

# **Central Planning Authority**

**Minutes of a meeting of the Central Planning Authority held on August 3, 2022 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

## **19th Meeting of the Year**

**CPA/19/22**

Mr. Ian Pairaudeau (Chair)  
Mr. Handel Whittaker (Deputy Chair) (Acting Chair 2.13 & 2.14)  
Mr. Joshua Bernard  
Mr. Gillard McLaughlin (left at 4:25)  
Mr. Charles Russell Jr.  
Mr. Windel Scott (apologies)  
Mr. Peter Campbell  
Mr. Kenneth Ebanks (apologies)  
Ms. Danette McLaughlin  
Ms. Shakina Bush (joined via Zoom)  
Ms. Christine Maltman, MCIP, AICP  
Ms. Celecia Bancroft  
Mr. Ashton Bodden (left at 3:45)  
Mr. Haroon Pandohie (Executive Secretary)  
Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)

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

### **List of Applications Presented at CPA/19/22**

- 2.1..... ROCHELLE DILBERT (Island Drafting) Block 13E Parcel 34 (P21-1366) (\$525,000) (MW) 5**
- 2.2 NWPR GROUP LTD. (Declan O'Brien) Block 1E Parcels 11, 12 & 45 (P22-0124) (\$20,000,000) (MW) 19**
- 2.3 TRIO CAYMAN LTD. (Trio Design) Block 13EH Parcels 15 and 16 (P22-0177) (\$3,000,000) (BES) 30**
- 2.4 KAMLAWATTIE and INDERJIT SEERAM (Bhoopaul Seeram) Block 32D Parcel 272 (P22-0509) (\$350,000) (JP) 38**
- 2.5 LAUREN KNIGHT (Architextura) Block 15E Parcel 271 (P21-1076) (\$769,280) (EJ) 42**
- 2.6 CHRISTIAN BOURKE & JOEL WEBSTER (Tony Lattie) Block 13D Parcel 220 (P22-0507) (\$540,000) (MW) 47**
- 2.7 LORI MONCRIEFFE (DDL Studio Ltd.) Block 20E Parcel 272 (P22-0568) (\$1,029,875) (MW) 64**
- 2.8 ROLAND HENRY (RH Engineering and Architecture) Block 1C Parcel 236 (P20-0703) (\$768,000) (MW) 70**
- 2.9 HPW INVESTMENTS LTD. (TRIO Architecture) Block 14BH Parcel 167 & 29 (P22-0583) (P22-0588) (MW) 75**
- 2.10 DAMION KING (OA & D Architects) Block 4D Parcel 454H2 (P22-0434) (\$15,000) (BES) 80**
- 2.11 HALCYON SEA LLC Block 33B Parcel 20 (P22-0558) (\$50,000) (AS) 82**
- 2.12 AMANDA BROOKMAN & GUY MAJOR (MJM Design Studio) Block 8A Parcel 125 (P22-0624) (\$1,000,000) (EJ) 85**
- 2.13 ANNA ROSE WASHBURN (GMJ Home Plans Ltd.) Block 33B Parcel 5 (P22-0136) (\$70,000) (EJ) 92**
- 2.14 GEOFF & HILARY CAHILL (GMJ Home Plans Ltd.) Block 22D Parcel 254 (P22-0360) (\$45,000) (EJ) 94**
- 2.15 NESTA PROPERTIES LTD (Kariba Architecture) Block 33B Parcels 110, 111 & 112 (P22-0222) (\$183,200) (BS) 98**
- 2.16 GARFIELD EWERS (Tropical Architectural Group) Block 25B Parcel 613 (P22-0649) (\$5,000) (MW) 105**
- 2.17 WANDA VISCOUNT (Paradise Drafting Ltd.) Block 74A Parcel 119 (P21-0441) (\$500,000) (BS) 107**
- 2.18 DHHT Ltd (Eric Cronier) Block 53A Parcel 112 (P22-0621) (JP) 114**

- 2.19 SEBASTIAN BODDEN (JMP Construction) Block 69A Parcel 130 (P22-0609) (\$20,000) (JP) 117**
- 2.20 MARGARET HENRY (GMJ HomePlans Ltd) Block 32C Parcel 263 (P22-0512) (\$30,000) (BES) 118**
- 2.21 JEFF WATLER (GMJ Home Plans Ltd.) Block 14CF Parcel 85 (P22-0627) (\$325,000) (BES) 120**
- 2.22 ALISTAIR RUSSELL (Johnson Design + Architecture) Block 5B Parcel 358 (P21-1159) (\$80,000) (EJ) 122**
- 2.23 OCEANS 9 (Robert Towell Architect Ltd) Block 1C Parcel 271 (P21-0956) (\$20,000) (JP) 126**
- 2.24 OCEANS 9 (Robert Towell Architect Ltd) Block 1C Parcel 271 (P22-0547) (\$50,000) (JP) 129**
- 2.25 HPW INVESTMENTS LTD. (TRIO Architecture) Block 14BH Parcel 167 & 29 (P22-0588) (MW) 131**
- 2.26 STEPHANE & KATIA DAHAN (DDL Studio Ltd.) Block 8A Parcel 93 (P22-0432) (\$1,500) (MW) 133**
- 2.27 RAINBOW DEVELOPMENT LTD. (Tropical Architectural Group Ltd.) Block 21C Parcel 167 (P22-0404) (\$20,000) (MW) 134**

## **APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

<b>Applicant Name</b>	<b>Time</b>	<b>Item</b>	<b>Page</b>
<b>Rochelle Dilbert (Discover Kids)</b>	10:30	2.1	5
<b>Point North (NWPR Group Ltd.)</b>	11:00	2.2	17
<b>Trio Cayman</b>	11:30	2.3	25
<b>K. &amp; I. Seeram</b>	1:00	2.4	31
<b>Lauren Knight</b>	2:00	2.5	34

### **1. 1 Confirmation of Minutes CPA/18/22 held on July 20<sup>th</sup>, 2022.**

**Moved:** Celecia Bancroft

**Seconded:** Gillard McLaughlin

**Confirmed**

### **1. 2 Declarations of Conflicts/Interests**

<b>Item</b>	<b>Member</b>
2.9, 2.25	Celecia Bancroft
2.13	Ian Pairaudeau
2.23, 2.24	Christine Maltman

## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to Item 2.5)**

#### **2.1 ROCHELLE DILBERT (Island Drafting) Block 13E Parcel 34 (P21-1366) (\$525,000) (MW)**

Application for a preschool.

**Appearance at 10:30**

#### **FACTS**

<i>Location</i>	Avon Way, George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	13,068 sq. ft.
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	vacant
<i>Proposed building size</i>	3,181.4 sq. ft.
<i>Total building site coverage</i>	18.69%
<i>Required parking</i>	21.2 spaces
<i>Proposed parking</i>	11 spaces

#### **BACKGROUND**

June 8, 2022 – Preschool – the application was considered and it was resolved to adjourn the application. (CPA/15/22; Item 2.2)

March 1, 2022 – Preschool – the application was considered and it was resolved to adjourn the application. (CPA/06/22; Item 2.10)

March 3, 2021 – Preschool – the application was considered and it was resolved to refuse the application. (CPA/05/21; Item 2.1)

December 16, 2020 – Preschool – the application was considered and it was resolved to adjourn the application.

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

- 1) The applicant is required to submit revised plans showing land set aside on both sides of the existing road to widen it to a minimum width of 22 feet.

#### **AGENCY COMMENTS**

Comments from the Early Childhood Unit, Water Authority, National Roads Authority, Department of Environmental Health and Department of Environment are noted below.

## Early Childhood Unit

### *Bathrooms:*

- *Both bathrooms are labeled female – is one for males?*
- *Please note that the adults and children are to have separate bathrooms therefore if the adults use the handicap bathroom children with handicaps will not be able to access this bathroom.*

### *Muster Points:*

- *Ensure a primary and secondary muster point has been identified that are safe for the children to evacuate to*

### *Parking:*

- *Parking across Avon Way for children to cross – consideration needs to be given to safety in crossing such as a cross walk, signage that children may be crossing, etc..*

### *Second Floor*

- *Note that this space is for persons above early childhood age*
- *Gate or way to deny access to stairs by early childhood children as they will access this room for multi-purposes*
- *Please note that in an emergency second floor can be used as a muster point for the centre in the case of a tsunami warning (this warning should have practice drills 2-3 times per year)*

### *Access*

- *Fence around property where doors lead to the outside learning environment to limit access to the centre by intruders*
- *Appears that each classroom has an outside door with steps to go down – are there ramps on the plan to ensure that all abilities will be able to exit and enter the building?*

### *Visibility*

- *Ensure visibility into all spaces where children will have access*

### *Capacity*

- *Ensure consideration is given to the number of children that the centre can accommodate based on the space ratios in the Education Council Guidelines for Early Childhood Care and Education Centres (2013)*

Space Requirements	
Indoor Space	20 square feet of useable space per child registered at the centre
Outdoor Space	40 square feet per child registered at the centre

## Applicant Response Letter

*Thank you for your comments and questions generated from the review of the proposed preschool. Please find responses below per each one accordingly.*

***Bathrooms:***

- *Both bathrooms are labeled female – is one for males?*

***Corrected labels on drawings uploaded January 19, 2022.***

- *Please note that the adults and children are to have separate bathrooms therefore if the adults use the handicap bathroom children with handicaps will not be able to access this bathroom.*

*Bathrooms for children male & female have now been revised to allow handicap access for both.*

***Muster Points:***

- *Ensure a primary and secondary muster point has been identified that are safe for the children to evacuate to*

*Primary & secondary muster points have been confirmed on adjoining properties and will be adopted with the Emergency Hazardous Management Plan.*

***Parking:***

- *Parking across Avon Way for children to cross – consideration needs to be given to safety in crossing such as a cross walk, signage that children may be crossing, etc..*

***Existing speed bump is located at crossing point, signage to be applied for and installed.***

***Second Floor***

- *Note that this space is for persons above early childhood age*

***Second floor use is for adult use only as proposed.***

- *Gate or way to deny access to stairs by early childhood children as they will access this room for multi-purposes*

***Child safety gate/door will be installed prior to final inspection stage.***

- *Please note that in an emergency second floor can be used as a muster point for the centre in the case of a tsunami warning (this warning should have practice drills 2-3 times per year)*

***Noted. This will be adopted into the evacuation procedures and annual drills accordingly.***

***Access***

- *Fence around property where doors lead to the outside learning environment to limit access to the centre by intruders*

***Fencing to be applied for and installed to enclose the property/playarea and to allow exit to muster points.***

- *Appears that each classroom has an outside door with steps to go down – are there ramps on the plan to ensure that all abilities will be able to exit and enter the building?*  
***All steps have now been revised to ramps.***

***Visibility***

- *Ensure visibility into all spaces where children will have access*
- In place and indicated on the plan. Bathrooms for children will have half doors.***

### ***Capacity***

- *Ensure consideration is given to the number of children that the centre can accommodate based on the space ratios in the Education Council Guidelines for Early Childhood Care and Education Centres (2013)*

***Plans revised to increase front classroom space thus removing multipurpose space.***

### ***Early Childhood Unit***

Thank you for the information provided.

We do not have further concerns or comments and appreciate that our comments have been addressed.

Please let us know if you require further information from our end.

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

### **Water Supply**

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

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

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

### **National Roads Authority**

*As per your memo dated January 13<sup>th</sup> 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **Avon Way**

*The NRA **cannot** recommend to the CPA approval for the proposed development at this location for the following reasons,*

- *Avon Way varies between 8ft to 11ft; parents based on the type of development will park in the road, blocking any and all traffic;*

- The proposed development will generate too much traffic for the narrow road to handle (please see below Road Capacity Issues); and
- Traffic manoeuvring issues will occur at the junction with Eastern Avenue per the lack of truncation.

### **Road Capacity Issues**

The traffic demand to be generated by the above proposed day care development for approximately 30 children has been assessed in accordance with ITE Code 565 – Day-care Centre. The anticipated traffic to be added onto Avon Way is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
<b>131</b>	<b>24</b>	<b>13</b>	<b>11</b>	<b>24</b>	<b>11</b>	<b>13</b>

Based on these estimates and the width of the road, the NRA **does not** recommend this as a good location for this type of development.

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

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

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

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

### **Department of Environmental Health**

*DEH has no objections to the proposed in principle with the following conditions:*

- 1. Each classroom shall be outfitted with soap and paper towel dispenser for the hand wash sinks.*
- 2. The applicant has yet to submit the information that was requested in September 2020:*
  - a. The applicant is to indicate if cooking will be conducted on the premises or if food/lunches will be provided by the students.*

## Department of Environment

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

*The application site is man-modified with some regrowth. Therefore it is recommended that mature vegetation be retained where possible and to use native vegetation in the landscaping scheme. Native vegetation is best suited for the conditions of the site, requiring less maintenance and making it a cost-effective choice.*

*In addition, it is recommended that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces and rainwater collection could be used for irrigation. Permeable paving could also be used to reduce the amount of surface water run-off required to be disposed of in drainage systems.*

## Fire Department

Approved for Planning Permit Only      25 Jan 22

### **APPLICANT LETTER**

*I write to provide additional information regarding the proposed preschool at 13D/34, 29 & 101 as it relates to the concerns and questions raised from the previous application. Please note that additional property has been obtained to address the concerns of occupancy, road access/width, parking and lot size. Please see same as follows below:*

### **OCCUPANCY**

*The proposed preschool is expected to occupy approximately **50-55** children above the age of 2 years old. Given the usable square footage after furnishings (of 20 sq. ft./child) as per ECCE Unit, this will most likely be a **maximum**. For this age range (2yrs+), the preschool is expected to occupy **7 staff**; which will comprise of 2 teachers, 4 assistants and 1 manager. The layout of the ground floor space will be designed as such to maximize all usable square footage per classroom to ensure the maximum enrolment. Therefore, there will be no space (office, conference or rest area) assigned to staff on the ground floor apart from the front office and adult restroom.*

*Please note that the previous application did not include a second floor; however, consideration was given for this application to assign staff space due to recent enforcement of the ECCE Unit's stress on usable space and enrolment. **Use of the second floor space is not a requirement and can be amended to be utilized for storage.***

### **ACCESS (road width)**

Concerns of access via the main road were raised and noted; however, on the scene actual evidence provided shows that a 2 vehicular traffic is accessible from the main road shown in Figure. 1.0 & 1.1 As shown various size vehicles may access Avon Way at the same time with ease and at the **MOST** narrow point. Additionally, access to my currently existing Discovery Kids location poses a narrower access and has operated smoothly without incident for the past 12 years with a greater student population. **Further to this, the Fire Department has approved the proposed application.**



**Proposed:**      **Figure 1.0**

**Figure 1.1**

The below photos Figure 2.0 & 2.1 show existing access of Discovery Kids Preschool, at Sigma Building. **Twelve (12) years without incident or accident with a one (1) vehicle access point.**



**Existing:**

**Figure 2.0    Figure 2.1**

Further concerns regarding road width and access have been addressed with proposed road widening to 17.3 ft utilizing the additional parcels obtained on 13E 29 & 101. Shown on the proposed site plan



## **PARKING**

*As there were no parking regulations found for preschools, we used the requirements of commercial facility's which are listed to be 1 space per every 300 sq.ft. We felt this most applicable to this application as there are several preschools occupying commercial spaces, (including my existing Discovery Kids at Sigma Building) and are therefore subject to this commercial requirement. At my existing location we are currently assigned 6 spaces at Sigma Building, three (3) are occupied by 3 of our 15 staff. Please note that over the past 12 years of operation, only approximately 30% of parking are occupied by staff. This is a **maximum**.*

*Therefore the 11 parking spaces proposed supersede my current parking availability for staff and parents for pick up at drop off at the proposed. This is a plus and enhancement to be able to have 8 available spaces for parents. As previously mentioned, this location will employ 7 staff, with 3 staff utilizing parking and 8 spaces available to parents for pick up and drop off (of a significantly smaller school population). Research provided during the last application process showed that there are no more than 3-5 parents picking up and dropping off at any one time. This number will be quite reduced due to a significantly lower preschool population.*

*Additionally, the last application required 12 parking spaces due to the fact that there was only a ground floor plan proposed. I would like to note that the second floor space is now proposed due to the ECCE Unit's space enforcement for children, previously mentioned. Therefore, all ground floor space has been assigned to children apart from the Managers office and staff restroom. Space provided for staff on the second floor are for work spaces, meeting area, offices, lockers and a rest area. **The same 6 staff working on the ground floor will be utilizing the upper floor space; therefore, no additional parking is required for the same 6 staff. Additionally, it will offer a second floor level for evacuation in the event of a tsunami. The second floor space is not a requirement only an enhancement and can be eliminated.***

## **LOT SIZE**

*The overall lot of the proposed has now been increased from 8,712 sq. ft. to 13,068 sq.ft. an increase of 4,356 sq. ft. For this I would like to draw attention to the fact that applicants obtain approval for change of use at residential and commercial facilities which equate to less of a lot size/footprint than this proposed application. As I have done, on 2 separate occasions. However, the proposed will be a purposed built preschool only, designated for this purpose with no other tenants that can impose upon the preschool. Additionally, there are two (2) preschools within the vicinity; St. George's Preschool being within the 300 ft radius.*

## **CONCLUSION**

*After careful consideration and review, I implore the Board /Department to favourably consider the proposed preschool even if under exceptional circumstances and with sufficient reason and evidence that we have met the all of the major requirements as it relates to child safety, development, operation and functionality of the proposed preschool. As per access, I implore the Board /Department to note that Avon Way is serviced regularly by DEH for garbage collection and that the Fire Service of the Cayman Islands has approved this application. Evidence provided shows that the access can accommodate 2 vehicle access shown in Figure 1.1 without incident and that we are prepared to widen the road way in front of the preschool.*

*Further to this, the parking required for the previous ground floor (only) application was 12 parking spaces and I would like to advise the Board/Department that the second floor space is only an enhancement for the staff which can be eliminated for the proposed if required to suffice parking. Having been in the preschool business for the past 12 years, I confirm that we have not had anymore than 3-5 parents arrive at any one time, not even during a power out- age emergency pick up; therefore, the proposed parking is sufficient and provides additional spaces based on the existing and enrolment capacity.*

*I implore the Board/Department that a central preschool location is most needed to the point that parents are desperate and on a waiting lists at all preschools throughout the island. This location will provide a small ease in demand of 50 children to parents who desire at GT location. I kindly remind you that we have had no objections and we have been embraced by the community for the change and enhancement the proposed with introduce to the overall area. Please note that there are 2 other preschools within the immediate area, one just a stones throw away, so this is not a new industry to the area.*

*I thank you for you time and consideration of the proposed.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Preschool to be located on Avon Way, George Town.

### **Zoning**

The property is zoned General Commercial.

### **Specific Issues**

#### **1) Access**

The previous application was refused in part for the following reason:

*The access road serving the site varies in width and in some cases is only 8' to 11'*

*wide. The Authority is of the view that this narrow access is not sufficient to support the needs of a pre-school which requires two way vehicular traffic and the ability for emergency vehicles to safely access the site.*

The Authority needs to determine if there are any changes in the access scenario that would lead to a different conclusion than previous.

## **2) Parking**

The Development & Planning Regulations Section 8(1) does not address parking requirements for schools or day-care facilities. No information has been provided as to how many staff or children what will be enrolled at the school. As such, reference has been made to the ITE parking generation manual which identifies an average parking ratio of 3.5 spaces per 1,000 sq ft for day care centres. Using this ratio, the proposed development would require 11 parking spaces and the applicant is providing 11 spaces. However, 8 of those 11 spaces are located on two separate parcels on the opposite side of Avon Way. The Authority needs to determine if the number of spaces is adequate and if the location of the space is acceptable.

Further, the Authority had previously expressed concern that there was inadequate area for a properly functioning drop-off/pick-up service. The Authority should determine if the current proposal has addressed this concern.

## **3) Road Side Setback**

In a General Commercial zone, the minimum road side setback shall be 20'-0". The proposed preschool building would be 12'-5" from the fronting road boundary, a difference of 7'-7" respectively.

At 10:30am, Rochelle Smith appeared as the applicant. She appeared with her daughter, Lemonie Smith and her agent, Arnold Berry. Summary notes are provided as follows:

- The Authority asked the applicant to address the issues raised in the Agenda.
- Mr. Berry provided several comments:
  - The lot size in the Agenda is wrong because they have added parcels 29 and 101 so the new size is 11,634.9 square feet
  - They need 20,000 square feet, but as usual, the variance request is there as a vehicle to allow the smaller lot
  - Regarding the current use, it has been cleared for nearly 2 years, there are no buildings on it
  - The Agenda says there are 11 parking spaces and that is because they are focusing on the downstairs, the upstairs is for storage and an office type arrangement, but the focus is downstairs
- Ms. Smith provided several comments:
  - Regarding parking from an educational perspective, pre-schools can only operate on the ground floor and she will maximize the ground floor for enrolment
  - The upstairs is for a restroom, training room and office and will only be used by



the same staff as downstairs

- She submitted this to Education and they said it was a great idea to have the second floor if there is flooding or a tsunami
- The second floor is not required, but it is a bonus, an enhancement as they can practice drills up there
- 20% of pre-schools on the Island operate in shopping centres as it is hard to find the perfect property and she feels she should be considered because those other preschools are at 1 space per 300 sq ft and if they use that ratio here then she needs 11
- She's been doing this for 11 years and operates Discovery Kids at the Sigma Building and there have been no incidents or problems
- She has 6 parking spaces there with a higher enrolment than what she estimates here
- At 20 sq ft per classroom space gives 40 kids, it is regulated by Education
- Her program is flexible, not all kids come at the same time, she does not have full capacity all day as they come at various hours so there is no parking problem
- Education comes in and measures everything
- The Authority noted her letter says 50-55 kids. Ms. Smith explained that number was revised once they looked at the actual square footage
- The Authority asked her to address NRA's comments.
- Mr. Berry noted those were in regard to the suitability of access and asked if the members have seen the photographs. The Authority advised the photos are in the Agenda.
- Ms. Smith noted that NRA says access is restricted. Mr. Berry explained the comments were based on availability presently, but she is purchasing parcels 29 and 101.
- The Authority asked what is the width of the road. Mr. Berry provided several comments in this regard:
  - The width varies
  - At the back of the parcel is an apartment complex
  - There is a lot of foot traffic
  - As shown on the site plan, they have given up space on her land for a 10' widening
  - Where the road is narrow she has no control over
  - Cars go in and out now without problem
  - Although NRA doesn't recommend it, he doesn't believe that should be reason to refuse the application
- The Authority asked if they had any discussions with the NRA. Ms. Smith replied they did reach out to them and they were delighted that she has the additional lots, but

they didn't say that in their report and she was shocked to see the report. She noted that it seems unjustified and unreasonable to get the same report she got last time.

- Mr. Berry explained that 13E 29 and 101 will be cleared and that will clean up the road. There is a problem on Pogo Ln as well. They approached the owner of 13E 33 to purchase, but were unsuccessful. He feels somebody has to clean up the area.
- The Authority asked with the proposed road widening how wide would it be in front of the school and Mr. Berry replied 29' 5".
- Ms. Smith noted that Fire is okay with it as their fire trucks can access it. She noted that there are never traffic jams on Eastern and there are no traffic jams with preschools. She noted this is not a Primary school. She noted that she doesn't have peak hours like NRA says because her program is very flexible with drop off and pick up at all hours.
- The Authority asked if it is a dead end road and Mr. Berry replied it was.
- The Authority asked how many apartments are at the rear and Mr. Berry replied it is hard to say as it is like a tenement.
- Ms. Smith noted that the apartments are neat and tidy with a lot of bicycle and foot traffic as many of them work at Kirks.
- Ms. Smith explained this will be an asset to the community as all preschools have waiting lists. She noted she is not infringing on mangroves. She has approvals from Health, Fire and Education and she is willing to give the land to the NRA.
- Mr. Berry noted that based on survey, the pavement encroaches on his client's land.
- The Authority noted that with road widenings, the NRA usually starts in the middle and goes out both sides.
- The Authority noted that occupancy is 1 student per 20 sq ft and asked if Mr. Berry has done a safety data analysis.
- Mr. Berry explained that the plans were submitted to the Department and then they are circulated to agencies.
- Ms. Smith noted that she originally thought she would have an enrolment of 50, but after comments from Education that was decreased to 40.
- The Authority noted that the Code allows a certain occupancy number and asked if they have calculated the occupancy load because the result could mean fewer students as storage and training are very different occupancy loads
- Mr. Berry explained that Education is the overriding agency and he hasn't done the safety data yet. He explained that due to recent Code changes he may have to put in second stairs for upstairs.
- Ms. Smith advised that they don't have to have a training room, they don't have one now, it would just be an enhancement. She noted that she reminds the Authority that they have discretion and that this will be a plus for the community.

**2.2 NWPR GROUP LTD. (Declan O’Brien) Block 1E Parcels 11, 12 & 45 (P22-0124)  
(\$20,000,000) (MW)**

Application for 48 apartments, restaurant, dive shop; generator, (4) 1,000 gallon LPG tanks, 2 pools and a seawall.

**Appearance at 11:00**

**FACTS**

<i>Location</i>	North West Point Rd., West Bay
<i>Zoning</i>	<b>Beach Resort Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.4 ac. (104,544 sq. ft.)
<i>Parcel size required</i>	0.5 ac. (21,780 sq. ft.)
<i>Current use</i>	Existing residence to be demolished.
<i>Proposed building size</i>	145,083 sq. ft.
<i>Total building site coverage</i>	28.54%
<i>Allowable units</i>	48
<i>Proposed units</i>	48
<i>Allowable bedrooms</i>	144
<i>Proposed bedrooms</i>	110
<i>Required parking</i>	94
<i>Proposed parking</i>	97

**BACKGROUND**

July 6, 2022 (CPA/17/22; item 2.19) – application adjourned in order to circulate the plan to the Public Lands Commission

June 22, 2022 (CPA/16/22; item 2.3) – application adjourned to relocate the public access to the sea to the southern boundary and to re-notify the adjoining land owner

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

Conditions (1-7) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide a copy of the submission made to the Lands and Survey Department to combine Block 1E Parcels 11, 12 and 45.
- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 7) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (8-9) listed below shall be met before a Building Permit can be issued.

- 8) The applicant shall submit the Stormwater Management plan required in condition 5) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 9) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration

system is constructed in accordance with the submitted plans it will conform to public health requirements.

- 10) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 11) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 12) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 13) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

- 14) All construction materials shall be stockpiled away from the water's edge, landward of the proposed seawall, to prevent run-off and debris from entering the marine environment.
- 15) Block 1E Parcels 11, 12 and 45 shall be combined and registered with a new parcel number.
- 16) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

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

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

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

Reasons for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). This determination includes the fact that revised plans were submitted showing compliance with all minimum required setbacks and the specific assessment that

per Regulation 15(2)(d) of the Development and Planning Regulations (2022 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:

- There are no physical constraints on the site that would prevent the development of apartments.
- There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
- There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.

### **AGENCY COMMENTS**

Comments from the Water Authority, Department of Environmental Health and Department of Environment, Fire Department and OfReg are noted below.

#### **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. Requirements for proposed are as follows:*

#### **Wastewater Treatment and Disposal**

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

- *The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 16,196 US gallons per day (gpd),** based on the following calculations.*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Basement	Storage & Utility	0	0
First Floor	Residential Lobby	0	0
	Retail 1,672 sq. ft.	1,672 x 0.15 (retail factor)	250.8
	Restaurant 2,275 sq. ft.	2,275 x 1.8 (restaurant factor)	4,095
	Residential	150gpd/1-Bed	150
	1 x 1-Bed Unit 6 x 2-Bed Units 2 x 3-Bed Units	225gpd/2-Bed 300gpd/3-Bed	1,350 600
Second Floor	Owners Lounge	0	0

	Residential 10 x 2-Bed Units 4 x 3-Bed Units	225gpd/2-Bed 300gpd/3-Bed	3,150
Third Floor	Residential 10 x 2-Bed Units 4 x 3-Bed Units	225gpd/2-Bed 300gpd/3-Bed	3,450
Fourth Floor	Residential 8 x 2-Bed Units 2 x 3-Bed Units 2 x 4-Bed Units	225gpd/2-Bed 300gpd/3-Bed 375gpd/4-Bed	3,150
<b>TOTAL</b>			<b>16,195.8 GPD</b>

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'8" or 5'11", depending on proximity to the sea, 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.***

#### **Traffic Rated Tank and Covers**

*The drawings indicate the wastewater treatment plant 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.*

***The Water Authority will not approve buried ATUs with the exception of those proposed under approved designated handicapped parking.***

#### **Grease Interceptor Required**

***A grease interceptor with a minimum capacity of 2,275 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.***

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

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

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

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

### **Elevator Installation**

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

### **Water Supply:**

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

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

## **Department of Environmental Health**

### **Solid Waste Facility**

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

*Table 1: Specifications for Onsite Solid Waste Enclosures*

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

### **NOTE:**

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

### **Swimming Pool:**

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

### **Restaurant**

The applicant must submit the following at the BCU stage for review and approval:

1. The floor plan of the kitchen showing the layout of all equipment.
  - a. Specification for equipment must be submitted.
2. The approved BCU drawings for the exhaust ventilation system.
3. Specifications for the hot water system which must include:
  - a. The type of heater proposed



- b. *The minimum designed hot water requirements*
  - c. *The storage capacity of the heater in gallons*
  - d. *The percentage thermal efficiency of the heater*
  - e. *The BTU rating of the heater*
  - f. *The recovery rate of the heater in gallons per hour.*
4. *For manual washing and sanitizing of utensils, provide a stainless steel sink with no fewer than 3-compartments. The sink compartments shall be large enough to hold the largest pot, pan or piece of equipment. Each compartment shall be supplied with adequate hot and cold potable running water.*

## **Department of Environment**

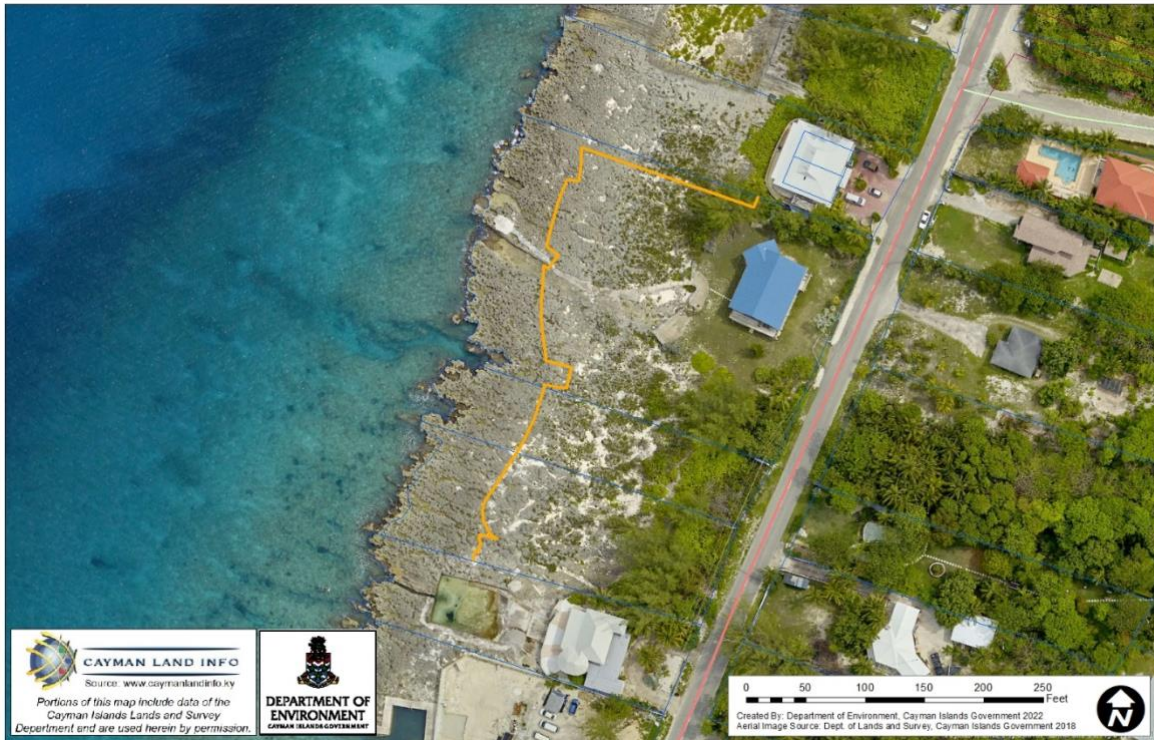
*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

### **Site Overview**

*The roadside area of the application site is man-modified having been previously cleared, however, the ironshore coastline remains predominantly in its natural state. It is a high energy coastline that has very deep water close to shore with no fringing reef meaning there is little natural protection from wave action during inclement weather (both during storms and hurricanes). Storm impacts to the coastline are indicated by the presence of sand deposits and the setback of the natural vegetation line on the ironshore.*

*Whilst the application has met the 50-foot coastal setback required in the Development and Planning Regulations, we note that the proposed development would be located closer seaward than that of the neighbouring developments. The subject parcel's coastline highlights the need for site-specific consideration of setbacks instead of an overall "blanket" setback approach for the generalised categories of beaches, ironshore or mangrove coastlines. Coastal setback recommendations should also be informed by other factors such as the off-shore marine environment, historical erosion rates or extreme water levels, rather than adopting arbitrary distances that are not representative of erosion and coastal flooding threats. Given the climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge) the DoE recommends that the applicant positions their development as far landward as possible. The applicant may also wish to incorporate climate resiliency features such as elevated structures or a wash-through ground floor.*

*The natural/permanent vegetation line of the subject parcel is a good indicator of the energy of the coastline and the incursion of the sea on a regular basis. Figure 1 shows the historical vegetation on-site in 2018 and the proposed building setback line in orange; development that is situated seaward of the approximate historical vegetation line increases its vulnerability to flooding and storm damage.*



**Figure 1: 2018 aerial imagery showing the development (seawall line shown in orange) in relation to the historical (established) vegetation line (Source: LIS 2018).**

*The DoE also recommends that the ironshore coastline be left in its natural state. Aside from forming an important habitat, ironshore assists with the damping of wave energy and represents a unique and visually appealing vista. 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. Although the plans do not show any proposed structures seaward of the 50ft setback on the ironshore, the artist's impressions that accompany plans do show what appears to be a concrete foot path along the northern section of the parcel toward the ocean. It is unlikely that the DoE would support a second concrete path along the ironshore as there is an existing concrete path near the ramp. Any further modification of the shoreline should be the subject of a separate consultation with the National Conservation Council.*

### ***Polystyrene Construction Debris Impacts***

*The Department has observed coastal developments inadvertently polluting the marine environment with wind-borne debris as shown in figure 2 below. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is **not** biodegradable, and the EPS beads can be consumed by wildlife where it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. It is almost impossible to collect the polystyrene beads once they have become wind-borne. We strongly recommend that Best Management Practices be*

*adopted during the construction process to ensure that construction-related debris does not enter the marine environment.*



***Figure 2: DoE site visit photos showing the polystyrene littering development sites which spread into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment. A screen was then fastened around the building to contain the beads (Source: DOE 2021).***

#### ***Doe Recommended Conditions***

***If the Central Planning Authority or Planning Department is minded to grant permission for the proposed development, the following conditions should be incorporated into the approval:***

- *All construction materials shall be stockpiled away from the water's edge, landward of the proposed seawall, to prevent run-off and debris from entering the marine environment.*
- *If the construction is using polystyrene forms, measures (such as screens or other enclosures along with vacuuming) should be put in place to ensure that any shavings or polystyrene debris is completely captured on-site and does not impact the surrounding areas.*
- *The ironshore outside of the proposed built footprint and seaward of the seawall shall be left in its natural state undisturbed by heavy machinery or any other works including pouring of concrete pathways etc. Any proposed modification of the ironshore, including the resurfacing of the existing ramp and concrete path, should be the subject of a separate consultation with the National Conservation Council.*
- *There shall be no excavation, filling, modification or concreting of the shoreline outside of the parcel boundary.*
- *Any works proposed seaward of the High Water Mark shall be the subject of a Coastal Works application.*

#### ***We also recommend that the applicant:***

- *Revises plans to position the development as far landward as possible and/or incorporates climate-resilient features such as raised/wash-through foundations in order to increase the development's resiliency to storm impacts and climate change.*
- *Plants and incorporates native vegetation into the landscaping scheme for the development. 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 has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

## **Fire Department**

Approved For Planning Permit Only ( 01 Mar 22)

## **OfReg (Petroleum Inspectorate)**

Approved (20 Mar 22)

## **APPLICANT'S LETTER**

*We would like to request a side setback variance for beach access stairs on both sides of the property. Per Zoning Guidelines, we need to provide public right of way beach access 6 ft wide along both sides of the property. We believe putting in stairwells with handrails will assist with patrons accessing the Ironshore safely rather than having a sharp grade down.*

*I refer to 8(13) of the planning regulations. We feel that this is a reasonable variance request and hope the board will find this acceptable.*

*If you require additional information, please do not hesitate to contact me.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

Application for 48 apartments, restaurant, dive shop; generator, (4) 1,000 gallon LPG tanks, 2 pools and a seawall

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

#### **1) Suitability**

Section (15)(2) states the following development is permitted in a Beach Resort Residential Zone.

- (a) detached & semi-detached houses.
- (b) duplexes
- (c) beach resorts; and
- (d) in locations considered by the Authority to be suitable, guest houses and apartments, cottage colonies and tourism related development.

The neighbourhood consists mostly of single-family houses. There are several parcels with apartments within less than 1000 feet of the subject parcel. The closest apartment community, similar to this application, Lighthouse Point Residences, located

approximately 232 feet respectively from the proposal. Although the proposal is permitted in a BRR zone, the Authority may want to consider the size and density of the project relative to the surrounding neighbourhood.

## **2) HWM Setback**

Regulation 8(10)(c) states *“in areas where the shoreline is ironshore (except hotel and tourist related zones) all structures and buildings, walls and structures, shall be setback a minimum of 50’ from the high water mark.”* The proposed seawall and walkway encroach the required HWM setback at a distance of 38’-3” & 30’-5” respectively.

## **3) Side Setback**

Regulation 15(4)(b)(i) states *“side setbacks in a Beach Resort Residential Zone shall be a minimum of 20’-0”*. The applicant has proposed beach access stairs on the northern end of the site which are approximately 3’-0” from the boundary. In addition, the proposed restaurant / tenant patio will also encroach the northern boundary at 9’-0”.

## **SUPPLEMENTAL ANALYSIS**

The applicant has revised the plan showing the public access to the sea along the southern boundary as required and the adjacent owners were notified of same and no objections were received. Also, the Public Lands Commission was circulated for comment but there has been no response to date.

At 11:00am, Declan O’Brien and J. Samuel Jackson appeared on behalf of the applicant. Summary notes are provided as follows:

- Mr. Jackson handed out copies of his revised letter.
- Mr. O’Brien advised they got the approval from the Public Lands Commission and he handed out a letter.
- Mr. O’Brien noted that the Agenda refers to the need for setback variances, but they submitted revised plans addressing those issues.
- The Authority reviewed the revised plans and concurred that they now comply with required setbacks.

**2.3 TRIO CAYMAN LTD. (Trio Design) Block 13EH Parcels 15 and 16 (P22-0177) (\$3,000,000) (BES)**

Application for a studio apartment/music studio on the second floor including changes to the building elevations, roof design and external metal fire escape stairs.

**Appearance at 11:30**

**FACTS**

<i>Location</i>	Adjacent to Mr. Arthur's shop on North Church Street
<i>Zoning</i>	<b>G.COM</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.19 ac. (8,276.4 sq. ft.)
<i>Current Use</i>	Commercial building
<i>Building Size</i>	43,806 sq. ft.
<i>Building Site Coverage</i>	24.8%
<i>Required Parking</i>	10
<i>Proposed Parking</i>	11

**BACKGROUND**

June 8, 2022 (CPA/15/22; Item 2.10) - CPA adjourned the application and invite the applicant in to a meeting of the Authority in order for the applicant to address the following concerns of the Planning Department:

- a) HWM Setback
- b) Side setback
- c) Parking bollards
- d) Parcel combination

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

Conditions (1-7) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide a copy of the submission made to the Lands and Survey Department to combine Block 13EH Parcels 15 and 16.
- 2) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the



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

- 3) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 4) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (6-7) shall be complied with before a final Certificate of Occupancy can be issued.

- 6) Block 13EH Parcels 15 and 16 shall be combined and registered with a new parcel number.
- 7) All construction materials shall be stockpiled landward of the existing seawall.
- 8) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

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

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

Reasons for the decision:

- 1) Pursuant to Regulation 8(8)(b) of the Development and Planning Regulations (2022 Revision), the Authority deems the minimum side setback to be as shown on the submitted plans and finds the setback not to be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare and is consistent with the provisions of Section 2.6 of The Development Plan 1997. Further, the works are all internal with the exception of the fire stairs and the existing setback from the high water mark for the building remains unchanged.

### **AGENCY COMMENTS**

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

#### **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. Requirements for proposed are as follows:

**Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>First Floor</i>	<i>~1,600 sq. ft. Retail Space</i>	<i>1,600 x 0.15 (retail factor)</i>	<i>240</i>
<i>Second Floor</i>	<i>1 x 1-Bed Studio</i>	<i>150gpd/1-Bed</i>	<i>150</i>
	<i>~1,000 sq. ft. Office Space</i>	<i>1,000 x 0.15 (office factor)</i>	<i>150</i>
<b>TOTAL</b>			<b>540 GPD</b>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. 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 5'9" 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 Septic Tank Inspection Form that can be downloaded from the Water Authority's website via the following link: <https://bit.ly/2RO8MBB>. The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.*

#### **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. The developer is advised that if high-water-use tenants; e.g., food service, laundry, etc., are anticipated, provision should be made at this stage by providing details so that the requirements can be adjusted accordingly. Any future change-of-use applications to allow for a high-water-use will require an upgrade of the wastewater treatment system which, depending on the use, may include in-the-ground*

*interceptors for grease or oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.*

**Water Supply**

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*

*The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard*

*Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>*

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

### **National Roads Authority**

*As per your memo dated April 6th, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

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

### **Fire Service**

The CFO approved the site layout

### **Department of Environmental Health**

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

1. This development require 3 (33) gallon bins and an enclosure built to the department's requirements.
  - a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.
  - b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

**Table 1: Minimum Enclosure Dimensions**

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height
3	2.50	7.50	2.50

### **Department of Environment**

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

*The application site is man-modified with an existing building and is adjacent to a Marine Protected Area, namely a Marine Reserve. We note that the proposed modifications and addition are located behind the existing seawall and are no further seaward than the existing structure on-site. However, the existing building currently **does not** meet the minimum required setback prescribed in the Development and Planning Regulations (2022). 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, given climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge).*

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

- 1. All construction materials shall be stockpiled landward of the existing seawall.*
- 2. The ironshore shall be retained in its natural state. There shall be no heavy equipment or storage of any kind on the ironshore.*
- 3. If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, polystyrene or foam waste is completely captured on-site and does not impact the surrounding area including the Marine Protected Area.*

*These conditions are directed to prevent run-off, debris and pollutants 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, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013). We trust that the CPA/Department of Planning will relay this to the applicant in its decision notice.*

### **APPLICANT'S LETTER**

*I am writing on behalf of my client BIGCAT LTD. for whom I am applying to the Central Planning Authority for a change of use to the existing [2] Story Building located on [13EH -16]. In addition, we are seeking a variance allowing for the installation of a prefabricated metal straight run Fire Escape on the South Elevation of the existing building.*

*Side Set Back exemption under:*

*Regulation 8. (11) (e)(f) [Development and planning regulations 2022 revision] The existing building is to be renovated and the second floor converted to a Studio Apartment & a Music Recording Studio. The proposed (Fire Escape) is for emergency exit from the proposed Studio Apartment.*

*Thanks in advance for your kind consideration in this matter.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a studio apartment on the second floor, changing the building elevations, roof design, and an external metal fire escape at the above-captioned property. The property is on North Church Street next to Mr Arthur's shop, George Town.

### **Zoning**

The property is zoned General Commercial.

### **Specific Issues**

#### **1) HWM Setback**

The existing high-water-mark setback is 22'-0", whereas the minimum required HWM setback is 75' under 8(10)(a) of the Development and Planning Regulations (2022 Revision). The proposed development will not affect the existing setback.

#### **2) Side Setback**

The side setback for the fire escape stairs is 1' - 6", whereas the required side setback is 6' per regulation 8(8)(b).

#### **3) Parking bollards**

As illustrated on the site plan, the applicant is proposing retractable parking bollards at the parking lot ingress and egress points. When the bollards are retracted vehicles will have to stack on North Church Street blocking the traffic flow.

#### **4) Parcel combination**

The building is on 13EH 16 and the parking is on 13EH 15. Both parcels are owned by the same company. The Authority should determine if the parcels should be combined.

## **SUPPLEMENTARY ANALYSIS**

The CPA adjourned the application to invite the applicant to appear before the Authority to address the concerns of the Department as noted above. No additional information has been submitted by the applicant.

At 11:30am, Neville Aston Ebanks appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority asked if Mr. Ebanks had seen the issues raised in the Agenda and he replied he had.
- Mr. Ebanks provided several comments:
  - his client sends his apologies as he is off Island

- they inherited the HWM setback from the 1980's
- they are not changing the footprint
- they are having the HWM survey certified
- the upstairs is being converted to a studio apartment for the owner
- there are two staircases as there used to be three office suites upstairs
- They are changing one of the suites to the apartment and they would like to have an emergency access
- given where the building was originally set, they will need a side setback variance
- the Fire Department has access around the building
- regarding the bollards, they are retractable and won't be up during business hours
- they are trying to prevent the parking area from being a hang-out spot
- the bollards can be opened electronically
- the bollards will be down during the day and up when he is not there or at night
- the bollards aren't visually intrusive
- the client isn't against the parcels being combined
- The Authority noted that the fire escape may not meet Code and asked if Fire was okay with the bollards
- Mr. Ebanks replied it is just like a gate with the SOS feature

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

Application for a house.

**Appearance at 1:00**

## **FACTS**

<i>Location</i>	Pebble Beach Drive, Lower Valley
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3344 ac. (14,566.45 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	3705 sq. ft.
<i>Total building site coverage</i>	21.6%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

## **BACKGROUND**

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

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

- 1) The applicant is required to submit revised plans depicting a duplex showing a common wall which achieves 25% connectivity between the two units.

## **AGENCY COMMENTS**

### **Department of Environment**

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

*The application site is predominately man-modified and of limited ecological value. We recommend the retention of any mature vegetation outside of the footprint of the proposed house. We also recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

## **APPLICANT'S LETTERS**

### **Letter #1**

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

## Letter #2

### **EXTERNAL STAIR CASE**

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

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

### **DORMER WINDOW**

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

## Letter #3

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

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

The lot measures 14,566.45 sf.

The Department advised the agent to refer to the Regulations for guidance on justifying and identifying the exceptional circumstance for the inadequate lot size. Members are invited to consider the content of the variance letter and determine whether the



threshold for demonstrating ‘sufficient reason to grant a variance and an exceptional circumstance’ has been met.

## **2) Independent access**

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

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

## **3) Parking entrance**

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

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

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

- The Authority asked if they had seen the issues from the Agenda. Mrs. Seeram replied no and Mr. Seeram replied yes. Mr. Seeram noted that there seems to be an objection to the exterior staircase and asked what are the other issues.
- The Authority replied that there is a lot size issue. Mr. Seeram noted that the lot is 14,500 sq ft and the Authority explained that they are supposed to have 20,000 sq ft.
- Mr. Seeram explained that the house will be attached, the draftsman made a mistake.
- The Authority noted that the drawings show them separate and asked how will they be attached. Mr. Seeram replied that there will be a trellis connection.
- The Authority advised that the building is a duplex because there are two kitchens. Mr. Seeram explained that the second kitchen is just for Sunday cooking.
- The Authority explained that they need to submit revised plans showing a connection as a duplex and it can’t be trellis, there has to be a common wall and this will affect the location of the exterior stairs.
- Mr. Seeram advised that they don’t call it a duplex. The Authority explained that it is because there is a kitchen and full bathroom in the second unit. Mr. Seeram asked if the Authority is saying to take out the stairs and connect to the house. The Authority replied that if they do that then they have enough lot size for a duplex.
- Mr. Seeram noted that they would have a lot of land left over and what are they supposed to do with it.
- The Authority explained that the Regulations specify one house or one duplex and a duplex is two units joined by a 25% common wall. The Authority noted this may not address his question about the remainder of the parcel, but they can’t have three, four or five houses, they can have one house or one duplex.

- Mr. Seeram noted that they will take out the stairs and connect to the house and put the stairs on the other side.
- The Authority noted that they may need to fill in windows on that side of the existing house. Mrs. Seeram explained that would be the kitchen window.
- Mr. Seeram noted that an upstairs building should have outside stairs.
- The Authority explained that the application can be adjourned for revised plans for a duplex, but they should get an architect to check the Code for other issues.
- Mr. Seeram noted it is better to re-submit.
- Mrs. Seeram noted if they re-submit the stairs would be on the other side.
- Mr. Seeram noted that they need exterior stairs for an emergency.
- Mrs. Seeram noted that one stairs inside is not sufficient for an emergency so they will have to remove it and replace it on the other side. She asked if there was any dispute with the exterior stairs.
- The Authority replied they would have to see the plans. The Authority also advised them to check to see if there are any covenants for the subdivision.
- Mrs. Seeram noted that if there are covenants that don't allow a duplex what is their alternative.
- The Authority explained that they don't enforce covenants and if they are in place the Authority could grant approval, but the neighbours could go to Court.

## 2.5 LAUREN KNIGHT (Architextura) Block 15E Parcel 271 (P21-1076) (\$769,280) (EJ)

Application for a house and pool.

**An appearance was scheduled for 2:00pm and the applicant's representative was present and attended the meeting. The objector was not in attendance although they had been sent a Zoom meeting invite. As this was the second opportunity for the objector to attend a meeting, the Authority determined that natural justice had been served and proceeded to consider the application.**

### **FACTS**

<i>Location</i>	Lakefront Drive, South Sound.
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	0.2870 ac. (12,501 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,888 sq. ft.
<i>Total building site coverage</i>	23%

## **BACKGROUND**

May 11, 2022 (CPA/13/22; Item 2.2) - The Authority adjourned the application to re-invite the objector who did not appear before the board.

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

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

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 3) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 5) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 7) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reasons for the decision:

- 1) With the exception of the rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the maximum allowable site coverage, the minimum required lot size and the minimum required front/rear/side setbacks per Regulations 9(8)(i) and (j) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is

sufficient reason and exceptional circumstance to allow the lesser lot size and setbacks as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.
- 3) The Authority is of the view that no objections were provide that raised ground for refusing permission. Specifically, the objector incorrectly refers to Regulation 15(4)(b) and has provided no evidence to support the statements that the proposed development will diminish their right to peaceful enjoyment of their property, that it will diminish their development potential or devalue their property.

### **APPLICANT'S LETTER**

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

1. *A setback variance for the North side on the house. The unusual wedge shape of the lot causes considerable narrowing of the road frontage along the cul-de-sac. Consequently, a small area of the dining room encroaches in the setback. However, it is the single-story side of the house.*

*The owner was not aware that the land to the North side of the house was actually a road reservation, as at the present the road is unpaved and undeveloped.*

2. *A rear setback variance of the swimming pool setback, to allow a reasonable size residential pool to be built.*

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

### **OBJECTION LETTER**

*I am writing on behalf of Blackfin Holdings Ltd., the proprietor of Block and Parcel 15E 236, in relation to the Notice of Application for Planning Permission submitted with regards to Block and Parcel 15E 271 dated 8 February 2022 ("Application").*

*Regulation 15(4)(b) of the Development Planning Regulations provides that side setbacks must be a minimum of 20 feet and that, for buildings over one storey, the rear setback must be a minimum of 25 feet from the road edge or lot boundary, as the case may be. The proposed variances at the subject property are considerably outside of such allowances: the Application proposes a North side setback of 10 feet at one point, a South side setback of 8 feet and a rear setback of 13 feet 9 inches.*

*Given the degree of the proposed setback variances, if approved, the constructed residence at the subject property will materially diminish Blackfin's right to peaceful enjoyment of its own property and have a substantial negative impact on any future development prospects of the property as well as its future resale value. Accordingly, Blackfin Holdings Ltd. hereby notes its formal objection to the Application.*

*We reserve our rights to address any other relevant matters which the CPA may require of us at the hearing of this matter.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed house and swimming pool is located on the corner of Lakefront Drive and Edgemere Circle.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Setback Variances**

The subject swimming pool does not meet the required rear setback proposed at 13.9' vs 20'; additionally, the house and planter are proposed at 16' and 10' vs 20' from what is part of the road network located on the left-side, finally, there is an 8' privacy 14 wall enclosing an open-air shower garden on the right-side boundary setback at 8' vs 10'.

## **SUPPLEMENTARY ANALYSIS**

May 11, 2022 (CPA/13/22; Item 2.2) - The Authority adjourned the application to re-invite the objector who did not appear before the board.

At 2:00pm, Hedley Robinson appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority asked Mr. Robinson to explain the application.
- Mr. Robinson provided several comments:
  - He was hoping the objector would be here to address their concerns
  - There are a couple of design issues because of the lot being on a cul-de-sac
  - There is also a road reservation to the left that was never built
  - The portion of the lot by the cul-de-sac is unusable when you account for the setbacks
  - There is supposed to be a 20' setback from the unused road reserve, but the building is only one storey next to it
  - The enclosed garden with privacy wall needs a variance

- At the back of the house is where the pool is and the client saw the pool design in a magazine and he tried to incorporate it into the site, but a variance is needed
- They meet site coverage at 23%
- The Authority asked what are the wall heights at the setbacks. Mr. Robinson replied that the dining room wall is 16'. The Authority asked what is the height of the planter and Mr. Robinson replied 4'. The Authority asked about the height of the other wall and Mr. Robinson replied it is 8' for privacy.
- The Authority asked where is the objector located and Mr. Robinson replied to the rear of the property.
- The Authority asked if there was a deck around the pool and Mr. Robinson replied yes, but not at the rear.

## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.6 to 2.27)**

#### **2.6 CHRISTIAN BOURKE & JOEL WEBSTER (Tony Lattie) Block 13D Parcel 220 (P22-0507) (\$540,000) (MW)**

Application for 8 apartments.

##### **FACTS**

<i>Location</i>	Greenwood Dr., George Town
<i>Zoning</i>	<b>High Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.15 ac. (6,534 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2,639.29 sq. ft.
<i>Total building site coverage</i>	26.44%
<i>Allowable units</i>	3 units
<i>Proposed units</i>	8 units
<i>Allowable bedrooms</i>	6 bedrooms
<i>Proposed bedrooms</i>	8 bedrooms
<i>Required parking</i>	12 spaces
<i>Proposed parking</i>	6 spaces

##### **BACKGROUND**

August 27, 1997 – Proposed Two Bedroom Duplex -the application was considered and it was resolved to grant planning permission.

January 20, 2021 – Proposed Four Apartments with Attached Laundry Room – the application was considered and it was resolved to adjourn the application.

April 13, 2021 – (4) Unit Apartment Complex with Attached Laundry Room – the application was considered and it was resolved to grant planning permission. (CPA/08/21; Item 2.3)

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding density, number of parking spaces and garbage enclosure setback.

##### **AGENCY COMMENTS**

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

### **Water Authority**

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

### **Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Studio Apartments	8 x 1-Bed Units	150gpd/1-Bed	1,200
<b>TOTAL</b>			<b>1,200 GPD</b>

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

### **Traffic Rated Tank and Covers**



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

### **Water Supply**

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

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

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

### **Department of Environmental Health**

*Solid Waste Facility:*

*DEH has no objections to the proposed in principle.*

1. *This development require (8) 33 gallon bins and an enclosure built to the deptment'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.*

### **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 is man-modified with limited ecological value. We recommend that the applicant plants and incorporates native vegetation into the landscaping scheme for the development. Native vegetation is best suited for the habitat conditions of the Cayman Islands. It requires 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 has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

## **Fire Department**

*Rejection Reason: Please depict proposed or existing Fire well and Fire Hydrant . As per 1994 Standard Fire Prevention Code 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.*

## **APPLICANT'S LETTER**

### ***Introduction***

*We, Christian Bourke and Joel Webster, are honored to seek a modification to an approved planning permission (p20-1012) for 'Gateway Apartments'. The property will be built on Greenwood Drive, immediately behind the Ashgo Street commercial area, close to Kirk's, A.L. Thompson's, Flow, the Government Administration Building and the businesses in Cricket Square.*

*Gateway Apartments will comprise 8 micro studios, designed to offer affordable, environmentally sustainable, secure and area-appropriate rental units to long stay tenants with a focus on local working people looking for a Caribbean urban living experience at a fair price that is close to work and recreation opportunities.*

*This project represents an opportunity to create more affordable and secure housing in Cayman and further enhance an area in transition, in an environmentally sensitive way.*

*This site will be a build-to-rent property retained by us as investors that is: (1) consistent with the surrounding area; (2) not detrimental to the surrounding area or the public; (3) affordable; (4) environmentally sustainable; and (5) secure.*

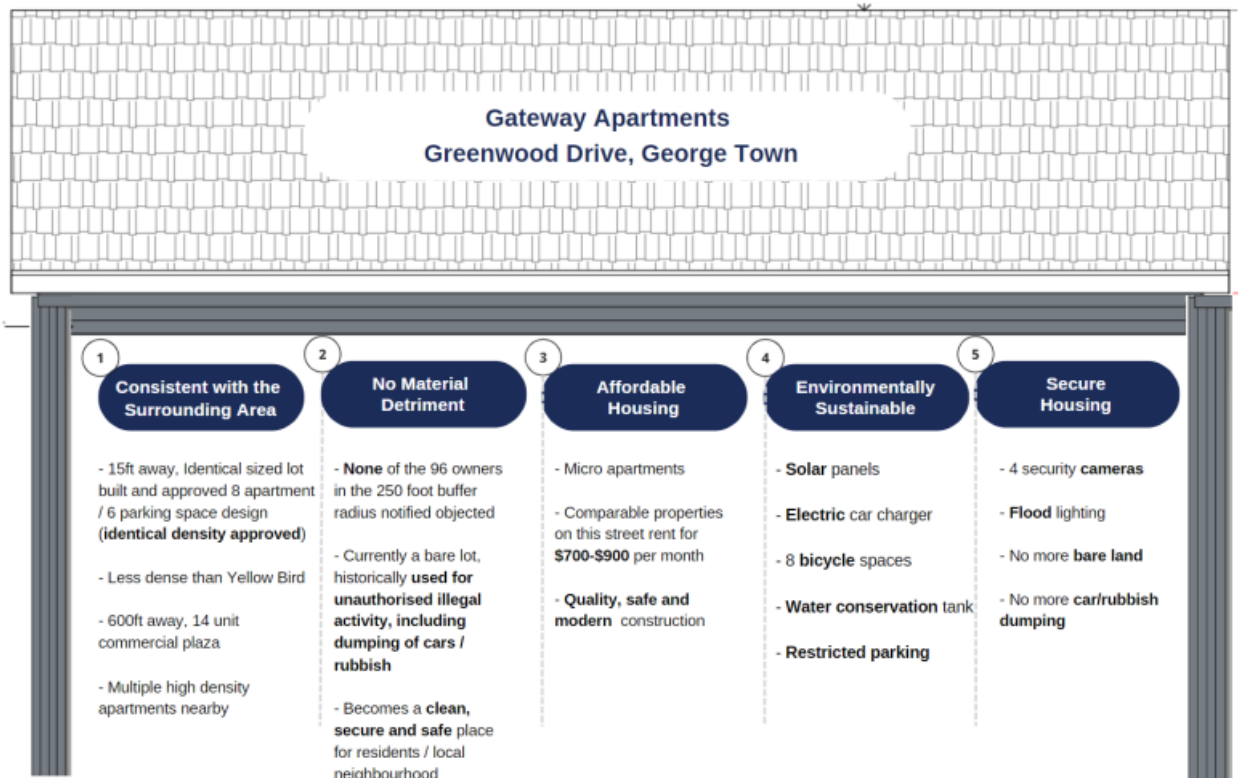
*We have notified all the surrounding property owners within a 250 foot radius and to date we have not received any objections to the proposed modifications from any of the 96 notified owners.*

*Modifications regarding (A) density and (B) parking are requested herein. We respectfully submit that the Board is permitted here to exercise its discretion to grant this modification pursuant to Planning Regulation 8(13)(b) to grant planning permission to carry out construction that does not comply with the related planning provisions on the basis that the Board is satisfied that there is sufficient reason to grant such variances and an exceptional circumstance exists here. This is on the basis that:*

- 1. the characteristics of the proposed development are **consistent with the character of the surrounding area**;*
- 2. the proposal will **not be materially detrimental** to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;*

3. this modification will help to answer the growing demand for **affordable housing**;
4. this modification features significant **environmentally sustainable** features; and
5. this modification offers **greater security** to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, and to the public welfare.

**Planning Regulation 8(13)(b) - sufficient reason and exceptional circumstance justifies this modification**



**1. The characteristics of the proposed development are consistent with the character of the surrounding area**

Known as 'the Swamp' and adjacent to the Ashgo Street commercial precinct and the broader industrial area, this area of George Town is the site of a large number of high density residential and commercial properties.

It is important to note that while the requested density exceeds the normal limit, it is significantly less than what is typically found in this area for the size of land and:

- the lot size is identical (0.15 acres) to a lot across the road and 15 feet from this site, where the Board approved a similar design (by the same architect) 8 unit/6 car park property (13D 230);
- is also proportionately less dense than approvals such as the Yellow Bird complex located in the area known as "Rock Hole". The Yellow Bird complex provides 635 square feet of land per studio apartment and this proposed complex provides 818 square feet of land per studio apartment; and

● *perhaps with grandfathered approvals, there are many high density apartments on, and in the streets around, Greenwood Drive. These newly constructed units built by experienced builders will likely be a highly quality build than what is currently offered in this area. This is shown further in Attachments 2, 3 and 4.*

*At the end of Greenwood Drive and 600 feet from this site, a 14 unit commercial plaza, Arboretum Place, is being built. This modification creates affordable housing for people working and doing business in that plaza.*

*This modification, although denser than the general planning regulations permit, are entirely consistent and less dense than what is found in this area. Accordingly we respectfully submit that it is consistent with the character of the surrounding area.*

**2. *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***

*None of the 96 owners in the 250 foot buffer radius notified of this proposed modification have made objections to the modification, this indicates that those most directly affected and owning adjacent to the property do not consider that the modification will be materially detrimental to them.*

*Currently the site is a bare lot, historically used for unauthorised illegal activity, including dumping of cars and rubbish. This modification would convert that bare lot into a clean, secure and safe place for residents and potential accommodation for those working in the vicinity.*

**3. *Affordable Housing***

*Government initiatives and newspaper articles focus on the growing demand for affordable housing. This demand is growing with higher interest rates, petrol costs and inflation pressures.*

*Maximising the productivity of this land by approving this modification allows each studio to be offered at a lower monthly rent. These studios are intended to be built and held by us as investors as a long term investment for rental return. We understand that similarly sized micro units on this street are renting at relatively low prices, C\$700-900 monthly (all inclusive). Building 8 units (instead of 4 units) on this site through this modification makes it economically viable us to offer similarly low rent. We have identified this price range as being more attractive to local people starting out in their careers or in a transitional life phase.*

*We respectfully submit that growing the affordable housing stock (in combination with the 4 other factors identified here) represents a sufficient reason to respond to the exceptional circumstance contemplated by the regulations in the form of “Cayman’s Housing Crisis” (the name of a series of articles by the Cayman Compass, beginning in March 2020), worsened recently with higher interest rates, petrol prices and inflation.*

**4. *Environmentally Sustainable***

*The plans for this modification submitted to the CPA contemplate solar panels, an electric car charger, a water tank and 2 bike racks (accommodating 8 bicycles in total) to reduce the property's environmental impact. Providing a limited number of parking spaces but a large number of bicycle spaces is intended to encourage bicycle use and reduce the congestion and vehicle emissions associated with this property. To limit congestion (and address the parking concerns discussed further below), we undertake to permit only 4 of the units to have cars. For those units which are not permitted to have cars, a condition of the relevant lease (and a right to termination) will include the tenant not having a car parked on site.*

*Given the size and monthly of these units, it is anticipated that many of the tenants will not have their own vehicles and prefer to make use of the nearby amenities, public transport or biking.*

## **5. Secure**

*The 4 security cameras shown on the plans for this site will provide significant security comfort to residents and the public more generally. The site's lighting will further enhance local safety in this area as flood lighting is intended at the North and South sides of the property which do not open onto units and subdued lighting on the East and West sides where the doors/windows to the units are located. These measures will make the property and its surrounding areas safer including for tenant's and members of the public walking by the property at night.*

*Currently the site is bare and often used for unauthorised illegal activity, including dumping of cars and rubbish. These newly constructed units built by experienced builders will likely be a highly quality build than what is currently offered in this area.*

### ***The two variances requested***

#### **A. Density Modification Requested**

*This site is zoned as high density. We are requesting to increase the unit number and bedroom number from 4 to 8. We would be grateful if the Board would review and consider the proposed micro units of approximately 307 square feet of internal area.*

*Further to the application submitted in relation to this project, we respectfully request a density variance. The Planning Regulations permit:*

- *a maximum of 25 units per acre and 42 bedrooms per acre Planning Regulation 9 (6)(c);*
- *a minimum lot size of 5,000 square feet per Planning Regulation 9 (6)(ea); and ● minimum lot width of 100 feet per Planning Regulation 9 (6)(f), in a Low Density Residential Zone.*

*The Site Lot Area is 6,547.5 square feet or 0.15 acre, in which the Planning Regulation would allow a maximum of (3.75) Units and (6.3) Bedrooms and require a minimum lot size of 5,000 square feet for an apartment site with a minimum lot width of 100 feet.*

*The Proposal has a total of 8 Studio Units and 8 bedrooms. While we have exceeded the unit & bedroom count by (4.25 units) and (1.7 for bedrooms) and the lot width did not meet the required minimum, we have ensured that the proposed micro units building will be within the required minimum setbacks. Therefore, no setback variance is requested.*

#### **B. Parking Modification Requested**

*By ensuring the Gateway Apartments is within the setbacks, we were unable to increase the number of parking spaces from 6 to 12. Therefore we are seeking an exemption regarding the number of parking spaces, There are similar developments within the area (in the table listed below) that have been approved with a reduced number of parking spaces, one of the noted developments is on 13D 230 (see example) adjacent to this site with the same lot size (.15 acre), number of units and number (8) and number of parking (8), the characteristics of the proposed development are consistent with the character of the surrounding area.*

*Gateway Apartments is well placed for a cycle based pool of tenants, even better than the downtown area that is part of the George Town revitalisation project because it is close (walking/cycling distance) to the industrial park and other key employers (particularly for the target demographic of low cost housing) such a Kirk's, A.L. Thompson's, Flow and the businesses in Cricket Square (in addition to current construction sites nearby). This is shown in Attachment 5 – Walking Distance from Working and Recreation Opportunities.*

*As alluded to above, the following strategies will be taken to manage the parking of this site:*

- i. we commit to permit only 4 of the unit to have cars (thereby with 6 parking spaces as proposed, meeting the 1.5 parking to unit ratio);*
- ii. for those unit which are not permitted to have cars, a condition of the relevant lease (and a right to termination) will include the tenant having a car parked on site;*
- iii. we commit to frequently (at least every six months) having tenants which are not permitted to have cars, to confirm that they do not have cars; and*
- iv. the cameras referred to above will cover the carpark and be used to monitor its use.*

*We note that following similar developments in the surrounding areas have been approved with less than the required amount of parking spaces needed for this site under the Planning Regulation. This underscores the density of this area and the character of the parking approach in the area.*

*Should the Board require it, we can add 2 further car parking spaces however this would (increase the environmental footprint of the property and its residents and) require the rear set back to change from 20 feet to 11 feet, which would require a third variance.*

Approved sites with parking shortfalls			
Block & Parcel	No. of Units	No. of Parking	Req. parking
13D 230	8	6	12
13D 225	4	4	6
13D 312	4	4	6
13D 302	10	11	15
13D 154	7	7	11
13D 294	6	8	9

*This is further illustrated in Attachment 4 - Key Precedent Approvals.*

*In summary, we respectfully submit that pursuant to Planning Regulation 8(13)(b) that the Board exercise its discretion to grant planning permission to carry out development that does not comply with the planning provisions regarding density and parking on the basis that there is sufficient reason to grant a variance and an exceptional circumstance exists on the basis of: (1) its consistency with the surrounding area; (2) it is not materially detrimental to the surrounding area or its residents or the public; (3) it offers affordable housing; (4) it is environmentally sustainable; and (5) offers secure housing. Overall, we would suggest that this modification will enhance the surrounding area and provide welcome affordable and sustainable housing for local people.*

*If you require additional information or further clarification, please don't hesitate to contact us.*

***Attachment 1 - Overall Area Map***

***Attachment 2 - Buffer Map***

***Attachment 3 - Greenwood Drive Properties***



## *Attachment 4 - Key Precedent Approvals*

### *Attachment 5 – Walking Distance from Working and Recreation Opportunities*

***Attachment 6 - Subject property - Site plan Illustration***

***Attachment 1 - Overall Area Map***



## ***Attachment 2 - Buffer Map***





*Attachment 3 - Greenwood Drive Properties*





*Reference development Block 13D / Parcel 225 - with parking shortfall (4) Four units development / (4) four parking spaces*



*Reference development Block 13D / Parcel 312 - with parking shortfall (4) Four units development / (4) four parking spaces*



*Reference development Block 13D / Parcel 302 - with parking shortfall (10) Ten units development / (11) eleven parking spaces*





*Reference development Block 13D / Parcel 154 - with parking shortfall (7) Seven units development / (7) seven parking spaces*

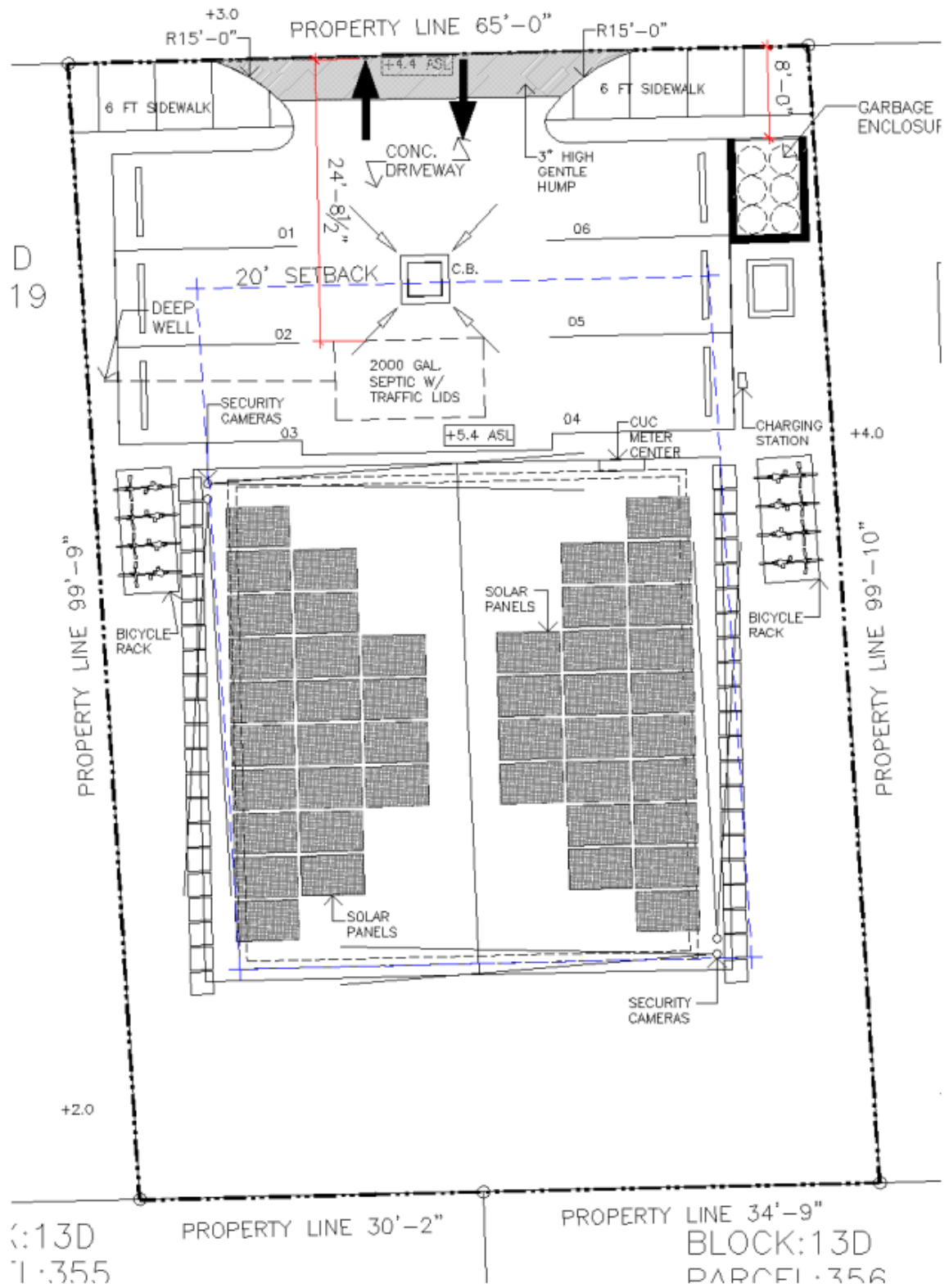


*Reference development Block 13D / Parcel 294 - with parking shortfall (6) Six units development / (8) eight parking spaces*

*Attachment 5 – Walking Distance from Working and Recreation Opportunities*



**Attachment 6 - Subject property - Site plan Illustration**



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 8 apartments to be located on Greenwood Dr., George Town.

### **Zoning**

The property is zoned High Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(6) states the following development is permitted in a High Density Residential Zone.

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

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

- 13D 222 :- Apartments
- 13D 230:- 8 Studio Apartments (Approved 16-8-17) (CPA/16/17; Item 2.2)
- 13D 231:- Apartments
- 13D 319:- Apartments (Approved 5-16-2007)(CPA/13/07; Item 2.27)
- 13D311:- 4 Studio Apartments (Approved 3-7-2019) (CPA/14/19; Item 2.10)

#### **2) Unit Density**

Regulation 9(6)(c) states “ *the maximum number of apartments is twenty-five per acre.* ” The current proposed lot size (0.15 Ac / 6,534 sq. ft.) would allow for a maximum of (0.15 ac. X 25 = **3.75 Units**). The applicant has proposed 8 Units a difference of 4.25 units respectively.

#### **3) Bedroom Density**

Regulation 9(6)(c) states “ *the maximum number of bedrooms is forty-two bedrooms per acre.* ” The current proposed lot size (0.15 Ac / 6,534 sq. ft.) would allow for a maximum of (0.15 ac. X 42 = **6.3 Bedrooms**). The applicant has proposed 8 bedrooms a difference of 1.7 bedrooms respectively.

#### **4) Lot Width**

Regulation 9(6)(f) states “ *the minimum lot width for guest houses and apartments is 100’* ”. The proposed lot would be 65’-0” a difference of 35’-0” respectively.

#### **5) Parking**

The current proposed development requires a total of 12 spaces

8 units x 1.5 spaces = 12 spaces.

The applicant has proposed a total of 6 spaces a difference of 6.

#### **6) Garbage Enclosure Setback**

Regulation 8(7) states “solid waste storage areas shall be setback a minimum of 6 from the adjacent property boundary”. The applicant has proposed a minimum setback of 8” a difference of 5’-4”.

### **2.7 LORI MONCRIEFFE (DDL Studio Ltd.) Block 20E Parcel 272 (P22-0568) (\$1,029,875) (MW)**

Application to add to and change the use of a duplex to 5 apartments with a 6’ concrete boundary wall.

#### **FACTS**

<i>Location</i>	Corner of Randyke Way & Concord Ave., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.40 ac. (17,424 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Existing Duplex
<i>Proposed building size</i>	6,131 sq. ft.
<i>Total building site coverage</i>	35.19%
<i>Allowable units</i>	6 units
<i>Proposed units</i>	5 units
<i>Allowable bedrooms</i>	9 bedrooms
<i>Proposed bedrooms</i>	9.6 bedrooms
<i>Required parking</i>	8 spaces
<i>Proposed parking</i>	9 spaces

#### **BACKGROUND**

November 1, 2010 – Addition to Duplex- the application was considered and it was resolved to grant planning permission.

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lot size, site coverage, fence height and sliding gate/parking layout.



## **AGENCY COMMENTS**

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

### **Water Authority**

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

### **Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>Proposed Apartments</i>	<i>2 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>300</i>
	<i>2 x 2-Bed Unit</i>	<i>225gpd/2-Bed</i>	<i>450</i>
	<i>1 x 3-Bed Unit</i>	<i>300gpd/3-Bed</i>	<i>300</i>
<b>TOTAL</b>			<b>1,050</b>

- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4".** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater. **For Water Authority approval at BCU stage, a detailed profile drawing of the proposed wastewater treatment system is required. The drawing shall indicate:***
  - 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.*
  - All dimensions and materials shall be provided for any site-built tanks.*
  - Manhole extensions are permitted up to a maximum of 24" below finished grade.*
  - Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
  - 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.*

#### **Decommission Existing Septic Tank**

*The existing septic tanks 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](http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf)*

#### **Water Supply**

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

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

***The Authority 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 June 20<sup>th</sup>, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### ***General Issues.***

*There should be at least a 20-25 ft. or two (2) car lengths of stacking space at the driveway in front of the sliding gate.*

#### ***Road Capacity Issues***

*The traffic demand to be generated by a residential development of five (5) apartment units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Concord Avenue and Randyke Way 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
33	3	1	2	3	2	1

*Based on these estimates, the impact of the proposed development onto Randyke way and Concord Avenue is considered to be minimal.*

### ***Access and Traffic Management Issues***

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

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

*A six (6) foot sidewalk shall be constructed on Randyke way and Concord Avenue, within the property boundary, to NRA standards.*

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

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

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is **no worse than** pre-development runoff. 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 Randyke Way and Concord Avenue. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention*

devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

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

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

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

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

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

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

*This development requires (5) 33 gallon bins.*

*The enclosure should be located as close to the curb as possible without impeding the flow of traffic.*

#### **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.*

#### **Fire Department**

Approved for Planning Permit Only 01 Jul 22

#### **APPLICANT'S LETTER**

*We write on behalf of our client, Lori Moncrieffe. As part of the planning application, we are requesting the following variances.*

• **Lot Coverage-** Regulation 9(8)(e) states, ‘ ‘ the maximum site coverage for apartments is thirty percent of the lot size;’ ’ The proposed site coverage would be 35.2%, a difference of 5.2% respectively.

• **Lot Size -** Regulation 9(8)(f) states, “the minimum lot size for apartments is 25,000 sq. ft.”. The proposed existing lot size would be 17,424 sq. ft., a difference of 7,576. sq ft. respectively.

*The proposed development consists of reconfiguring, renovating and extending an existing dwelling to 5 apartment units. It is located on the block and parcel 20E 272 in the George Town area.*

*We respectfully seek planning permission for the proposed development, as shown on the drawings provided, for the following reasons:*

- *The development is a family residence and most of the development will be occupied by the Moncrieffe family.*
- *The proposed apartments are consistent with the residential character of the surrounding area, following Section 8 (13) (b) (i) in the planning law*
- *The owners within a radius of 150ft have been notified, and the project will not be materially detrimental to persons residing or working in the vicinity of the property and the neighborhood; or to the public welfare, following Section 8 (13) (b) (iii) in the planning law.*
- *The development will help with the shortage of affordable housing in George Town.*
- *With the exceptions of the site coverage and lot size, the application complies with the Development and Planning Regulations (2021 Revision).*
- *There is sufficient infrastructure on this site and in the surrounding neighborhood, e.g., public road, water line, electrical service, etc., to support the residents of the proposed apartments.*

*We have ensured that the project complies with all other requirements for Low-Density Residential developments.*

*We trust this explanation satisfies any concerns that the board members may have, and they will propose a favorable decision to grant this variance request.*

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

*We thank you for your kind consideration.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is to change the use of a duplex to 5 apartments with a 6' concrete boundary wall to be located on the corner of Randyke Way & Concord Ave., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(8) states the following development is permitted in a Low Density Residential Zone.

- (a) Detached & semi-detached houses.

(b) Duplexes

(c) In locations considered as suitable by the Authority guest houses and apartments.

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

- 20E 275:- Duplex
- 20E 310:- Apartments (Randyke Gardens)
- 20E 85REM1:- Apartments (Mangrove Pointe)
- 20E 219:- Apartments
- 20E 83REM4:- Townhomes (Approved)
- 20E 246:- Apartments
- 20E 245:- Apartments
- 20E 248:- Apartments (Grove Side Apartments)
- 20E 252:- Apartments

## **2) Lot Size**

Regulation 9(8)(f) states *“the minimum lot size for guest houses and apartment buildings or townhouses is 25,000 sq. ft.”* The proposed lot 20E 272 is currently 0.40 ac or 17,424 sq. ft. a difference of 2,576 sq. ft..

## **3) Site Coverage**

Regulation 9(8)(h) states *“the maximum site coverage is 30% of the lot size”*. The current proposed apartment development would cover 35.19% of the proposed lot. A difference of 5.19% over the maximum allowed.

## **4) Fence Height**

The CPA fence guideline 4.3.1 stipulates that *“In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height”*- The applicant has proposed a concrete fence surrounding the proposed development which would be 6’ in height a difference of 2’-0” respectively.

## **5) Sliding gate/parking Layout**

The site plan shows 3 sliding gates that are setback 6’ from the roadside boundary. Notwithstanding NRA’s comments to the contrary, Regulation 8(18) requires a 12’ setback for gates so the proposal is deficient by 4’.

The proposed parking located in front of Unit 1 only has approximately 8’-0” of reversing area between the end of the parking space and the sliding gate which would mean motorists would have to wait for the gate to open and then reverse into the main access road.

## **2.8 ROLAND HENRY (RH Engineering and Architecture) Block 1C Parcel 236 (P20-0703) (\$768,000) (MW)**

Application for 4 apartments.

## **FACTS**

<i>Location</i>	Knolls Cres., West Bay
<i>Zoning</i>	<b>High Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.1750 ac. (7,623 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,179.60 sq. ft.
<i>Total building site coverage</i>	20.86%
<i>Allowable units</i>	3 units
<i>Proposed units</i>	4 units
<i>Allowable bedrooms</i>	7 bedrooms
<i>Proposed bedrooms</i>	8 bedrooms
<i>Required parking</i>	6 spaces
<i>Proposed parking</i>	6 spaces

## **BACKGROUND**

N/A

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

- 1) The applicant is required to submit revised plans showing a 22' wide driveway aisle and 6 functional parking spaces.

## **AGENCY COMMENTS**

Comments from the Water Authority, Department of Environmental Health and Department of Environment are noted below.

### **Water Authority**

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

### **Wastewater Treatment & Disposal**

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

<b><i>BUILDING</i></b>	<b><i>UNITS/BLDG</i></b>	<b><i>GPD/UNIT</i></b>	<b><i>GPD</i></b>
<i>Rose Apartments</i>	<i>4 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>900</i>
<b><i>TOTAL</i></b>			<b><i>900 GPD</i></b>

- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** 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 Epoxytex 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**

*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.*

*If there are questions or concerns regarding the above, please email them to:*

*[development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

**Department of Environmental Health**



DEH has no objections to the proposed in principle.

**Solid Waste Facility:**

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

*Table 1: Minimum Enclosure Dimensions*

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

**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 is man-modified with limited ecological value. The DoE encourages the applicant to plant and incorporate native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

*The DoE also encourages the applicant to include sustainable design features wherever possible. Given the Cayman Islands National Energy Policy 2017-2037's target of 70% of Cayman's energy generation being renewably sourced by the year 2037, we especially encourage renewable energy installations. Photovoltaic solar panels could be installed on suitable roof spaces or over parking spaces. Other sustainable design features could include rainwater collection for irrigation use and permeable paving to reduce the amount of surface water run-off required to be disposed of in drainage systems.*

**Fire Department**

Approved for Planning Permit Only 01 Apr 22

**APPLICANT'S LETTER**

*On behalf of the owner/applicant Mr Uriah Rose, I hereby request variances for the following :-*

1. The Parcel 1C236 is located in a High Residential Zone and the design proposal is for an apartment building. The parcel has a square footage of approximately 7623 sq ft which is larger than the minimum lot size stipulated for apartments (5000 sq ft). On this basis we request that consideration is given to allowing an apartment building on a reduced width which is approximately 70ft ( at the property frontage ) and 62.5' (at the rear of the property). The required minimum setbacks are maintained and the coverage and parking units have been provided.

2. The current guidelines allows for a density of 25 units per square foot , this development proposes 4 units for the parcel which approximates to 22 units per acre which is less than the stipulated density.

Should you require any further clarification or please feel free to contact me as per the details provided in this letter

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 4 apartments to be located on Knolls Cres., West Bay.

### **Zoning**

The property is zoned High Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(6) states the following development is permitted in a High Density Residential Zone.

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

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

- 1D 506 :- Apartments
- 1D 515:- Apartments (Medlock Villas)
- 1C 270:- Apartments (Portofino Gardens) (Approved)
- 1C 213:- Coconut Bay (Approved)

#### **2) Unit density**

Regulation 9(6)(c) states “the maximum number of apartments is twenty-five per acre.” The current proposed lot size (0.1750 Ac / 7,623 sq. ft.) would allow for a maximum of **3.75 units**). The applicant has proposed 4.

#### **3) Bedroom Density**

Regulation 9(6)(c) states “the maximum number of bedrooms is forty-two bedrooms per acre.” The current proposed lot size (0.1750 Ac / 7,623 sq. ft.) would allow for a

maximum of (0.1750 ac. X 42 = **7.35 Bedrooms**). The applicant has proposed 8 bedrooms.

**4) Lot Width**

Regulation 9(6)(f) states “*the minimum lot width for guest houses and apartments is 100’*”. The proposed lot would be 70.8’ a difference of 29.2’ respectively.

**5) Parking Layout**

The current proposed development meets the required parking total of 6 spaces  
4 units x 1.5 spaces = 6 spaces.

However the current proposed parking layout does not work, the applicant has only provided a 10’ reversing area which is 12’-0” less than the normal required 22’.

**6) Sidewalk**

The proposed development currently does not provide a 6’ sidewalk at the front of the property which would typically be required.

**2.9 HPW INVESTMENTS LTD. (TRIO Architecture) Block 14BH Parcel 167 & 29 (P22-0583) (P22-0588) (MW)**

Application to modify planning permission as follows:

- unit count changed from 177 to 173
- site coverage changed from 27,069 s.f. to 26,064 s.f.
- building area changed from 264,992 s.f. to 286,288 s.f.
- building height (to top of roof slab) changed from 113’-9” to 119’-8” (top of roof feature will not exceed 130’ as per the original permission)
- 1st level top of slab elevation changed from 14’-0” to 15’-9” amsl
- fire lane access on the north has been modified. this modification has already been reviewed by the Fire Department
- portions of the basement walls are encroaching on to the west road setback. please note that these structures are underground.
- portions of the west side of the building are encroaching on to the 20’ road setback
- revise the floor plan layout
- revise pool layout

**Celecia Bancroft declared a conflict and left the meeting room.**

## **FACTS**

<i>Location</i>	Goring Ave., George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	1.659 ac. (72,266.04 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	286,288 sq. ft.
<i>Total building site coverage</i>	36.07%
<i>Allowable units</i>	CPA Discretion
<i>Proposed units</i>	173
<i>Allowable bedrooms</i>	CPA Discretion
<i>Proposed bedrooms</i>	218
<i>Required parking</i>	180
<i>Proposed parking</i>	183

## **BACKGROUND**

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

June 23, 2021 – 10 Story Hotel; Mixed Use with Amenities – the application was considered and it was resolved to grant planning permission.

July 21, 2021 – 10 Story Hotel; Mixed Use with Amenities – the application was considered and it was resolved that the revised plans did not comply with condition 1).

November 24, 2021 – Hotel Revised Plans & Documentation Regarding Condition 1 – the application was considered and it was resolved to grant planning permission. (CPA 24/21; Item 5.1)

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/13/21; item 2.2 be modified as shown on the plans submitted July 25, 2022.

All other conditions of CPA/13/21; item 2.2 remain applicable.

Reasons for the decision:

- 1) The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2022 Revision). More particularly, pursuant to Regulation 8(8)(b) of the Development

and Planning Regulations (2022 Revision), the Authority deems the minimum road and side setbacks to be as shown on the submitted plans and finds the setback not to be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare and is consistent with the provisions of Section 2.6 of The Development Plan 1997.

### **AGENCY COMMENTS**

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

#### **Water Authority**

*The developer's agents have submitted a proposal, summarized below, for onsite wastewater treatment and disposal at the above referenced development.*

#### **Wastewater Treatment System:**

<b>BUILDING(S) SERVED</b>	<b>REQUIRED CAPACITY (GPD)</b>	<b>PROPOSED SYSTEM (MAKE &amp; MODEL)</b>	<b>PROPOSED CAPACITY (GPD)</b>
<i>Retail Units</i>	<i>229 gpd</i>		
<i>Restaurant &amp; Café</i>	<i>3,550 gpd</i>		
<i>Rooftop Bar &amp; Club</i>	<i>981 gpd</i>	<i>KEE 5000 HR</i>	
<i>Signature Restaurant</i>	<i>1,618 gpd</i>		
<i>Hotel Units</i>	<i>30,450 gpd</i>		
			<i>Grease trap 3,000</i>
<b>TOTAL:</b>	<b>36,828 GPD</b>	<b>TOTAL:</b>	<b>60,000 GPD</b>

#### **Effluent Disposal:**

- *The effluent disposal well shall be constructed by a licensed driller in strict accordance with the Authority's standards. Minimum required depth of borehole and grouted casing are site-specific and are obtained by licensed drillers before pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the treatment system must enter the disposal well at a minimum invert level of 4'10" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater. The minimum well casing diameter for the effluent disposal well shall be 10".*

*The above proposal meets the Water Authority's specifications.*

#### **REQUIRED NOTIFICATIONS:**

*The Developer/ Supplier shall notify the Water Authority at least two business days prior to:*

- 1. Completion of effluent disposal well construction.*
- 2. Excavation to accommodate the treatment system.*
- 3. Placement of pre-built tank(s) / construction of site-built tank(s).*

4. *Covering the piping to and from the system.*
5. *All Non-Corrosion/Decay resistant forms used for the pour-in-place slab, shall be removed completely after tank construction.*
6. *Placing the tank cover slab (this applies to systems installed in site-built or precast concrete tanks).*
7. *All site-built tanks are required to pass a 24-hour water leak test inspected by the Water Authority.*
8. *Walls of tanks are to be rendered with ½" thick steel finish sand cement render with all corners rounded.*
9. *Following the water leak test, the tanks are to be sealed using 2 coats of Corotech Coal Tar epoxy Black V157 or equivalent with 12 hour drying time between coats.*

*Request for final inspection for certificate of occupancy shall be submitted via the Planning Department's Online Planning System (OPS). Ensure that the wastewater system has been filled with water (do not use saline groundwater which will cause operational problems) and that adequate power is available to facilitate Water Authority testing of complete system operations and alarms.*

*Note that by review and acceptance of plans, specifications and installation of the wastewater treatment system, the Authority assumes no responsibility for the system's successful operation. The system design is certified to achieve effluent standards of 30mg/L BOD<sub>5</sub> and 30 mg/L TSS, if installed, operated and maintained per manufacturer's guidelines. It is the owner's responsibility to contract for routine O&M service to ensure that effluent standards of 30 mg/L BOD and 30 mg/L TSS are consistently met.*

### **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 Environmental Impact Assessment (EIA) Screening Opinion remains valid and it is not considered that the modifications to the development alter the environmental effects detailed in the Opinion. We have no environmental concerns with respect to the modifications.*

### **Department of Tourism**

*DOT has no objections to these changes.*

### **Fire Department**

*Approved the revised fire lane*

### **CI Airports Authority**

*No objection, However there is only 1.43 meter safety limit before any obstacle limitation surface is breached.*

## **APPLICANT'S LETTER**

*On behalf of our client, we are respectfully requesting a variance for the above noted property. The proposed items that require a variance are:*

*a. Portions of the basement walls are encroaching on the West Road Setback. Please note that this structure is underground.*

*b. Portions of the West side of the building are encroaching less than 3' on the West Road Setback.*

*This proposed modification is in keeping with typical setback encroachments throughout downtown George Town. Additionally, the ground floor of the West side of the building will be creating a welcoming Paseo that is open to the community for socializing and al-fresco dining.*

*Within the Cayman Islands "Development and Planning Regulations (2022 Revision)";*

***Planning Regulations 8.(6):*** *"Maximum and minimum setbacks for underground facilities and structures shall be at the discretion of the Authority." - The Authority has the ability to approve the proposed underground setbacks based on this section of the regulations.*

***Planning Regulations 8.(8):*** *"In Commercial zones and Industrial zones... the maximum density and minimum setbacks shall be at the discretion of the Authority; ...the minimum road setbacks shall be twenty feet and the minimum side and rear setbacks shall be six feet, unless otherwise specified by the Authority; and ...parking areas shall not be provided within road setbacks.*

*- As noted above, the setback variance requests are consistent with the vast majority of other buildings throughout central George Town. As you will see on the site plan, parking is not proposed in the road setbacks. The Authority 2 has the ability to approve the proposed setback variance for the aboveground portion of the building based on this section of the regulations.*

***Planning Regulations 8.13(b)(i):*** *"Notwithstanding subregulations (1), (2), (5), (7), and (9) and regulations 9(6), (7) and (8), 10, 12, 13, 14, 15, 23, 26 and 27, the Authority may grant planning permission to carry out development that does not comply with all of any of those provisions, with the exception of the number of permitted storeys in subregulation (2), if the Authority is satisfied that... the characteristics of the proposed development are consistent with the character of the surrounding area" - As noted above the characteristics of the proposed modification are consistent with the character of the surrounding area.*

***Planning Regulations 8.13(b)(iii):*** *"... the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare" - The proposed development will not be detrimental to any persons, properties, the neighborhood, or to public welfare. Alternatively, the creation of the Paseo on the ground floor will encourage community gatherings and socialization.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a modification to an approved hotel located on Goring Ave., George Town.

## **Zoning**

The property is zoned General Commercial.

## **Specific Issues**

### **1) Roadside Setback**

The applicant has proposed portions of the basement walls approximately 6'-4 ¾" from the southern road edge "Miss Keppie Ln." which would be a difference of 13'-7 ¼" should the proposed need to meet the required 20' roadside setback, however Regulation 8(6) states *"the maximum and minimum setbacks for underground facilities and structures shall be at the discretion of the Authority."*

*Regulation 8(8)(b) states "the minimum road setbacks shall be 20'."*

The applicant has site modifications which will require a roadside setback variance for the proposed steps facing "Goring Ave.", the proposed steps will be approximately 6'-2 ¾" from the road edge a difference of 13'-9 ¼".

### **2) Side Setback**

*Regulation 8(8)(b) states "the minimum side and rear setbacks shall be 6'."*

The proposed site modifications would require a side setback variance for the proposed steps, the proposed steps will be approximately 5'-5 1/2" from the property boundary a difference of 6 1/2".

## **2.10 DAMION KING (OA & D Architects) Block 4D Parcel 454H2 (P22-0434) (\$15,000) BES)**

Application for after-the-fact trellis porch.

## **FACTS**

<i>Location</i>	Simion Cres, West Bay
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.5214ac. (22,712.18 sq. ft.)
<i>Current use</i>	Apartments
<i>Proposed building size</i>	192 sq. ft.

## **BACKGROUND**

CE21-0177, an Enforcement Notice was issued on Oct 6, 2021.



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

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

Reasons for the decision:

- 1) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required rear setback per Regulations 9(7)(i) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area, including other existing porches at the same complex;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

### **APPLICANT'S LETTER**

*We write to request a lot size and setback variance under Section 8 (13) of the Development and Planning Regulations.*

*In particular we quote 8 (13) (b) (iii) where 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. Given the high density nature of the neighbourhood the neighbours have not complained about his patio which is covered with a trellis and removable awning.*

*Mr. King has stated that the project was completed by September 2016, however given the size and cost of the patio records were not kept to substantiate this claim. This would have made the Enforcement Notice out of time and a planning permission application unnecessary. Mr. King was also unaware six years ago that a patio with a trellis cover needed planning permission. This requirement only came into effect recently and has slowly been more widely known in the community.*

*We trust that the Central Planning Authority will grant this request but in the meantime please contact me if you have any questions or require additional information.*

### **PLANNING DEPARTMENT ANALYSIS**

### **General**

This application is a result of an Enforcement Notice.

The application is for an after-the-fact trellis patio regarding the above-captioned property. The site is located on off Mount Pleasant Road, West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Rear Setback**

The rear setback is 5'-8", whereas the required setback is 20' per Regulation 9(7)(i) of the Development and Planning Regulations (2022 Revision).

Members are invited to consider whether an exceptional circumstance has been demonstrated to justify granting a setback variance.

#### ***Photo of the Site***



#### **2.11 HALCYON SEA LLC Block 33B Parcel 20 (P22-0558) (\$50,000) (AS)**

Application for a pool.

**FACTS**

<i>Location</i>	Sand Point Rd
<i>Zoning</i>	LDR
<i>Notification result</i>	No objections
<i>Parcel Size</i>	.6 AC (26,136 sq. ft.)
<i>Current Use:</i>	Residential
<i>Notices</i>	No objections

**BACKGROUND**

Approval was granted on 14<sup>th</sup> June 2000 for a three (3) bedroom house and cabana.

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

- 1) The applicant is required to submit a revised site plan showing the pool with a minimum setback of 75’ from the high water mark.

**AGENCY COMMENTS**

**National Conservation Council:**

*“The application site is man-modified with an existing residence and located adjacent to a Marine Protected Area, namely the North Sound Marine Reserve. The coastlines of Cayman Kai and Rum Point are generally receding as the beaches in these areas are primarily artificially created from land reclamation projects in the 1970s and as a result, are not natural. Many of the typical coastal processes that would build and ultimately provide long-term stability for the beaches are absent. In addition, during storm events, this coastline experiences extreme fluctuations.*

*The Department notes that the proposed pool and deck do not meet the minimum required coastal setback of 75 feet for beaches as prescribed in the Development and Planning Regulations (2022). Prior development of the site does not allow for the proposed pool to be located on the seaward side of the existing house.*

*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). Coastal setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the ‘active’ part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the ‘active’ beach or too close to the Mean High Water Mark) reduces a beach’s potential to recover after major events. For these reasons,*

*the Department does not support a variance in the coastal setback. We recommend that the pool is repositioned to the side or landward of the existing house in order to meet coastal setbacks. Vegetation can be planted around the pool to provide a privacy and sound buffer.*

#### **DIRECTED CONDITION**

*However, if, on the basis of the above information, the Central Planning Authority or Planning Department is still minded to grant planning permission for the pool in the proposed location this raises additional concerns regarding adverse effects on the adjacent Marine Reserve due to construction-related impacts as a result of stockpiling excavated sediments and construction materials too close to the water, specifically the introduction of levels of sedimentation and turbidity which may be harmful to wildlife or the ecological or aesthetic value of the area.*

*Therefore, 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 respectfully directs that the following condition be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

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

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

*A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received, appeal against it 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).*

*In addition, we recommend the inclusion of the below condition:*

- 2) Any sand that is excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it shall be the subject of a separate consultation with the National Conservation Council."*

#### **APPLICANT'S LETTER**

*"We are seeking Planning approval for a proposed pool as per site plan submitted, on the basis that the proposed structure meets the Development and Planning Regulations (2017 Revisions) Section 8 (11) criteria. We are also seeking a setback variance of: 56' from Mean High Water Mark (vs. 75').*

*The existing house next door on Block 33B 21 has a pool approximately 50' from the High Water Mark.*

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

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

*8. (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare."*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The pool will be located 56 ft 6 in from the HWM.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) HWM setback**

Pursuant to Section 8 (10) (b) of the Development and Planning Regulations (2022 Revision) the minimum HWM setback is 75 ft where the shoreline is beach.

On the 28<sup>th</sup> November 2007, a pool was approved at Block 33B Parcel 60, also at Sand Point Rd, with a HWM setback of 60 ft.

#### **2.12 AMANDA BROOKMAN & GUY MAJOR (MJM Design Studio) Block 8A Parcel 125 (P22-0624) (\$1,000,000) (EJ)**

Application for a house addition, including new second floor, and detached garage.

### **FACTS**

<i>Location</i>	Conch Point Road, West Bay
<i>Zoning</i>	<b>HT</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.28 ac. (55,756 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	2,008 sq. ft.
<i>Total building site coverage</i>	9.16%

### **BACKGROUND**

May 14, 1999 - The Authority granted permission for a guest cottage.



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

In addition to Building Permit requirements, conditions (1-3) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a plan for turtle friendly lighting which minimizes impacts on sea turtles and is prepared in accordance with the Department of Environment's guidelines and approved by the Central Planning Authority.
- 2) The applicant shall obtain written approval from the Department of Environment that there are no turtle nests on site that will be negatively impacted by the commencement of works.
- 3) Upon fulfilment of condition 2), beachside construction fencing associated with the works shall be positioned at the minimum required high water mark setback, or greater if feasible (to minimise impacts on the turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season. The applicant is directed to liaise with the Department of Environment regarding guidance notes for the appropriate type of fencing.
- 4) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, conditions (6-10) shall be complied with before a final Certificate of Occupancy can be issued.

- 6) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 7) If a turtle lighting plan has been required, confirmation from the Department of Environment that the installed lighting complies with the plan, with final confirmation provided by the Authority or delegate.
- 8) All construction material shall be stockpiled landward of the beachside construction fencing.
- 9) No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.
- 10) Any sand excavated during construction should be retained on-site and beach quality sand shall be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1<sup>st</sup> May – 30<sup>th</sup> November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

Reasons for the decision:

- 1) With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(e) of the Development and Planning Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
  - a) the elevation of the property and its environs;
  - b) the geology of the property;
  - c) the storm/beach ridge;
  - d) the existence of a protective reef adjacent to the proposed development;
  - e) the location of adjacent development; and
  - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that there are existing developments on adjacent properties with very similar setbacks from the high water mark. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands. Further, the additions will be no closer to the sea than what exists now.

## **AGENCY COMMENTS**

Comments from the Department of Environment are provided below.

### **Department of Environment**

#### ***Site Overview & Protected Area Status***

*The majority of the site is man-modified with an existing residence however some areas of coastal shrubland and some vegetated regrowth remain. The site is also adjacent to a Line Fishing Only Zone (a Protected Area under the National Conservation Act). The beach at the site has also been designated as **critical sea turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles*



*(Eretmochelys imbricata)*, Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)). All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act (NCA) 2013, as being 'protected at all times'.

### ***Impacts on Sea Turtles***

*Construction Impacts* – Operating heavy machinery during construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests. The excavation of the foundations for the addition will likely result in a large quantity of sand. The sand is a key component of what makes the application site good for sea turtles. We recommend that any excavated sand is retained on-site.

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

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



***Figures 1-3: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.***

### **DIRECTED CONDITIONS**

On the basis of the above information, the site is designated critical habitat for nesting sea turtles as defined in the NCA and turtles are also Part 1 Schedule 1 Protected Species under the NCA. The site is adjacent to a Marine Protected Area as defined in the NCA.

*Any physical development (including land clearing, material storage, artificial lighting etc.) would be likely to have an adverse effect on the critical habitat of a protected species, which requires the express permission of the NCC under sections 41 (4 and 5) of the NCA (2013). Operating heavy equipment on the beach or in any way disturbing turtles and nesting habitat could result in the 'take' of a turtle which is an offence under the National Conservation Act (NCA). The NCA has a fairly wide definition of 'take' making it an offence to 'collect, hunt, kill, destroy, damage, injure, disturb, harass, harm, wound, capture, molest or impede a live specimen in any way or to attempt to do so, and includes incidental taking.'*

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

#### ***Prior to Any Site Works***

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

#### ***Prior to the Issuance of a Building Permit***

- Prior to the issuance of a Building Permit, the applicant shall prepare and submit a plan for review and approval to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. Guidance on developing a lighting plan can be found in the Department of Environment's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <https://doe.ky/marine/turtles/tfl/>. The DoE's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*
- Prior to the commencement of construction works, the property owner shall contact the Department of Environment to check for the presence of turtle nests and to ensure that no nests will be impacted by the commencement of construction works. The Department of Environment's written approval must be received by the Planning Department prior to the issuance of the Building Permit.*

#### ***During Construction***

- Any sand that is to be excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. Placement on the beach during turtle nesting season will require the written consent of the Department of Environment, to ensure that no nests will be impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such*

*sand offsite, it shall be the subject of a separate consultation with the National Conservation Council.*

***Prior to the Issuance of a Certificate of Occupancy***

- *Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the Department of Environment. Once construction is complete, prior to the issuance of the Certificate of Occupancy, the Department of Environment will inspect the installed lighting for compliance with the approved turtle friendly lighting plan. Confirmation of the Department of Environment's written approval of the installed exterior lighting after the inspection must be received by the Planning Department prior to the issuance of the Certificate of Occupancy.*

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

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

***Other Considerations for the Applicant:***

- *We recommend the retention and use of native vegetation wherever possible in the landscaping scheme for the development. Native vegetation is best suited for the habitat conditions of the Cayman Islands. Native species require less maintenance and irrigation. Once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.*

*If the applicant wishes to consider retrofitting the existing property to turtle friendly lighting, they are encouraged to reach out to the DoE for additional information*

**APPLICANT'S LETTER**

*With respect to our June 22 2022 submission for an addition to an existing two-story house on 8A 125. We hereby request a variance to allow the following:*

1. *Proposed covered porch ocean side setback to be 124' - 3".*

*In making the application for such a variance, our client is mindful of provisions of Regulations 8 (13) of the Development and Planning Regulations, and would submit that there is sufficient reason and exceptional circumstances that would permit such setback allowance, in that:*

- (i) *The characteristics of the proposed development are consistent with the character of the surrounding area.*
- (ii) *The proposed structures will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare.*

*Please also take into to consideration the following:*

- (iii) *The unique circumstance surrounding the development. The parcel boundaries are inclusive of the canal and inlet, creating a significant reduction in the parcel depth. However, the main house fall within the actual boundary setback lines.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed house addition, interior renovation and garage are located on Conch Point Road in West Bay.

### **Zoning**

The property is zoned Hotel Tourism.

### **Specific Issues**

#### **1) High Water Mark setback**

The applicant is seeking a setback variance proposed 124'.3" vs 130' per Regulations 8 (10)(e) in the Hotel Tourism zone. The applicant has provided their reasons for the variance in the letter above.

#### **2.13 ANNA ROSE WASHBURN (GMJ Home Plans Ltd.) Block 33B Parcel 5 (P22-0136) (\$70,000) (EJ)**

Application for a pool.

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

### **FACTS**

<i>Location</i>	Sand Point Road, Rum Point
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.45 ac. (19,602 sq. ft.)
<i>Current use</i>	House

## **BACKGROUND**

1995 permission granted for a house.

October 25, 2021 - The department granted permission for roof replacement due to hurricane grace.

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

- 1) The applicant is required to submit a revised site plan showing the pool with a minimum setback of 75' from the high water mark.

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The application site is man-modified and the terrestrial habitat is therefore of limited ecological value. However, we note that the proposed pool and pool deck are located approximately 62 feet from the Mean High Water Mark (MHW) and do **not** meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The DOE 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 and ensure that development does not encroach onto the “active” part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHW) reduces a beach’s potential to recover after major events.*

*For this reason, the DOE recommends that the plans be revised to remove the proposed structure from within the 75ft coastal setback and reposition the pool and pool deck to meet the minimum setback.*

*Should the Central Planning Authority or Planning Department be minded to grant planning permission for the proposed pool, the following should be included as conditions of the approval:*

- 1. Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile.*

*All construction material shall be stockpiled away from the water's edge to prevent run-off and debris from entering the marine environment*

### **APPLICANT'S LETTER**

*We write on behalf of the applicant, Mrs. Anna Rose Washburn, with regards to the following;*

- A rear setback variance – to allow the proposed development to be constructed with a 60'2" setback less than the required 75ft from the property line/High Water Mark.*

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

- 1. Per section 8(13)(d) of the Planning Regulations, the adjacent property owners have been notified;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;*
- 3. Per aerial maps, there are neighboring parcels with pools that exist with setbacks less than the proposed pool.*
- 4. A cabana (18'x18' or 330sqft) also exists on the subject site for over 3 decades with a setback that is significantly less than the proposed pool.*
- 5. The application complies with all other relevant planning requirements.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The proposed swimming pool is located on Sand Point Road in Rum Point.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) High Water Mark setbacks**

The applicant is seeking a setback variance as the pool and deck proposed at 64'.1" and 60'.2" vs 75' from the high-water mark as required under regulations 8 (10)(b). The applicant has provided their reasons for the variance in the letter above.

#### **2.14 GEOFF & HILARY CAHILL (GMJ Home Plans Ltd.) Block 22D Parcel 254 (P22-0360) (\$45,000) (EJ)**

Application for a pool.

**Handel Whittaker sat as Acting Chair.**

**FACTS**

<i>Location</i>	Selkirk Drive & Abbey Way, Red Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.40 ac. (17,424 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House and Dock

**BACKGROUND**

1987 – The Authority granted permission for a dock and storage shed.

May 25, 2001 – the Department granted permission for a house addition.

March 12, 2002 – the Department modified permission to a house.

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

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

- 1) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration

system is constructed in accordance with the submitted plans it will conform to public health requirements.

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

Reasons for the decision:

- 1) With the exception of the canal setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed development does not comply with the minimum required canal setback per Regulation 8(10)(ea) of the Development and Planning Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
  - a) the elevation of the property and its environs;
  - b) the geology of the property;
  - c) the storm/beach ridge;
  - d) the existence of a protective reef adjacent to the proposed development;
  - e) the location of adjacent development; and
  - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, there are existing developments on adjacent properties with similar setbacks from the canal. Therefore, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands.

### **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

#### **Department of Environment**

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

*The application site is a man-modified lot that is located close to the entrance of the canal which opens to the North Sound as shown in Figure 1. The DoE notes that the pool does not*



*meet the minimum 20-foot canal setback required in the Development & Planning Regulations (2022). We recommend that minimum setbacks are adhered to in order to build climate resiliency. Given the climate change predictions for the region which include but are not limited to sea-level rise, increased storm intensity and storm surge, we can expect regular overtopping of seawalls in some of the canal developments. During instances of King Tides (natural occurrences of exceptionally high tides), some canals and coastal areas currently experience wave-overtopping and seawater inundation.*



**Figure 1: LIS 2018 Aerial Imagery Showing the Application Site (Outlined in Red) in Relation to the North Sound.**

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the pool, the DoE recommends that best management practices should be adhered to during construction. These include but are not limited to:*

- 1. All stockpiled materials shall be kept a minimum of 20ft from the canal edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality; and*

*Preventative measures shall be put in place to ensure that sediment-laden water does not enter the canal causing turbidity and impacting the water quality of both the canal and the North Sound*

### **APPLICANT'S LETTER**

*We write on behalf of the applicants, Mr. Geoff B Hilary Cahill, with regards to the following variance:*

- *A setback variance - to allow the applicants to construct a private swimming pool with a reduced rear setback of 12ft 2inches instead of the required 20ft.*

*We request permission for the proposed development per the drawings provided and humbly give the following reasons:*

- 1. Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the variances. There have been no objections to date.*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposed development 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:*
- 3. The location of the pool is deemed most suitable area on this parcel as it is an extension of the house architecture i.e. shape and immediate environment. Its proximity will offer convenience from the main recreational rooms of the house to the canal edge and dock.*
- 4. The proposed design ensures that the existing tropical aesthetic and scenic views in the immediate surroundings will not be diminished.*
- 5. The application complies with all other relevant planning requirements*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed swimming pool is located at on Selkirk Drive & Abbey Way, Red Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Canal setback**

The proposed pool is setback 13' 3" from the edge of the canal vs 20' which is required in Regulation 8(10)(ea). The applicant has notified the adjacent parcel owners and no objections have been received.

## **2.15 NESTA PROPERTIES LTD (Kariba Architecture) Block 33B Parcels 110, 111 & 112 (P22-0222) (\$183,200) (BS)**

Application for a detached garage and 3 cabanas.

### **FACTS**

<i>Location</i>	Water Cay Road, Rum Point
<i>Zoning</i>	<b>LDR</b>
<i>Parcel size proposed</i>	1.845 ac (combined)
<i>Current use</i>	residential
<i>Proposed building size</i>	2,049 sq. ft.
<i>Total building site coverage</i>	5.1%

## **BACKGROUND**

CPA/29/10; item 2.9 – 5 houses approved on 5 lots

CPA/20/15; item 2.14 – previous approval modified to reduce height from 3 storeys to 2 storeys

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

- 1) The applicant is required to submit revised plans with all references to a canal excavation and dock extension removed.

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The application site is man-modified as shown in Figure 1. However, a recent site visit confirmed that there are mangroves and other coastal vegetation along the canal boundary as shown in Figure 2.*





*Figure 1: LIS 2018 Aerial Imagery showing the Application Site outlined in red*



*Figure 2a & b: Photos showing coastal vegetation (including mangroves along the canal boundary) (Source DOE, 19 May 2022)*

### **Initial Review of the Application**



[illegible]

### The Canal Entrance

101

*The DoE has received enquiries in the past regarding the potential for dredging a channel or access into the private canal associated with this area. The DoE maintains its position that it would not support dredging of a channel in this area given its environmental sensitivity. The Department has attached minutes of CPA meetings from 1999 whereby the issue of water depth was discussed and the CPA recommended that any permission included a restrictive covenant requiring that boats draw no more than 3.5 feet and that the CPA would not view favorably a Coastal Works License application for dredging in the North Sound (see p. 31 of the 1999 CPA minutes). This is indicative of the intention that larger vessels would not gain boating access into the development whether through the Replenishment or Environmental Zone.*

*In 2004, Criton Development was granted permission for a 167 lot subdivision and the issue of water depth in the North Sound was again raised. At this time, the CPA acknowledged that the approach area to the development was shallow and asked the developer whether or not they intended to dredge in the North Sound. The applicant stated that they did not intend to dredge and that they would market the development to people who have small boats (see p. 45 of 2003 Minutes attached).*

#### *The Excavation*

*The original plans showed that the excavation was proposed both inside and outside the applicant's canal boundary of all three parcels but did not clearly delineate the dimensions of the proposed excavated area. It was noted that there was a shallow ledge within the canal along the property boundary and therefore in order to make the excavated area accessible this shallow edge would need to be removed. It is important to note that while areas of the canal are deep, the entrance to the canal is much shallower and may prove difficult to gain access for larger vessels. Therefore, based on the information above, the depth of the excavation inside the property boundary should not be deeper than the depth of the canal adjacent to the property. It was also noted that in the original set of plans the excavation extends along the entire property length of the canal, it is recommended that the excavation should only occur where it is needed for the dock.*

#### *Artificial Beach*

*The original plans showed a proposed artificial beach connected to the cabana. The DoE would not support the creation of an artificial beach in this location and the use of beach quality sand in this area. It is highly likely that the sand will not remain. The sand is likely to wash into the canal due to rain runoff or wind. This results in the need to re-nourish the beach frequently, which is not sustainable and could be costly. The site is located far inland within the canal system and the water quality in this canal can sometimes be poor, and could be exacerbated by the placement of sand for the man-made beach. Therefore, we strongly recommended against the artificial beach and excavation in front of this area, instead keeping the mangroves and only dredge where it is required by the dock. The mangroves and other canal side vegetation assist greatly in shoreline stabilisation and filtering and well as trapping sediment from runoff from entering the canal assisting with water quality. Mangroves could be trimmed over time to obtain a view across the canal.*

#### *The Dock*

The original plans depict the proposed dock as being the subject of a Coastal Works application. The DoE advised the applicant that the dock would be within the jurisdiction of the Planning Department/CPA as the dock would be located in within their property boundary and a privately owned canal. Therefore, it was recommended that revised plans be submitted to reflect that the dock should be considered as part of this application.

### The Cabanas and Garage Building

Best management practices should be adhered to ensure that no construction debris or material enter the canal especially given that the proposed beach cabana is actually closer to the water due to the proposed excavation even though it technically meets the canal setback.

### Revised Plans

After discussions with the Applicant in regards to our concerns outlined above, the applicant indicated that they were aware of the depth restriction of the canal and provided revised plan to address our comments as shown in Figure 4.



Figure 4: Revised Plan Extract to address DOE concerns (Source: Kariba Architecture 27 May, 2022)

### The Dock and Excavation

The DoE notes that the dock is now reflected as part of this application and that the excavation no longer extends in front of and into Block 33B Parcel 112. The Department is encouraged to see that the applicant has taken on board our comments. The excavation will

*expand out 5ft from their boundary out into the canal to ensure that water depth is sufficient for boat access. It is recommended that applicant reach out to the owner of canal to advise them of their decision to deepen the canal in front of their property.*

*To minimise impacts to the environment and water quality in the canal, best management practices should be adhered to during the excavation and construction of the dock. Therefore, the below conditions are recommended as part of any planning permission:*

- All construction materials and debris shall be stockpiled at least 20ft from the water's edge to prevent material from entering the canal and to reduce the possibility of rain water runoff washing material into the canal.*
- The dock construction and excavation area shall be fully enclosed with silt screens with a 4ft minimum skirt depth to contain any sedimentation or debris arising from the construction of the dock and the excavation of their property as depicted by the submitted revised plans.*
- The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

#### *Sandscape*

*The artificial beach area is now considered to be a sandscape. The DoE still would like to highlight that canal side vegetation in this area should be retained to assist with the retention of sand on site. The vegetation including the mangroves will assist with the integrity of the shoreline in this area. Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal-side vegetation provide a natural buffer that helps to intercept surface water that may run off the land into the canal impacting water quality. 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/](http://www.doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/)).*

*The DoE would not support the re-nourishment of the sandscape area or the use of beach quality sand. It is a rare commodity and this site was originally a mangrove coastline and has not historically supported a beach. Therefore, the below conditions are recommended as part of any planning permission:*

- No imported beach-quality sand shall be used in the creation of the sandscape and that there will be no re-nourishment of the sand.*
- Mangroves along with other coastal vegetation should be retained to provide a natural buffer and to assist with preventing runoff and sand from entering the canal*

#### *The Cabanas and Garage Building*



*There has been no changes to the cabanas or the garage buildings. Our comments above remain relevant and our recommended condition to stockpile material away from the canal edge is addressed above.*

### **APPLICANT'S LETTER**

*As requested by you, please accept this letter as a request for a setback variance for the Cabana from the NEW excavated canal edge within the property boundary.*

*The reason for the Variance Request is that the current location of the cabana does not require a variance based upon the current boundary and canal edge. However, the applicant has chosen to excavate the canal within his boundary to allow the new dock to be deep enough for the depth of the boat draw. This has resulted in the canal edge (but not property boundary) being closer to the cabana, which we understand now means that a variance request is required in order to retain the cabana location.*

*Please note that there is precedent for this site with the canal being dredged into the boundary for a slip and is prevalent on several adjacent properties to the site.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a detached garage and 3 cabanas located on Water Cay Road in Rum Point.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Canal setback**

The proposed cabana next to the canal would currently be setback the required 20' from the edge of the canal. However, the applicant intends to excavate a portion of the canal which would result in the cabana being setback only 6' from the new edge of the canal.

##### **2) Side setbacks**

As submitted, the detached garage and one of the cabanas would be on the common boundary between parcels 111 and 112. It is suggested that the parcels be combined which would mean no setback variances would be required.

#### **2.16 GARFIELD EWERS (Tropical Architectural Group) Block 25B Parcel 613 (P22-0649) (\$5,000) (MW)**

After the fact application to modify planning permission to revise the pool location and layout.

## **FACTS**

<i>Location</i>	Tarpon Cir., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.3160 ac. (13,764.96 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	residential

## **BACKGROUND**

August 14, 2019 – Three Bedroom House – the application was considered and it was resolved to grant planning permission. (CPA/17/19; Item 5.23)

December 21, 2020 – Three Bedroom House with 341 Detached Trellis – the application was considered and it was resolved to grant planning permission

May 26, 2021 – Swimming Pool & Gazebo – the application was considered and it was resolved to grant planning permission. (CPA/11/21; Item 2.24)

January 14, 2022 – Modification to Convert Trellis to Covered Carport & Relocate Pool Equipment – the application was considered and it was resolved to grant planning permission.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/11/21; item 2.24 be modified to allow the as-built location and shape of the pool and pool deck.

All other conditions of CPA/11/021; item 2.24 remain applicable.

Reasons for the decision:

- 1) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required rear setback per Regulations 9(8)(i) of the Development and Planning Regulations (2022 Revision). The

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

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

### **APPLICANT'S LETTER**

*Further to the application submitted in relation to the above-referenced Project, we hereby request a setback variance to a site plan which requires a minimum of 20 ft rear setback per Planning Regulation 9 (8)(i).*

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

***(1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area:*** *The project was previously approved with a 10ft setback variance. However, the pool deck was built differently on site and now 6'-11" away from the nearest boundary line. Due to the odd shape of the land, we hope that the board will find this request to be acceptable.*

*If you require additional information or further clarification, please don't hesitate to contact us at the numbers & e-mail below.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is to modify the pool location and layout located on Tarpon Cir., George Town.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Rear setback**

On May 26, 2021, the Authority granted approval for the pool with a 10' rear setback vs the required 20' setback. The applicant constructed the pool with a slightly different shape and with a 6' 11" rear setback instead of the 10' setback that was approved.

#### **2.17 WANDA VISCOUNT (Paradise Drafting Ltd.) Block 74A Parcel 119 (P21-0441) (\$500,000) (BS)**

Application for a duplex.

**FACTS**

<i>Location</i>	Colliers Wilderness Dr., East End
<i>Zoning</i>	<b>LDR</b>
<i>Parcel size proposed</i>	13,555 sq. ft.
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	vacant
<i>Proposed building size</i>	1848 sq. ft.
<i>Total building site coverage</i>	13.6%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

**BACKGROUND**

NA

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

In addition to Building Permit requirements, conditions (1-3) listed below shall be met ***prior to the commencement of any site preparation works such as clearing, filling and grading*** and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant shall obtain written approval from the Department of Environment that there are no Blue Iguanas or nests on site that will be negatively impacted by the commencement of works.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Additionally, once construction has started, condition (6) shall be complied with before a final Certificate of Occupancy can be issued.

- 6) No construction work, vehicle access, storage of equipment/ materials or other operations shall take during the main Blue Iguana nesting season (01 June – 30 September) without the express consent of the DoE.
- 7) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision). The Authority notes the comments from the Department of Environment and agree that conditions of approval will be included to address the need for a site survey for Blue Iguanas and to restrict activity during the nesting season. The Authority does not agree with the recommendation to restrict clearing to the footprint of the building only. This requirement is not realistic nor practical. It would prevent a property owner from enjoying gardens, passive recreational yards or even a driveway and is contrary to the reality of constructing house which will require disturbing some vegetation outside of the footprint of the house. The Authority recommends that the Department of Environment re-consider the

merits of making such comments in the future as they tend to erode the credibility of other comments made by that agency.

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The application site predominately primary dry shrubland habitat and secondary growth as shown in Figures 1 and 2. These habitats are of high ecological value and provide a biodiverse habitat for native wildlife including Grand Cayman Blue Iguanas (*Cyclura lewisi*). There are some man-modified areas to the south and along the boundary with the property to the west.*

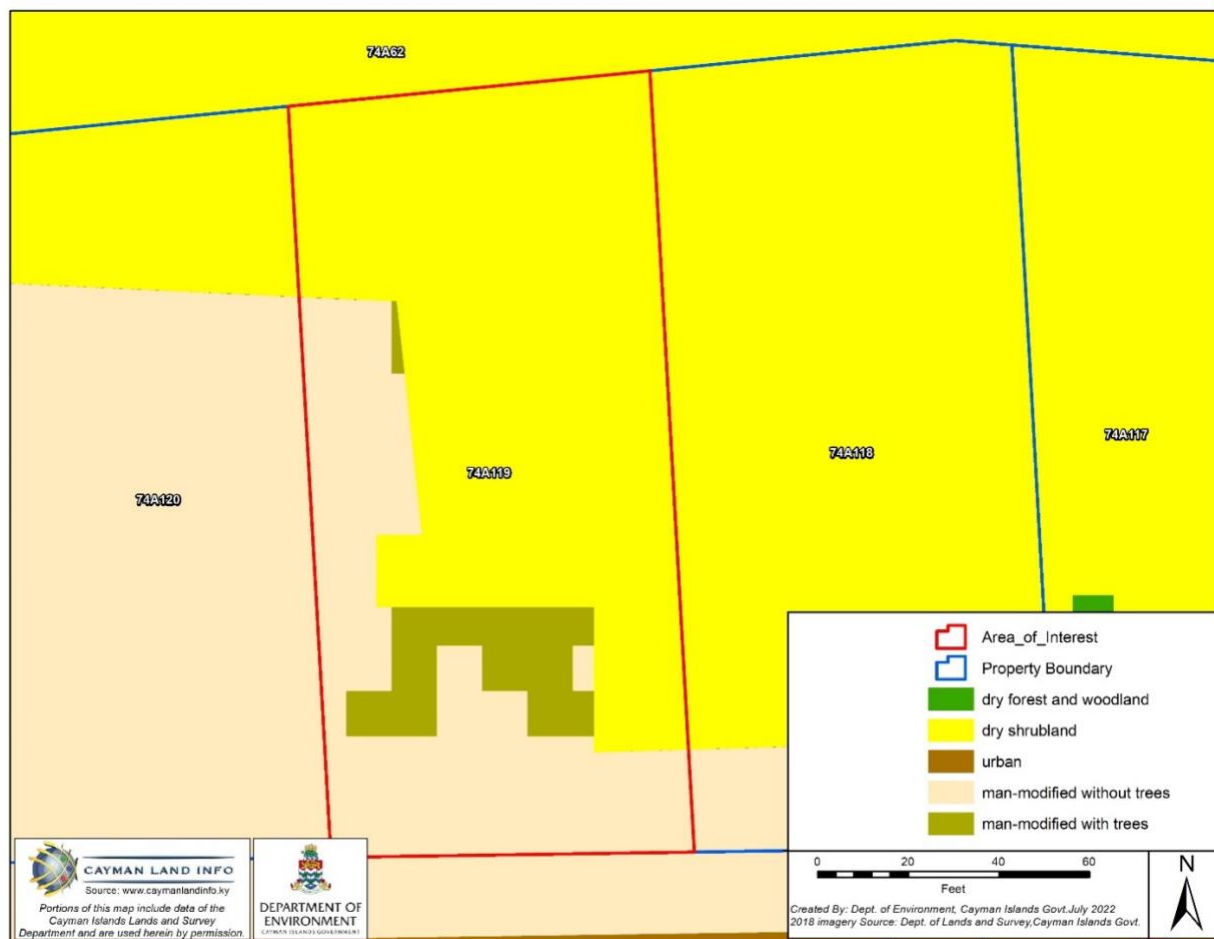
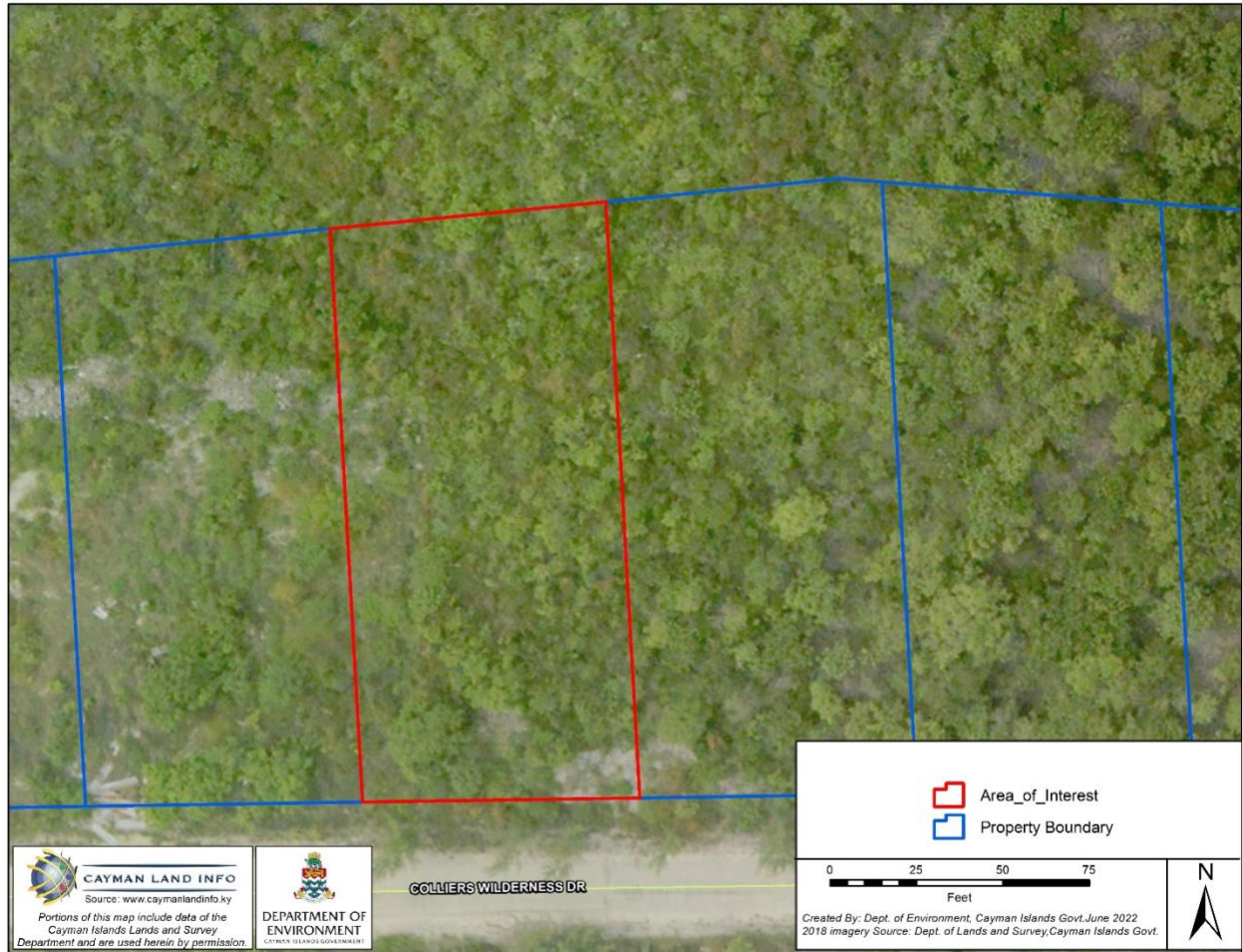


Figure 1: An extract of the DOE's 2013 Habitat Map showing the application site outlined in red.



*Figure 2: The LIS 2018 Aerial Imagery showing the application site outlined in red.*

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

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

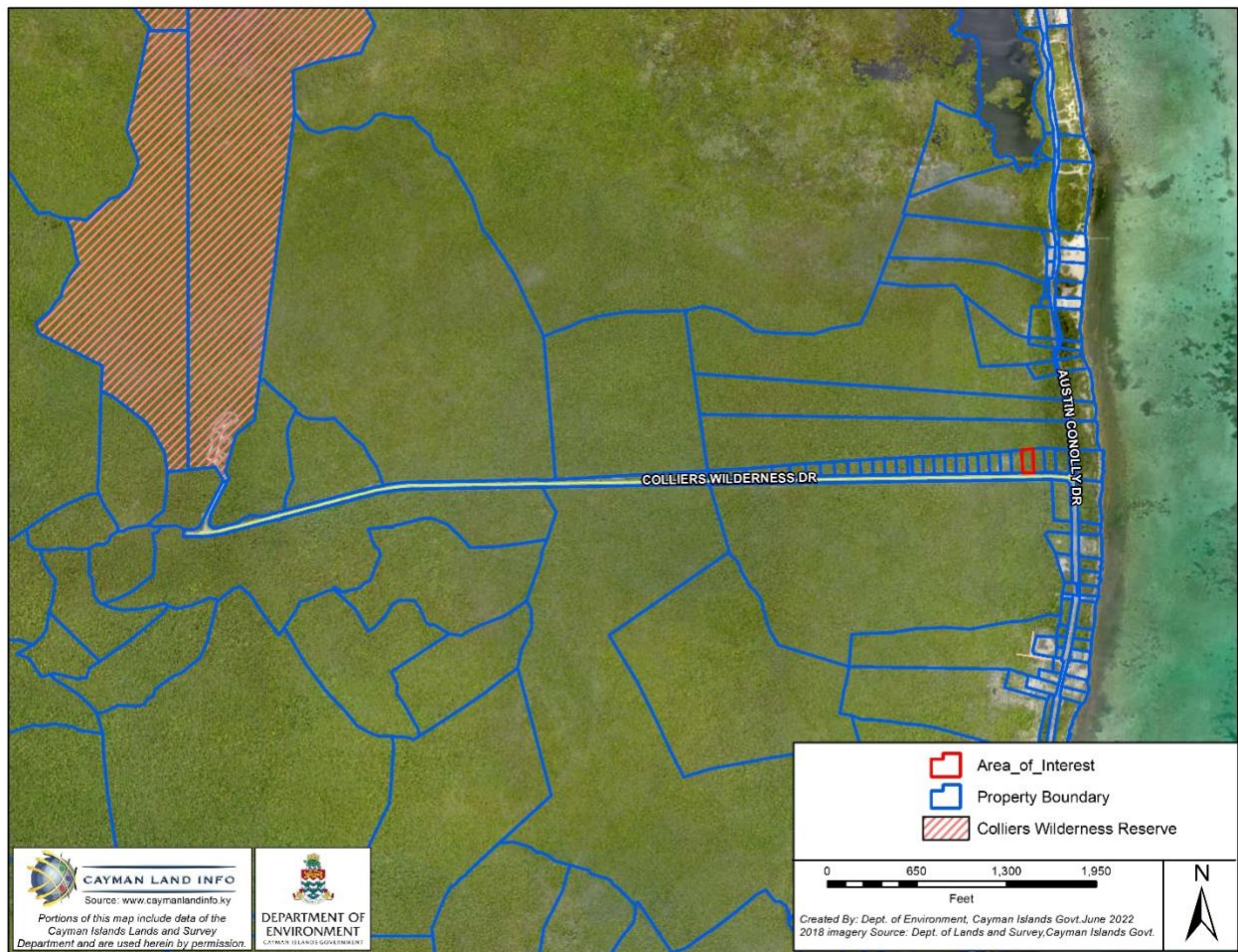
### ***Importance of Primary and Secondary Habitat***

*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. Secondary habitat can also offer valuable ecological services and benefits*



*like that of primary habitat, depending on the presence of invasive species and the amount of time left undisturbed.*

*Habitat loss and fragmentation are one of the largest threats to our wildlife. Our native species have complex daily requirements that require them to travel safely from place to place, looking for nesting sites, food, water, a resting haven and shelter. With the increased urbanisation of the island, habitats become fragmented and separated from each other, and wildlife corridors are vital for the survival of our species. They bridge the gap between smaller, isolated habitats. Linking core wildlife habitats helps to restore and preserve biodiversity, allowing movement between important habitats to maintain genetic diversity in wildlife populations. Without this, local extinctions can occur.*



*Figure 3: LIS 2018 Aerial image showing the subject parcel in relation to the Colliers Wilderness Reserve.*

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

- It can be retained along parcel boundaries and between buildings to serve as privacy buffers/screening.*



- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping.*
  - *It can serve as an amenity, providing green space and shade for those who live nearby/on the property.*
  - *It can assist with on-site stormwater management and drainage.*
  - *It can remain as a habitat for endemic wildlife (helping contribute to the conservation of our local species).*
  - *It can help cut back on carbon emissions by leaving the habitat to act as a carbon sink through avoiding its destruction and allowing natural processes to occur which assist with the removal of carbon dioxide in the atmosphere.*
  - *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*
1. *For these reasons, we recommend that that only the development footprint is cleared and filled. Vegetation outside the development footprint should be retain in its natural state. Heavy machinery can crush or bury iguanas and their nests. It is therefore crucial that no mechanical clearing, excavation or filling takes place with consulting the DoE especially during the Blue Iguana nesting season (1 June – 30 September yearly). During land clearing, appropriate care and attention must be paid to ensure that no iguanas are harmed in the process.*

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

2. *There shall be no land clearing, excavation, filling or development outside of the development footprint. The vegetation outside the development footprint shall be retained in its natural state.*
3. *No land clearing, filling or excavation shall take place during the main Blue Iguana nesting season (01 June – 30 September yearly) without express written permission from the DoE.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a duplex located on Colliers Wilderness Dr, off Austin Conolly Dr, East End.

### **Zoning**

The property is zoned Low Density Residential and the application complies with all relevant provisions of the Regulations.

### **Specific Issues**

#### **3) DOE comments**

As noted above, the DOE is recommending a few conditions of approval regarding protecting blue iguana habitat. The Authority is asked to specifically consider the recommendation that would limit any clearing of the land to the building footprint only. This condition would preclude the applicant from having any cleared yards for basic outdoor activities and seems to be an excessive requirement for a house lot.

#### **2.18 DHHT Ltd (Eric Cronier) Block 53A Parcel 112 (P22-0621) (JP)**

Application for a two (2) lot subdivision.

### **FACTS**

<i>Location</i>	North Side Road, North Side
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.78 ac. (33,976.8 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant

### **BACKGROUND**

September 27, 2017 (**CPA/20/17; 2.2**) – application to modify permission to revise layout of two duplexes, add pool and cabana and add new parcel with resultant parcel combination refused

January 4, 2017 (**CPA/01/17; item 2.1**) – application for three duplexes and wall approved (P16-0751)

January 12, 2016 (**CPA/01/16; item 2.4**) – the application for three duplexes refused (P15-0675)

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

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

Reasons for the decision:

- 1) With the exception of the width of lot A along the road, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot width per Regulation 9(8)(g) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot width as follows:
  - a) It is only the portion of the lot fronting on the road that is less than 80', the remainder of the lot exceeds the minimum requirement; and
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

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

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

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

##### **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.*

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

## **National Roads Authority**

No comments received.

## **Department of Environment**

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

*The application site is man-modified. Although much of the existing vegetation on the site has previously been disturbed, it can be an ecologically valuable secondary habitat.*

*Therefore, 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.*

*Secondary growth and native vegetation (including mangroves) can be retained and used in a variety of ways on a property:*

- *It can be retained along parcel boundaries and between buildings to serve as privacy buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

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

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

## **APPLICANT'S LETTER**

*On behalf of our client, we hereby apply for a variance to allow the proposed sub-division to be approved as submitted.*

*Although the area of Lot A abutting the road parcel (53A157) is less than 80 ft. wide, the average lot widths more than exceeds the minimum 80 ft.*

*We therefore kindly request your approval as it relates to Section 8 (13) of the Development and Planning Regulations (2018 Revision), the application can be considered for approval, since subsection (b) (iii) states that "the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare."*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located within a newly established subdivision of North Side with the lot straddling North Side Road. To the north the land is bound by the Caribbean Sea and vacant lots bound the southern portion of the parcel with the subdivision road providing access from the south-east.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **4) Lot width (45' v 80')**

Regulation 9(8)(g) requires a minimum lot width of 80'.

The proposed width of Lot A fronting the subdivision road is proposed at 45'.

Members are invited to consider the content of the variance letter.

#### **2.19 SEBASTIAN BODDEN (JMP Construction) Block 69A Parcel 130 (P22-0609) (\$20,000) (JP)**

Application for a 5' fence with a 10' entrance gate.

### **FACTS**

<i>Location</i>	Queens Highway, North Side
<i>Zoning</i>	A/R
<i>Parcel size proposed</i>	1.035 ac. (45,084.6 sq. ft.)
<i>Current use</i>	Vacant

## **BACKGROUND**

July 21, 2022 (**Administrative Approval**) – application for a house approved (P22-0616)

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision). Further, the Authority is of the view that the 10' high gate is setback about 20' from the front property line, therefore any visual impact along the road will be minimal.

### **AGENCY COMMENTS**

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

#### **National Roads Authority**

No comments received.

#### **Department of Environment**

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in North Side with the Queens Highway forming the northern boundary and vacant land to the south and south-east. Neighbouring properties are sited to the west and northeast.

#### **Zoning**

The property is zoned Agricultural Residential.

#### **Specific Issues**

##### **1) Gate height**

The application site is zoned agricultural/residential, therefore, the 5' height restriction would appear appropriate. Section 4.3.3 permits a semi-transparent wall/fence to achieve a maximum height of 60"/5' in residential and tourism-related zones. Members are invited to consider whether the 10' gate is acceptable. It should be noted that the fence is setback the require 4' from the roadside boundary and the gate is setback 19' – 20' from the boundary.

## **2.20 MARGARET HENRY (GMJ HomePlans Ltd) Block 32C Parcel 263 (P22-0512) (\$30,000) (BES)**

Application for 5' high concrete block wall with gates.

## **FACTS**

<i>Location</i>	Shamrock Rd.
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	N/A
<i>Parcel size proposed</i>	0.59 ac. (25,700.4 sq. ft.)
<i>Current use</i>	Dwelling House

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

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

Reason for the decision:

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

## **AGENCY COMMENTS**

### **National Roads Authority**

Comments from the National Roads Authority were not received at the completion of this agenda report on 21<sup>st</sup> July.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking planning permission to construct a 5' - 4" high concrete block fence and 2-gates at the above-captioned property. The property is located on Shamrock Road.

As shown on the site plan, the wall is setback 4', and the 2-gates are setback 20' respectively from the front property line/road boundary line. Per Regulation 8(18) of the Development and Planning Regulation (2022 Regulations), the proposal meets the minimum setback required outlined in the said regulation.

### **Zoning**

The property is zoned Low Density Residential.

**2.21 JEFF WATLER (GMJ Home Plans Ltd.) Block 14CF Parcel 85 (P22-0627) (\$325,000) (BES)**

Application for modification to reduce building 2 from 10 units to 8 units.

**FACTS**

<i>Location</i>	McField Lane, George Town
<i>Zoning</i>	<b>N.COM</b>
<i>Notification result</i>	N/A
<i>Parcel size proposed</i>	0.6094 ac. (26,545.5sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	apartments
<i>Proposed building size</i>	6,982sq. ft.
<i>Total building site coverage</i>	18.9%
<i>Allowable units</i>	CPA discretion
<i>Proposed units</i>	8+ 6-existing apts
<i>Allowable bedrooms</i>	CPA discretion
<i>Proposed bedrooms</i>	10 + 7-(existing bedrooms)
<i>Required parking</i>	22
<i>Proposed parking</i>	25

**BACKGROUND**

Oct 13, 2021 (**CPA/21/21; Item 2.16**) – CPA granted planning permission for 10-apartments and commercial building with conditions.

July 16, 1997, planning permission was granted for 3-apartments.

May 19, 1999, planning permission was granted for 13-apartments.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/21/21; item 2.16 be modified to



reduce the number of units in Building 2 from 10 to 8 as shown on the plans submitted July 21, 2022.

All other conditions of CPA/21/21; item 2.16 remain applicable.

Reason for the decision:

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

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

#### **Wastewater Treatment and Disposal**

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

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 2,569 US gallons per day (gpd)**, based on the following calculations.*

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>Building 1</i>	<i>5 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>750</i>
	<i>1 x 3-Bed Unit</i>	<i>300gpd/3-Bed</i>	<i>300</i>
<i>Building 2</i>	<i>6 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>900</i>
	<i>2 x 2-Bed Units</i>	<i>225gpd/1-Bed</i>	<i>450</i>
<i>Building 3</i>	<i>~1,128 sq. ft.</i>	<i>0.15 x 1,128 (retail factor)</i>	<i>169</i>
<b>TOTAL</b>			<b>2,569</b>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***

- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required*

## **Fire Department**

The CFO approved the site layout

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is to modify planning permission to reduce building 2 apartments from 10 x 1-bedroom units to 6 x 1-bedroom units and 2 x 2-bedroom units. The site is located McField Lane, George Town.

Building setbacks, building areas/footprint, building height and parking requirements have remained the same.

### **Zoning**

The property is zoned Neighbourhood Commercial.

## **2.22 ALISTAIR RUSSELL (Johnson Design + Architecture) Block 5B Parcel 358 (P21-1159) (\$80,000) (EJ)**

Application for a pool house.

### **FACTS**

Location	North West Point Road in West Bay
Zoning	BRR
Notification result	No objectors
Parcel size proposed	0.79AC / 34,412 sq. ft.
Parcel size required	10,000 sq. ft.
Current use	House, Swimming Pool, Cabana & Walls

### **BACKGROUND**

September 27, 2017 (**CPA/20/17; Item 2.9**) - the CPA granted permission for a five (5) bedroom house, swimming pool & cabanas.

March 11, 2019 - the Department granted a modification to decrease size of swimming pool & add infinity edge trough.

September 02, 2020 (**CPA/14/20; Item 5.3**) - the CPA under regulation 6.3 exempted the High Water Mark Survey Plan.

September 30, 2020 (**CPA/16/20; Item 2.20**) - the CPA under regulation 6.3 exempted the High Water Mark Survey Plan.

February 16, 2022 (**CPA/05/22; Item 2.7**) - the CPA adjourned the application in order to invite the applicant to appear before the board.

May 11, 2022 (**CPA/13/22; item 2.2**) – the applicant appeared before the Authority and the application was adjourned in order that the applicant revise plans for a setback of 11’ and to renotify the adjacent owners

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

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

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 4) All construction materials shall be stockpiled a minimum of 50’ from the high water mark.
- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 6) The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least seven feet (7') above mean sea level.

Reasons for the decision:

- 1) With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required side setback per Regulation 15(4)(b)(i) of the Development and Planning Regulations (2021 Revision).

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

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

### **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

#### **Department of Environment**

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

*We note that the proposed pool house is located behind the approved seawall. The application site is man-modified with an existing house. However, the site is also located adjacent to a Marine Protected Area, namely a Marine Reserve. The rationale for designating marine reserves is to ensure that breeding and nursery areas for marine life are protected.*

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

#### ***4. All construction materials shall be stockpiled a minimum of 50 feet from the Mean High Water Mark.***

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

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

### **APPLICANT'S LETTER**

*Kindly accept this letter requesting a side setback variance for a proposed pool house.*

*Located in a Beach Resort / Residential zone, the applicant is proposing that the*

*structure by setback be 4' from the property boundary instead of 10' which is typical for single story residential.*

*Please consider the following sections of the Development and Planning Law:*

- Section 8(13)(b)(i) states an exception allowing for a breach of a setback if 'the characteristics of the proposed development are consistent with the character of the surrounding area'. Other houses in this area and on the waterfront, including the neighbors and the 5 houses immediately north-west of them, have breached the side setback for Beach Resort / Residential Zoning. All of these houses, on 5B 301 and immediately north-west, come within 10' or less of their side boundaries.*

- Also note that this application is not 'materially detrimental to persons residing or working in*

*the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare' as stated*

*in section 8(13)(b)(iii), and*

- 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.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking a setback variance for the proposed 392 sq. ft. pool house.

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

#### **1) Side Setback Variance**

The applicant is seeking a side setback variance proposed at 4' vs 20' for this Beach Resort Residential zone. The subject parcel is 0.79AC / 34,412 sq. ft. and the pool house is proposed at the right-side boundary of the subject parcel.

The applicant has notified the adjacent parcel owners and no objections were received.

## **SUPPLEMENTARY ANALYSIS**

On February 16, 2022 (CPA/05/22; Item 2.7) - the CPA adjourn the application in order to invite the applicant to appear before the board and on May 11, 2022 (CPA/13/22; item 2.2)

– the CPA adjourn the application in order that the applicant revised plans to setback at 11’ and renotify the adjacent parcels. The plans have been revised to provide an 11’ setback and adjacent owners were notified and no objections were received.

**2.23 OCEANS 9 (Robert Towell Architect Ltd) Block 1C Parcel 271 (P21-0956) (\$20,000) (JP)**

Retention of after-the-fact wall.

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

**FACTS**

<i>Location</i>	Sunny Powery’s Drive, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.32 ac. (101,059.2 sq. ft.)
<i>Current use</i>	Residential

**BACKGROUND**

June 19, 2019 (**CPA/12/19; item 2.14**) –application for 9 houses, garages, cabana and two pools approved (P19-0357)

July 6, 2022 (CPA/17/22; item 5.2) -CPA waived the need for a new HWM survey

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

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

Reason for the decision:

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

**AGENCY COMMENTS**

**Department of Environment**

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

*Based on over 20 years of DoE turtle nesting monitoring data, this site is adjacent to critical turtle nesting habitat in the National Conservation Council’s Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including*

*Kemp's Ridley turtles (Lepidochelys kempii) (issued under Section 17 (7) of the National Conservation Law (2013)). Sea turtles are Part 1 Schedule 1 Protected Species under the National Conservation Act which means they are protected at all times.*

*The original planning application (P19-0357, approved 19 June 2019) was approved with conditions relating to the protection of sea turtles, including that "ii) no construction work, vehicle access, storage of equipment/materials or other operations will take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE."*

*The Department wishes to clarify that we did not request the construction of this retaining wall to exclude turtles (as suggested by the applicant's agent in application correspondence). When the Department recommends or directs conditions with respect to temporary construction fencing, we ask that the fence be:*

- Located as far landward as possible to leave room/habitat for the turtles to nest during the work;*
- Made from a sturdy/solid material like plywood with no gaps (i.e. not chainlink fencing or the orange plastic fencing with holes as hatchlings can crawl through these and adults can knock it down or become tangled);*
- Embedded at least 2 feet into the sand so that turtles cannot dig it out or crawl under; and*
- That any nailing of the wood be done so that the sharp bits are located on the landside of the fencing to prevent injury to turtles.*

*Examples are provided as Figure 1 and Figure 2.*

*The Applicant was required to submit a turtle friendly lighting plan as part of their planning conditions (Condition 7 of P19-0357). This plan was to be submitted and agreed prior to the issuance of building permits; however, it is evident that this did not happen and building permits have been issued. A number of months after construction had commenced, the Applicant submitted a draft plan but it was incomplete; feedback was provided to the applicant by the DoE. As matters stand, **we have not received a completed turtle friendly lighting plan yet for the original planning permission.***

*With respect to the after-the-fact retaining wall, it is not possible to have lights on the seaward side of the retaining wall because one of the basic principles of turtle friendly lighting is that the sand should not be lit. If the applicant wishes to have turtle friendly lighting on the landward facing side of the wall, this must be lamped with an amber bulb with a wavelength of 560 nanometres or longer, it must be shielded and directed landward. Any proposed lights on top of the wall or on the landward facing side of the wall must meet the requirements of the DoE's Turtle Friendly Lighting Guidelines to prevent an adverse impact on a Schedule 1 Part 1 protected species and should not directly, indirectly or cumulatively illuminate the beach.*

#### ***Directed Conditions:***

*Therefore, on the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE*

therefore **respectfully stipulates** that the following conditions be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

- 1) There shall be no lighting installed on the exterior (the beach side) of the retaining wall.
- 2) If any lighting is proposed on the landward side or top of the wall, the applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).
- 3) No light shall directly, indirectly or cumulatively illuminate the Sea Turtle Critical Habitat, defined in the Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).

*These conditions are directed to prevent an adverse impact on the critical habitat of a Schedule 1, Part 1 protected species.*

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



*Figure 1. Example construction fencing on a turtle nesting beach*





*Figure 2. Example construction fencing on a turtle nesting beach*

### **APPLICANT'S LETTER**

*We write to the Central Planning Authority to request a waiver for a 30" high retaining wall built within the 50' HWM along the ironshore. The purpose of this wall is to mainly keep turtles from entering the property.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in West Bay served by a road off Boatswain Bay Road. Vacant lots bound the application site to the east and west and the Caribbean Sea is to the north.

The application seeks retrospective Planning Permission for a retaining wall.

#### **Zoning**

The property is zoned Low Density Residential.

#### **2.24 OCEANS 9 (Robert Towell Architect Ltd) Block 1C Parcel 271 (P22-0547) (\$50,000) (JP)**

Application for two buried 1000 LPG tanks and generator.

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

## **FACTS**

<i>Location</i>	Sunny Powery's Drive, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.32 ac. (101,059.2 sq. ft.)
<i>Current use</i>	Residential

## **BACKGROUND**

June 19, 2019 (**CPA/12/19; item 2.14**) –application for 9 houses, garages, cabana and two pools approved (P19-0357)

July 6, 2022 (CPA/17/22; item 5.2) -CPA waived the need for a new HWM survey

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) The applicant is required to obtain the necessary approvals from the Chief Petroleum Inspector.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain a Certificate of Completion **prior to the utilization of the generator.**

Reason for the decision:

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

## **AGENCY COMMENTS**

### **Department of Environment**

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

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

*The DoE has no comments regarding the proposed LPG tanks and generator. However, there are previous conditions of planning approval including a condition for turtle friendly lighting which are still outstanding and have not been fulfilled by the applicant.*

*The applicant was required to submit a turtle friendly lighting plan as part of their planning permission (Condition 7 of P19-0357). This plan was to be submitted and approved prior to the issuance of building permits; however, this did not happen and building permits were issued. A number of months after construction had commenced, the applicant submitted a draft turtle friendly lighting plan but it was incomplete; feedback was provided to the applicant by the DoE. As matters stand, **the DoE has yet to receive a complete turtle friendly lighting plan for this site for review despite** multiple requests from the DoE requesting the plan be submitted. The latest email request was 01 June 2022.*

***The DoE is still awaiting a complete turtle friendly lighting plan submission from the applicant for review to ensure adverse effects on the critical habitat of a Part 1 protected species are minimised.***

*Bright lights on the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they often die from dehydration, exhaustion, predators or vehicles. The use of non-turtle friendly lights has the potential to impact thousands of sea turtles and could result in the 'take' of sea turtles. The 'take' of a sea turtle is an offence under the NCA. It is important therefore to minimise the potential for artificial lighting impacts through the proper design of a turtle friendly lighting plan and the installation of turtle friendly lighting fixtures and visible light transmittance specifications in accordance with the approved plan. Any lighting that may directly, indirectly or cumulatively illuminate the nesting beach must be turtle friendly.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in West Bay served by a road off Boatswain Bay Road. Vacant lots bound the application site to the east and west and the Caribbean Sea is to the north.

The application seeks Planning Permission for two underground LPG tanks and a generator.

### **Zoning**

The property is zoned Low Density Residential.

## **2.25 HPW INVESTMENTS LTD. (TRIO Architecture) Block 14BH Parcel 167 & 29 (P22-0588) (MW)**

Application for construction fencing, 8' to 10' in height.

**Celecia Bancroft declared a conflict and left the meeting room.**

## **FACTS**

<i>Location</i>	Goring Ave., George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Notification result</i>	No Objections

## **BACKGROUND**

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

*June 23, 2021 – 10 Story Hotel; Mixed Use with Amenities – the application was considered and it was resolved to grant planning permission.*

*July 21, 2021 – 10 Story Hotel; Mixed Use with Amenities – the application was considered and it was resolved that the revised plans did not comply with condition 1).*

*November 24, 2021 – Hotel Revised Plans & Documentation Regarding Condition 1 – the application was considered and it was resolved to grant planning permission. (CPA 24/21; Item 5.1)*

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

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

Reason for the decision:

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a construction fencing for an approved hotel located on Goring Ave., George Town.

### **Zoning**

The property is zoned General Commercial.

**2.26 STEPHANE & KATIA DAHAN (DDL Studio Ltd.) Block 8A Parcel 93 (P22-0432) (\$1,500) (MW)**

Application for a monument sign for approved apartments.

**FACTS**

<i>Location</i>	Powery Rd., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.77 ac. (77,101.2 sq. ft.)
<i>Current use</i>	approved apartments

**BACKGROUND**

October 22, 2019 – Land Clearing (Closed 17-2-20)

December 16, 2020 – (22) Unit Apartment Complex with Swimming Pool and Associated Amenities – the application was considered and it was resolved to adjourn the application.

March 3, 2021 – (22) Unit Apartment Complex with Swimming Pool, 4’ Chain-Link Boundary Fence and a 4’ Fronting Wall with 8’ Columns- the application was considered and it was resolved to adjourn the application.

May 12, 2021 – (22) Unit Apartment Complex with Swimming Pool, 4’ Chain-Link Boundary Fence and a 4’ Fronting Wall with 8’ Columns- the application was considered and it was resolved to grant planning permission.

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

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a 18.1 sq. ft. monument stainless steel backlit sign to be located on Powery Rd., West Bay.

**Zoning**

The property is zoned Low Density Residential.

**2.27 RAINBOW DEVELOPMENT LTD. (Tropical Architectural Group Ltd.) Block 21C Parcel 167 (P22-0404) (\$20,000) (MW)**

Application for a monument sign for an approved subdivision and apartments.

**FACTS**

<i>Location</i>	South Sound Rd., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	-
<i>Parcel size required</i>	-
<i>Current use</i>	Vacant

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

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a 12 sq. ft. monument sign to be located on South Sound Rd., George Town.

**Zoning**

The property is zoned Low Density Residential.

**3.0 DEVELOPMENT PLAN MATTERS**

**4.0 PLANNING APPEAL MATTERS**

**5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

**5.1 J. SAMUEL JACKSON Block 5C Parcel 408 (P22-0393 (EJ))**

While discussing item 2.2 with the applicant's representatives, a matter was raised that Mr. Jackson wished to speak to. The Authority gave Mr. Jackson an audience.

Mr. Jackson explained that the Authority granted Planning Permission for a two lot subdivision on June 8, 2022 with a condition that a revised plan be submitted showing a truncation along the eastern side of the driveway abutting Mesa Close. Mr. Jackson referred to the plans and explained that Mesa Close does not abut his property so there is no need for a truncation as there is no reason to turn left out of the property. The Authority agreed with Mr. Jackson and determined that permission could be modified to delete that condition.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/15/22; item 2.21 be modified to delete condition 1) and re-number condition 2) accordingly.

All other conditions of CPA/15/22; item 2.21 remain applicable.

**5.2 CORAL SAND CLUB Block 13EH Parcel 174 (HP)**

The Authority was advised that there is a pending application for a wall along the southern side boundary. The Authority determined that since the wall will stop short of the existing wooden deck situated on the coastline that there is no benefit to requiring a new HWM survey, therefore the need for one is waived per Regulation 6(3).

**5.3 MATTHEW & MEGAL EMANUEL Block 49B Parcel 143 (HP)**

The Authority was advised that an application had been submitted for a low wall on the coastline, the application being a result of enforcement proceedings. The applicant has requested the need for a new HWM survey to be waived, but the Authority found no compelling reason to do so. As such, a new HWM survey is required per Regulation 6(3).

**5.4 PALM LAND HOLDINGS LTD. Block 3D Parcel 25 (P22-0307) (BS)**

The Authority was advised that an application had been submitted for a pool and it should have been forwarded for consideration several meetings ago. The Authority proceeded to review the plans and determined that permission could be granted.

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

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

- 1) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if

the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.

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

Reason for the decision:

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

#### **5.5 DECCO LTD. Block 12D Parcel 95 (P22-0415) (NP)**

The Authority was advised that on May 11, 2022 (CPA/13/22; item 2.19), the Authority granted permission for a carport with solar panels to be situated in the middle of an existing parking lot at Camana Bay. A condition of approval was attached requiring the property boundaries to be physically set out by a land surveyor. The applicant has contacted the Department to determine if this was an oversight or was actually meant to apply. In reviewing the matter, the Authority determined that the condition should not have been included as there is no benefit gained as the structures are nowhere near the property boundaries.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/13/22; item 2.19 be modified to delete condition 1) and re-number the remaining conditions accordingly.

All other conditions of CPA/13/22; item 2.19 remain applicable.

#### **5.6 CRIGHTON INVESTMENTS LTD Block 17A Parcel 9 (P22-0273) (NP)**

The Authority was reminded that on June 22, 2022 (CPA/16/22; item 2.31) approval was granted for a 4 lot subdivision with a large remainder parcel. The applicant's agent, APEC Consulting Engineers, have contacted the Department regarding the possibility of a subsoil investigation for the large remainder parcel. The methodology would involve cutting tracks across the site constructed using an excavator. APEC is requesting that these works be allowed as part of the subdivision preparation and not as a separate application. The Authority reviewed the provided material, including Figure 2, which shows a multitude of proposed tracks that would cover virtually the



entire site. The Authority determined that the proposed works would require an application for Planning Permission.

**5.7     ADDITIONAL CPA MEETING (HP)**

The members agreed to an extraordinary meeting to be scheduled for August 24, 2022 for a few Policy related matters to be discussed, including Plan Cayman and the draft Construction Operations Plan guidelines.

**5.8     SIGN GUIDELINES (HP)**

The Authority reaffirmed its earlier position that public information signs require planning permission and confirmed that the sign guidelines were being revisited to provide guidance notes for this type of signage.

**6.0     CPA MEMBERS INFORMATION/DISCUSSION**

The meeting adjourned at 4:45pm. The next meeting of the Central Planning Authority is scheduled for *Wednesday, August 17, 2022 at 10:00 a.m.* in in Conference Room 1038, 1<sup>st</sup> floor, Government Administration Building.

A blue ink signature of Ian Pairaudeau, consisting of a stylized 'I' and 'P' followed by a horizontal line.

Ian Pairaudeau  
Chair

A black ink signature of Haroon L. Pandohie, featuring a large, sweeping 'H' and 'P' followed by a horizontal line.

Haroon L. Pandohie  
Executive Secretary

c.c. All members of the Central Planning Authority