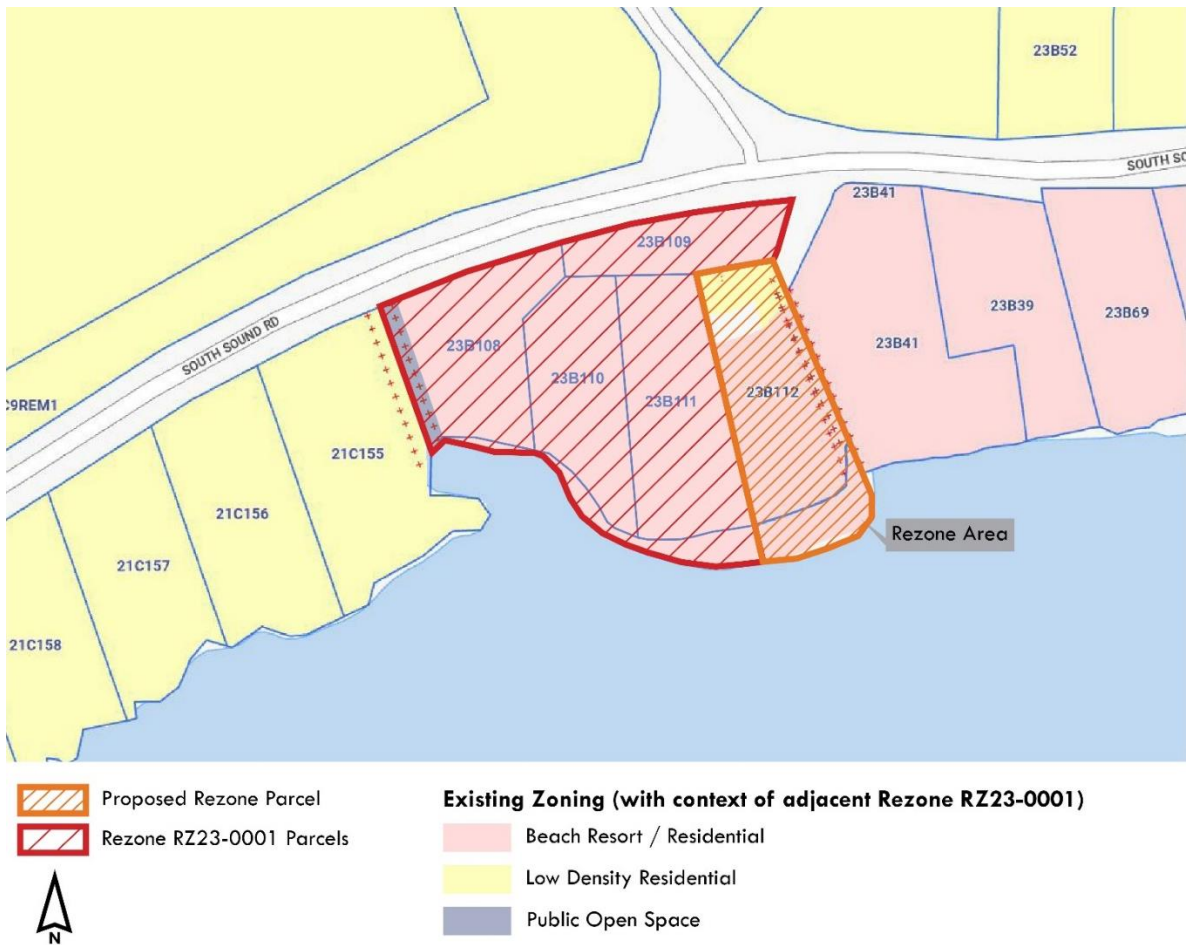


Figure 1: Existing Zoning (Source: www.caymanlandinfo.ky)

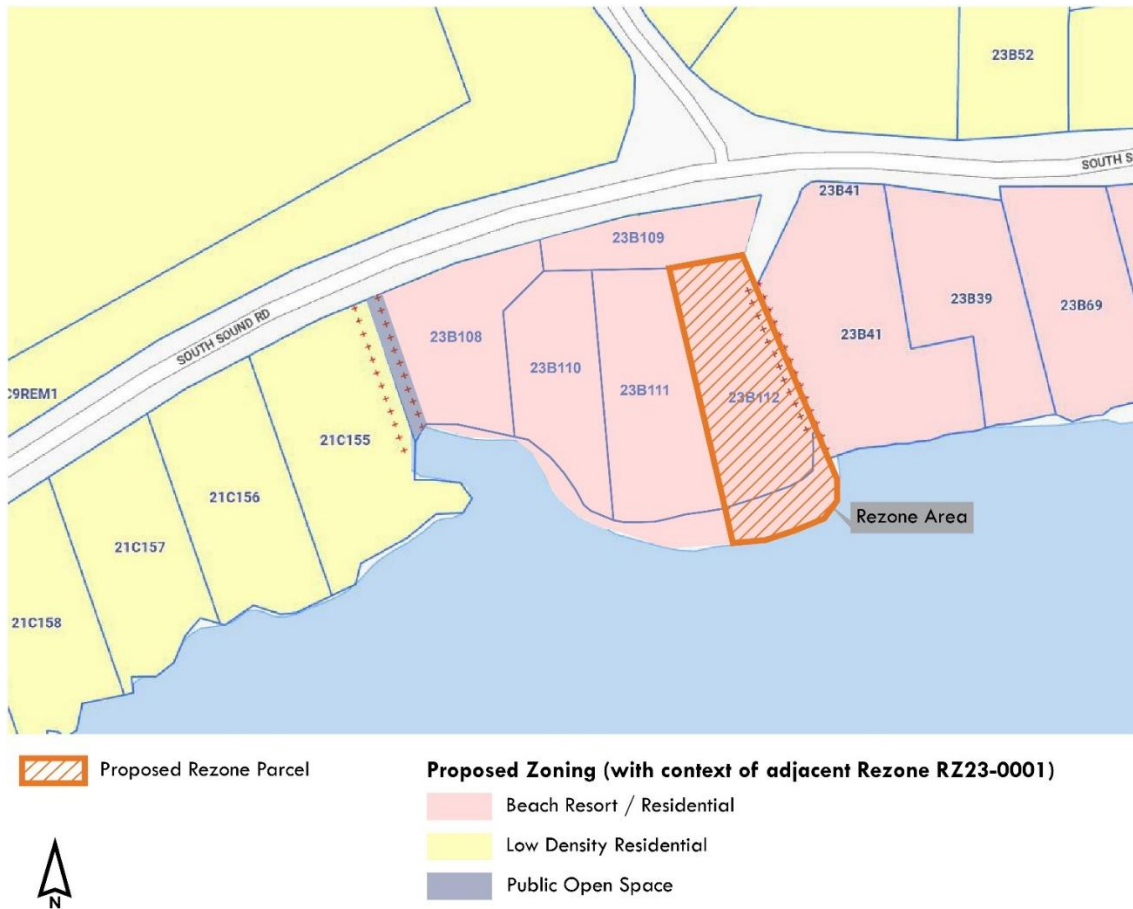


Figure 2: Proposed Zoning (with context of adjacent Rezone RZ23-0001)
 (Source: www.caymanlandinfo.ky)

AGENCY COMMENTS

National Roads Authority

Comments requested 15 December 2023 – None received

Department of Environmental Health

“DEH has no objections to the proposed rezone.”

Water Authority

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

Department of Environment

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

Cayman Islands Fire Service

“The Fire department have no objection and save comments for future development. The Cayman Islands Fire Service adheres to the 2006 Fire Brigade Law, 1995 revision Fire Brigade law of the 1994 Standard Fire Prevention Code, the 1997 Fire Code, and all relevant NFPA Codes.”

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix A



PROFESSIONAL PLANNING
& DEVELOPMENT SERVICES
CAYMAN LTD.

Jessica Peacey MRTPI AssocRICS

1.345.9253870

jess@ppdscayman.com

8th May 2024

Dear Central Planning Authority,

Application for residential development on 4B 243, 244, and 294 (P24-0187)

We are seeking approval for a mixed-use development on block 4B 243, 244, and 294, zoned High Density Residential (HDR). The proposed development consists of:

- 29 residential units designed across 2 blocks as follows:
 - o 15x 2-bedroom townhouses.
 - o 12x 2-bedroom townhouses and 1,500 sf of commercial space with 2x 2-bedroom units arranged as a duplex above.
- Entrance gates.
- 6ft high fence.
- Ancillary features to support the development e.g. parking, 2x ATU, garbage enclosure.

It is our belief that the proposed development is sited in a suitable location and appropriately designed to ensure no detrimental harm to the amenity of neighbouring properties.

1. Application site

The application site area is 1.1949 ac/52,049.844 sq ft of undeveloped land. It is zoned High Density Residential with no overlays or designations requiring consideration.

The immediate area is eclectic in character with commercial, single houses, duplexes, and multi-unit developments all in proximity, additionally a church is sited to the north and car rental premises to the north-east.

The site is a corner lot with Fountain Road forming the eastern boundary, Foremast Close running to the south, and Pembroke Drive located to the west.

2. Development Plan 1997

2.1 Section 1.3 - Strategy

Seeks to:

“(a) accommodate the present and future population of the Cayman Islands to the best advantage having regard to the quality of life and the economic well-being of the people and to their individual requirements.”

The development responds to the market demand for housing in Cayman, more specifically for the district of West Bay.

2.2 Section 2.6 - Other Material Considerations

Establishes the purpose of setbacks are to achieve the following:

- (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.”*

The development has been designed to adhere to the stipulated setbacks seeking to protect the amenities of neighbouring properties.

2.3 Section 3.01 – Residential zones

With regards to Residential Development Zones this section provides minimal guidance regarding development, however, it recognises:

“The map indicates the location of three categories of residential zones, i.e. those intended primarily for low, medium and high density developments, respectively”.

Regarding other uses, the plan requires:

“...no use of land in a residential zone shall be dangerous, obnoxious, toxic or cause offensive odours or noise, or otherwise create a nuisance or annoyance to others.”

The site is located in the high density residential zone and the proposed development meets the density allowable for the number of units and seeks to contribute to accessible community amenities through the provision of commercial floor space.

3. Development and Planning Regulations (2024 revision)

3.1 Regulation 8(1)(iv), (vii), (viii) (parking):

The minimum parking requirement to support the development is:

- 27 townhouses x 1.5 = 40.5
- 1 per unit in a duplex = 2
- 1500 sf commercial = 5

Total requirement = 47.5 (**48**)

48 parking spaces are proposed, including two accessible parking spaces.

3.2 Regulation 8(2)(c) (height):

This Regulation permits a maximum height of 3 storeys or 40 feet, whichever is less. The proposed development is a maximum of **3 storeys** in height with a maximum measurement of **35' 2"** to the roof apex.

3.3 Regulation 9(1) (primary uses)

The primary use is required to be residential, however, any development is permissible providing the 'massing, scale, proportion and design' is consistent with architectural traditions of the Islands.

The development incorporates **1,500 sf of commercial floorspace** which will be discussed below.

3.4 Regulation 9(3) (commercial use)

Commercial use is permitted in suitable locations subject to the application being advertised in local newspapers and there are no objections.

Two adverts have been published in a local newspaper and no objections have been received. The suitability of the location shall be discussed below.

3.5 Regulation 9(5) (appropriate use)

No use of land in a residential zone is permitted if it is dangerous, obnoxious, toxic, or offensive odours or conditions which could create a nuisance or annoyance.

The proposed commercial floorspace seeks to provide convenient commercial community facilities. No industrial or incompatible uses are proposed.

3.6 Regulation 9(8) (high density residential):

Permits apartments/townhouses in 'suitable locations' and subject to conformity with set parameters. Suitability shall be addressed later in this document, the following sets out the relevant criteria of this regulation and reflects upon the proposed development:

Regulation	Allowed	Proposed
(a) Nr of units and bedrooms	29 units	29 units
	50 bedrooms	58 bedrooms
(b) Minimum lot size	25,000 sf	52,049.84 sf
(c) Minimum lot width	100 feet	99'-1"
(d) Maximum site coverage	40%	25%
(e) Front and rear setbacks	20 feet	20' to the east, west and south.
(f) Side setbacks	10 ft (1 storey)/15 ft (1+ storey)	5' and 6' 8" to the ATU's.

Based on the above comparison table variances are required for the number of bedrooms, lot width, these shall be addressed below.

4. Fence and Wall Guidelines (2014)

Section 4.3.1 (height)

The guidance document states solid wall or fences should not exceed 48"/4ft in height.

The project has been designed to include a 6ft high fence along the perimeter of the site. This aspect shall be addressed below.

5. Variances

Variances are required as identified in section 3.6 above. Members are asked to consider granting variances under section 8(13)(b) of the Regulations for 58 bedrooms, a lot width of 99' 1", and a side setback of 4' 9" to a septic tank. We invite members to note the following:

- (i) The impact of additional bedrooms is negligible. As members are aware, the significant factor when considering density relates to the number of units and the correlation to parking spaces. The number of units permissible, based on the lot size, is 29 and the application seeks permission for 29 units. Furthermore, the proposal marginally exceeds the minimum parking requirement proposing 49 spaces where the anticipated demand is 48. Consequently, the additional bedrooms are not considered to cause material detrimental harm to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the wider public welfare.
- (ii) The inadequate lot width is unfortunate and beyond the control of the applicant. Members are invited to consider the insignificant difference between the Regulations requiring 100' and the existing lot being 99' 1". The existing lot size is adequate to support the development, the proposal is consistent with the character of the surrounding area, and in real terms the inadequate lot width would not be noticeable.
- (iii) A septic tank would be sited 5' and 6' 8" from the shared boundary with land to the north. Owing to the nature of the feature being below ground, the irregular shaped lot limiting options for siting, and the inclusion of perimeter fencing the impact on the adjacent property is minimal.

Regarding the fence height, Regulation 8(13) does not cover divergence from the Fence and Wall guidelines. For this aspect, we wish members to use their discretion in supporting installation of a 6' fence in the interests of security for future occupants, enhancing/maintaining aesthetics of the neighbourhood, and enabling clear demarcation of boundary lines. The fence does comply with Regulation 8(18) being sited a minimum of 4' from the roadside parcel boundary.

6. Commercial use in residential area

Regulation 9(3) permits commercial use in suitable locations, this proposal seeks to build upon the community amenities and facilities established through CPA/20/19; item 2.11. The proposed commercial element would provide a convenience store ideally sited on the corner of the lot affording accessibility for passing by traffic along Fountain Road, furthermore dedicated parking is proposed to support future users of the floorspace.

The site benefits from no adjacent residential neighbouring properties, therefore, even though commercial use is generally not associated with detrimental harm upon amenities, the distinct lack of neighbouring properties further highlights the suitability of the site for including the commercial element.

The inclusion of commercial facilities contributes:

- enhanced convenience to existing and future residents saving time and effort.
- promotes community interaction fostering a friendly neighbourhood atmosphere.
- reduces the need for trips to commercial areas further afield alleviating traffic congestion and lowers environmental impact of transportation.
- creates employment opportunities within the community.

Members are invited to note the benefits of mixed-use developments in residential areas, specifically having regard to the characteristics of the site.

7. Suitability of townhouses

7.1 Alignment with community expectations

Acknowledging the site is located within a residential area, the natural progression is to support and allow residential development. Along Fountain Road and side roads there is a diverse range of development types seeking to meet the needs of the wider community with single houses, duplexes and townhouses/apartments both being simultaneously developed.

Notably, no objections have been received regarding the application, which has been advertised in the local newspapers and land and property owners within a 500 ft radius have been notified. The absence of objections following the comprehensive public notification process is, by default, indicative of the community's acceptable of this proposed development.

7.2 Enhancing community diversity and inclusivity

One of the primary objectives of this proposed development is to contribute to the diversification of housing options and accessible amenities within the community. The creation of townhouse units and commercial floor space is not only a response to the evolving needs of the area but an essential step towards fostering cohesive and inclusive communities. Through the development we are seeking to enrich the social fabric of the neighbourhood aligning with Strategy 1.3 of the Development Plan.

7.3 Intensity of use

We have reflected upon the density of other multi-unit developments in the immediate area and note a similar mixed-use development has been approved and commenced on land to the north, similarly within the High-Density Residential zone (see appendix 1 for nearby multi-unit developments). Furthermore, other multiple unit developments are located directly opposite to the west, and to the north-west.

The unit density, site coverage, and setbacks fall below the thresholds allowed; this was a conscious decision by the project team to minimise the intensification of the site.

7.4 Preserving amenity for neighbouring properties

Respecting the enjoyment of amenity for neighbouring properties is of paramount importance. Fortunately, the lot is bound on three sides by the existing road network and to the north church is sited at an appropriate distance to the north. Therefore, having regard to those factors plus compliance with setbacks these characteristics contribute to negating any potential impact on the amenity attributes of neighbouring properties.

7.5 Optimal parcel size

The development site exceeds the minimum lot size requirement for a townhouse development and site coverage falls notably below the maximum permitted. This indicates efficient use of developable land and ensures ample space to execute design with consideration to landscaping, stormwater management, liveability, and parking, which will ultimately enhance the quality of life for future residents.

7.6 Site constraints

There are no physical constraints on the site that would prevent the development of townhouses.

7.7 Infrastructure

Sufficient infrastructure serves the site (e.g. public road, water line, electrical service) and in the area (commercial retail, recreational sports, religious centres, grocery stores, etc.) to support the residents of the proposed townhouses, which also ensure future residents can integrate and contribute to the community.

8 Consultation responses

Mindful of consultation responses submitted to date, we offer the following commentary:

WAC – Comments are noted. We are willing to move the septic tanks and we are happy to accept a condition seeking revised plans to comply with this aspect.

Fire Department – We have now uploaded drawings correctly scaled and annotation of an SOS system on the secondary southern gate. For the avoidance of doubt, fire well and hydrant and the SOS system on the main entrance gate are detailed on the plans.

DoE – We are happy to accept conditions addressing the points identified by DoE.

DEH – Revision to the site plan now includes 2x 8cy dumpsters.

NRA – At the time of writing formal comments have not been received. We are mindful that a road parcel is allocated to the north, however, we invite members to consider:

- Easements for the application parcels only permit traversing, they do not permit works to enable formation of a road. We have sought legal advice which has confirmed, without the express approval of the landowner a formalised access road is not possible.
- We have approached the landowner to the north; however, dialogue has not been successful.
- If the planning application is successful, the three subject parcels would be combined which negates the need for a separate road parcel.

7 Conclusion

The proposed development respects the lot size, unit density, and site coverage notably falls significantly below that permitted, furthermore the units are supported by ample parking. These factors indicate the scheme represents suitable and efficient use of land.

Minimal variances are sought to ensure the development is appropriate for its setting. Furthermore, the mixed-use nature of the project aligns with the objectives of the Development Plan.

In conclusion, our development embodies a commitment to responsible and harmonious growth seeking to meet the needs of Cayman and the wider West Bay Community. We believe our vision contributes positively to community life, fostering inclusivity, and thoughtful design.

Best regards,

A handwritten signature in black ink, appearing to read 'Jess Peacey', written in a cursive style.

Jess Peacey MRTPI AssocRICS

Principal Planner

Professional Planning & Development Services (PPDS) Cayman Ltd

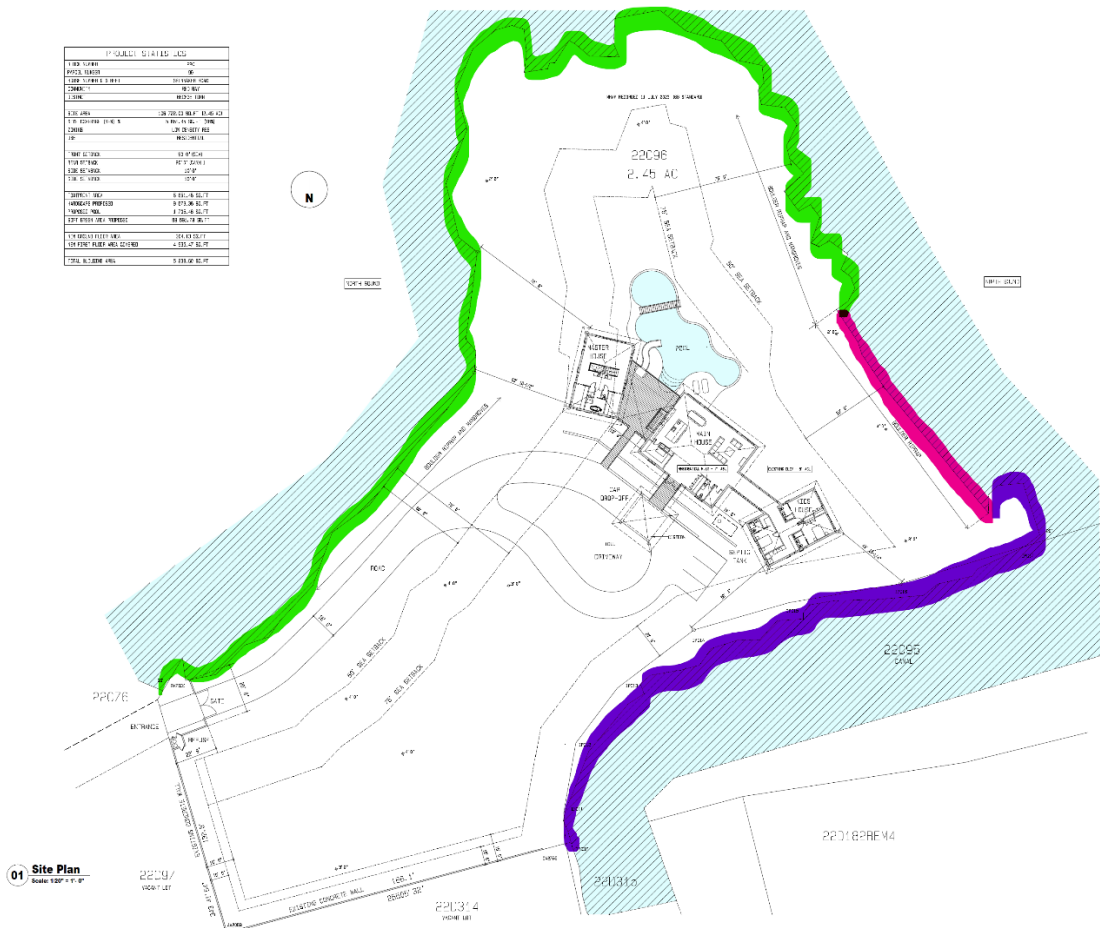
C: 1.345.925.3870 | O: 1.345.746.4995 | www.ppdscayman.com

Appendix B

Dear Sir/Madam,

Setback Variance for the Planning Application of a Waterfront House (22C 96)

Kindly accept this letter requesting a High Water Mark setback variance for a House on a waterfront parcel. Located on the North Sound, the peninsula-shaped parcel has both canal and sea frontage. The sea frontage shoreline has riprap boulders along all of its length with mangroves growing on the exterior of the riprap along most of the length. See site plan and photos below. Given that a riprap shoreline has a setback of 50' and mangroves 75', this application requests a setback variance along the length of shoreline impacting the Master Building, which is located 53'10" at its closest point. Given that there's a riprap perimeter interior to the mangroves we believe it's fair to request a typical 50' riprap setback. Please also note that the proposed house is set on stilts and has a main floor elevation of 17'ASL (as shown in the elevations) and therefore has a low flood risk.



22C 96 Seafront parcel: Shoreline is Riprap (Red), Riprap and Mangroves (Green) and Canal (Purple).



Shoreline: Riprap and Mangroves (Left), Riprap Only (Right).

Please consider this request for these variances given the following points:

1. Section 8(13)(b)(i) states that the Authority may grant a variance if *“the characteristics of the proposed development are consistent with the character of the surrounding area”*. Other buildings and structures in this area have breached the High Water Mark in a similar manner to what’s being applied for here.
2. Section 8(13)(b)(iii) states that the Authority may grant a variance if *“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”*. This proposed variance would not be materially detrimental and given that there’s a riprap perimeter interior to the mangroves we believe it’s fair to request a typical riprap setback.

3. As per Section 8(13)(d), notification letters have been sent out to adjoining property owners regarding this setback variance and no objections have been made.

If you have any questions or comments, please contact me at 938-3828 or Robert@rjda.ky.

Yours truly,

A handwritten signature in black ink that reads "Rob Johnson". The signature is written in a cursive, slightly informal style.

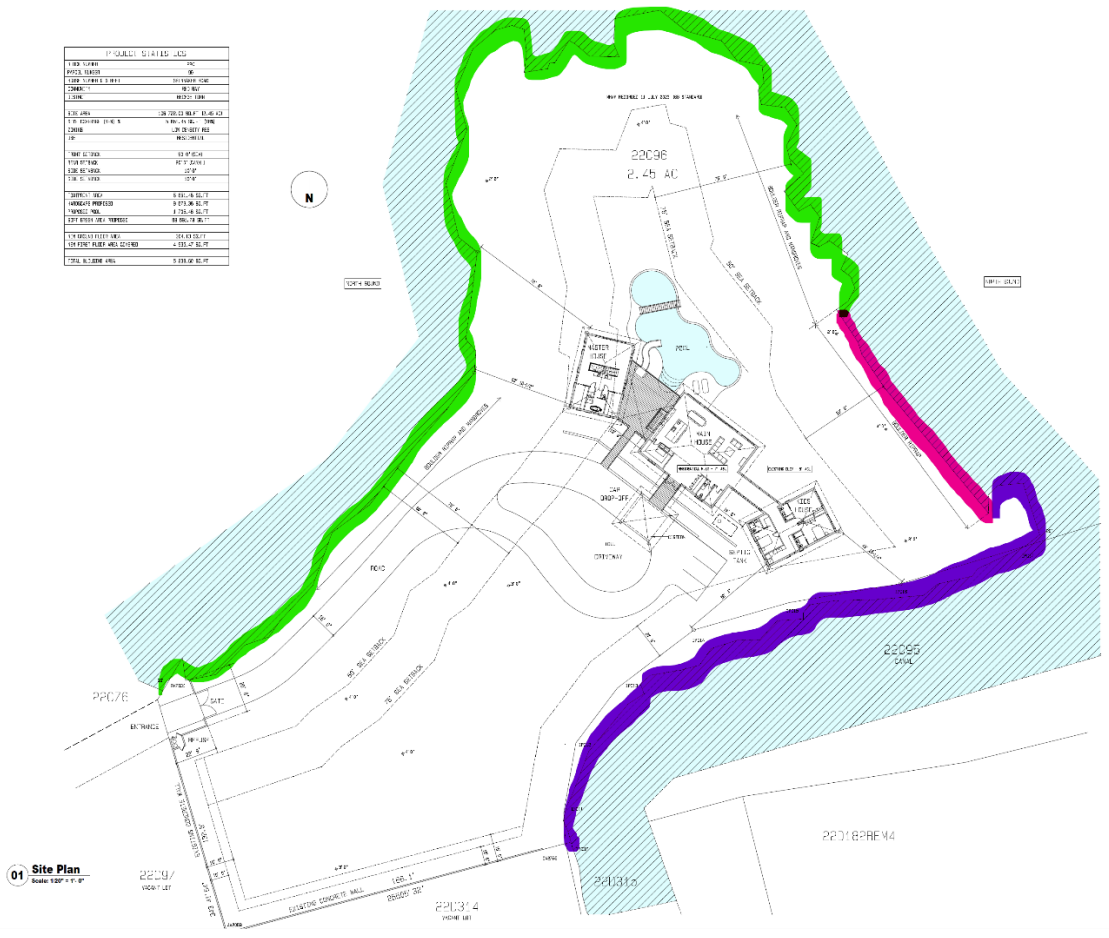
Robert Johnson, B.Eng, M.Arch, NCARB
Principle Architect, Johnson Design + Architecture

Appendix C

Dear Sir/Madam,

Setback Variance for the Planning Application of a Waterfront House (22C 96)

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22C 96 Seafront parcel: Shoreline is Riprap (Red), Riprap and Mangroves (Green) and Canal (Purple).



Shoreline: Riprap and Mangroves (Left), Riprap Only (Right).

Please consider this request for these variances given the following points:

1. Section 8(11)(b)(i) states that the Authority may grant a variance if *“the characteristics of the proposed development are consistent with the character of the surrounding area”*. Other buildings and structures in this area have breached the High Water Mark in a similar manner to what’s being applied for here.
2. Section 8(11)(b)(iii) states that the Authority may grant a variance if *“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”*. This proposed variance would not be materially detrimental and given that there’s a riprap perimeter interior to the mangroves we believe it’s fair to request a typical riprap setback.

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Principle Architect, Johnson Design + Architecture