

# Central Planning Authority

**Minutes** of a meeting of the Central Planning Authority held on **28 August 2024 at 10:00am** in Conference Room 1038, 1st Floor, Government Administration Building, 133 Elgin Avenue

## 22<sup>nd</sup> Meeting of the Year

CPA/22/24

Mr. Ian Pairaudeau (Chair)  
Mr. Handel Whittaker (Deputy Chair)  
Mr. Joshua Bernard (apologies)  
Mr. Gillard McLaughlin  
Mr. Charles Russell Jr.  
Mr. Peterkin Berry (apologies)  
Mr. Peter Campbell  
Mr. Kenneth Ebanks (via Zoom)  
Ms. Danette McLaughlin  
Ms. Shakina Bush (left at 12:00 and rejoined at 1:10 via Zoom)  
Ms. Christine Maltman, MCIP, AICP  
Ms. Celecia Bancroft (left at 3:35)  
Mr. Ashton Bodden  
Mr. Haroon Pandohie (Executive Secretary) (apologies)  
Mr. Ron Sanderson (Acting Executive Secretary)

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/22/24

- 2.1 ALFRED THOMPSON (Whittaker & Watler) Block 31A Parcels 16 and 164 (P22-1035) (\$7.5M) (RS) 5**
- 2.2 JUDITH HUDGSON (JMP Construction) Block 44B Parcel 364 (P24-0037) (\$10,000) (JS) 25**
- 2.3 RSI PROPERTIES LTD. (Paradise Drafting Ltd.) Block 23C Parcels 212 & 215 (P24-0168) (\$6,000,000) (MW) 30**
- 2.4 MUNDY LEWIS (GMJ Home Plans Ltd.) Block 32B Parcel 486 (P22-0227) (\$80,000) (EJ) 40**
- 2.5 ATHONY M. CHAMBERS (GMJ Home Plans Ltd.) Block 72C Parcel 342 (P23-0466) (\$90,000) (EJ) 43**
- 2.6 BRIAN EARL (Jovan Kerr) Block 56C Parcel 90 (P23-0400) (\$200,000) (NP) 49**
- 2.7 ALEX DILBERT (Eco House) Block 13D Parcel 83 (P23-1045) (\$78,125) (MW) 58**
- 2.8 ALBERT THACKER (Tropical Architectural Group Ltd.) Block 28C Parcels 420 & 421 (P23-1030) (\$1,241,400) (MW) 62**
- 72**
- 2.9 CAYMAN SHORES DEVELOPMENT LTD. (Decco Ltd) Block 13C Parcel 37 (P24-0613) (\$49.0 million) (NP) 72**
- 2.10 CI CANCER SOCIETY (CGMJ Architecture) Block 14E Parcel 273 (P23-1022) (\$100,000) (NP) 81**
- 2.11 ALFRED & INA BERRY (Roland Bodden & Co. Ltd) Block 38B Parcel 2 (P24-0442) (\$16,000) (NP) 87**
- 2.12 CONROY SAMUDA Block 75A Parcel 425 (P24-0333) (\$5,000) (NP) 94**
- 2.13 FRANKLIN SMITH (Whittaker & Watler) Block 66A Parcel 198 (P23-0465) (\$55,410) (EJ) 97**
- 2.14 IZETTE MAE & JAMES SMITH (Ernesto Carter) Block 44B Parcel 196 (P21-0727) (\$30,000) (EJ) 99**
- 2.15 OCEANS 8 LTD. (Trio) Block 69A Parcel 61 (P24-0091) (\$800,000) (NP) 100**
- 2.16 MELISSA RANKINE-SEYMOUR (Darius Development) Block 1D Parcel 475 (P24-0452) (\$350,000) (MW) 114**
- 2.17 MR & MRS JARON LESLIE (Architectural Designs & Cayman Contemporary Style) Block 38D Parcels 92 and 93 (P24-0480) (\$550,000) (AS) 118**
- 2.18 ANGELLA BARRETT (John Doak Architecture) Block 8A Parcel 166 (P24-0505) (\$30,000) (MW) 123**

- 2.19 JAMES ALOYSIUS GARRETT (Design (Cayman) Ltd.) Block 24C Parcel 27 (P24-0605) (\$20,000) (MW) 125**
- 5.1 CESARS COVE Block 22D Parcel 141 Rem12 129**
- 5.2 RANSDALE RANKIN Block 75A Parcel 356 (P23-1083) 129**
- 5.3 COASTAL WORKS LICENSE FOR GRAND HYATT HOTEL Block 13E Parcel 165 (CWL 493) 130**
- 5.4 COASTAL WORKS LICENSE FOR KAIBO PUBLIC BEACH Block 33E Parcel 77 (CWL 482) 130**
- 5.5 PAUL & LISA CZUDNOCHOWSKY Block 33E Parcels 41 and 43 (P24-0261) (NP) 130**
- 5.6 COLIN ANGLIN Block 4D Parcel 67 (P22-0965) (MW) 131**
- 5.7 JENNIFER MELLIS GAYLE Block 4E Parcel 710 (CE24-0170) (AM) 131**
- 6.1 LAND CLEARING 132**

**APPLICANTS ATTENDING THE AUTHORITY’S MEETING**

<b>Applicant Name</b>	<b>Time</b>	<b>Item</b>	<b>Page</b>
Alfred Thompson	10:30	2.1	4
Hudgson wall	11:00	2.2	24
RSI Properties	11:30	2.3	29
Mundy Lewis	1:00	2.4	39
Anthony Chambers	1:30	2.5	42
Brian Earl	2:00	2.6	48
Alex Dilbert	2:30	2.7	57
Albert Thacker	3:00	2.8	61

**1.1 Confirmation of Minutes CPA/21/24 held on 14<sup>th</sup> August 2024**

**Moved:** Kenneth Ebanks

**Seconded:** Christine Maltman

**Confirmed**

**1.2 Declarations of Conflicts/Interests**

<b>Item</b>	<b>Member</b>
2.15	Celecia Bancroft

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

**2.1 ALFRED THOMPSON (Whittaker & Watler) Block 31A Parcels 16 and 164 (P22-1035) (\$7.5M) (RS)**

Application for a 311 lot subdivision (287 residential lots, 2 multi-family residential lots, 1 commercial lot, 2 LPP, 1 NRA lot, 18 buffer lots).

**Appearance at 10:30 am**

**FACTS**

<i>Location</i>	east of the Woodland Dr subdivision, east of Hirst Rd
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objectors
<i>Parcel size</i>	85.4 acres
<i>Parcel sizes proposed</i>	majority between 6,000 sf and 6,500 sf Several between 6,500 sf and 7,500 sf
<i>Current use</i>	Vacant
LPP proposed	3.8% (see discussion below)

**BACKGROUND**

July 31, 2024 (CPA/20/24; item 2.4) - Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (Rev 2022) the Authority reviewed the DOE's response to DPA s7 consultation and determined that, as part of its consideration of Section 41 of the National Conservation Act (2014) (NCA), it would review with the applicant the list of definitions of adverse effects in Section 2 (a-l) of the NCA. After doing so, it was resolved to adjourn the application and refer the matter to the National Conservation Council pursuant to Section 41(3) of the NCA as there may be potential adverse effects per s2 (a), (d), (f), (i) and (l).

The Authority would respectfully ask that the NCC provide more detail as the DOE section 7 DPA memorandum seemed to lack the detail the Authority has become accustomed to seeing in such memoranda, especially given the size of the proposed development.

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

- 1) Prior to the commencement of any site works (with the exception of minor land clearing needed to establish site levels for the preparation of a stormwater management plan), the applicant shall submit:
  - a) Within 60 days of the date of this decision, a phasing plan showing three phases with phase one being lots 256 through 301:
  - b) Specifications of any proposed underground utilities; including location, type of utilities, and trench dimensions.
  - c) A stormwater management plan for **each Phase of the subdivision (subject to the provisions of condition 3)** prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority. The plan shall be designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and should include, but not be limited to, the location of all drainage facilities and general grading details of the parcels (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess runoff directed to one central drainage facility or a series of facilities.
- 2) Prior to the subdivision plan being finalized for **each Phase and subject to the provisions of Condition 3**, the following conditions shall be satisfied:
  - a) All underground utilities shall be inspected and approved by the relevant agencies prior to the utilities being buried.
  - b) The approved stormwater management system shall be installed on site.
  - c) The final subdivision plan shall indicate a vehicular easement over the subdivision access road in favour of each lot. The final plan must be accompanied with the requisite grant of easement forms detailing the easements to be registered.
  - d) The access road (s) abutting the proposed lots shall have a minimum of a 30' wide demarcated road parcel and shall be constructed with asphalt and approved by the Central Planning Authority prior to the lots being registered. The applicant shall liaise with the Managing Director, National Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.
  - e) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications,

under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.

- f) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
  - g) There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels (with the exception of the road parcel) without planning permission for such works being granted.
  - h) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Director of Planning for approval prior to the survey being registered.
- 3) After registration of Phase 1, all lots in that Phase must be conveyed before works can commence in Phase 2. After registration of Phase 2, all lots in that Phase must be conveyed before works can commence in Phase 3.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the lot sizes and lot widths, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum lot size and lot width requirements per Regulations 9(8)(d) and (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 sizes and lot widths as follows:
  - a) The subject lands will be bounded by two major public roads which makes the lands more suited to higher density development, which in this case, is represented by the smaller lots sizes and lot widths and the proposed future multi-family development and future commercial development.
  - b) The applicant's stated intention is to apply for a Government approved low cost housing programme and the proposed lots sizes and widths would exceed the minimum allowed lot sizes and widths per Regulation 9(10).
  - c) There are other similar size lots in the vicinity.
  - d) The project is a design/build development by the applicant so there will more control to ensure minimum setback requirements are met and maximum permissible site coverage is not exceeded on the smaller lot sizes and lot widths.

- e) 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.
- 4) The Authority is satisfied that the lots being designated for future commercial and multi-family development are in suitable locations for those types of developments.
- 5) The Authority is satisfied with the access arrangement for the subdivision.
- 6) The Authority is also of the view that the inclusion of condition of approval 3) will limit the development of the subdivision by phase which will ensure the land in future phases remains in its natural state until the subdivision lots are absorbed into the market phase by phase.
- 7) The Authority encourages the applicant to liaise with the Water Authority about the possibility of utilizing a wastewater treatment system for the subdivision.
- 8) The Authority is of the view that there were no objections that raised sufficient grounds to refuse permission. More specifically in this regard, the stated concern of the objectors is that they do not wish for additional traffic from the proposed subdivision to travel through their neighbourhood. The applicant has registered 30' vehicular easements over Block 32B Parcels 499 and 358 and is legally entitled to provide access to the proposed subdivision lots over those two parcels.

#### **AGENCY COMMENTS (Section 7 DPA)**

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

#### **Water Authority**

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

#### **Wastewater Treatment**

- *The developer is advised that wastewater treatment and disposal requirements for built development are subject to review and approval by the Water Authority. The Water Authority is aware that the developer plans to install a large community treatment plant with lift stations, the Water Authority has no objections to this concept. The development's wastewater treatment system shall be in the strata's ownership indefinitely and the maintenance and cost to be at the strata's expense. At no point will the Water Authority bear any responsibility of this communal treatment system.*

#### **Stormwater Management**

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



### **Water Supply**

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

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

***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 December 8<sup>th</sup> 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### *General Issues*

*The NRA requests that the CPA require the applicant to provide a phasing plan.*

#### ***Planned Roadway Improvements in Vicinity of Subject Lands***

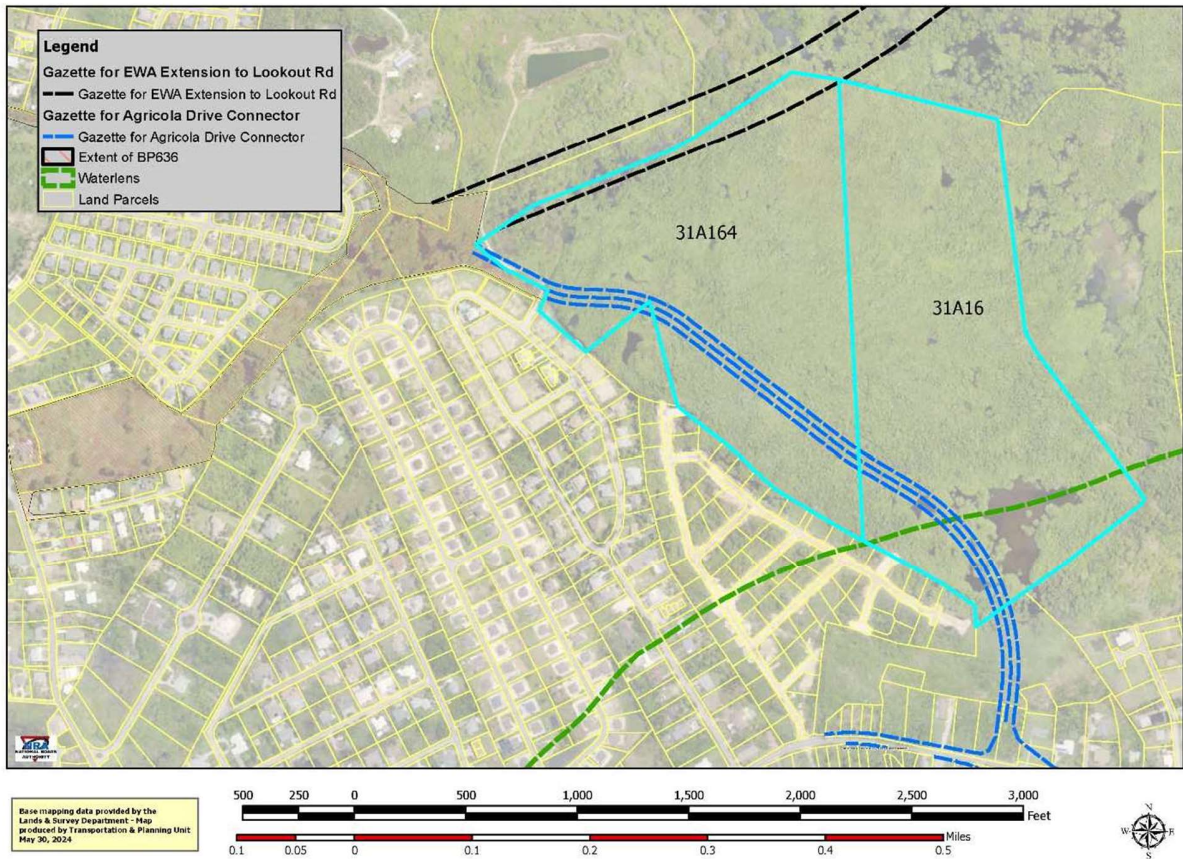
*The NRA is currently undertaking roadworks for the construction of Boundary Plan 636 which is the gazettal of the East-West Arterial (EWA) from Hirst Road to Woodland Drive. These road works are planned to be completed by the end of summer 2024.*

*Per approval by the Ministry of PAHITD, the NRA prepared and submitted gazettal instructions (pursuant to Section 3 and 6 of the Roads Act (2005 Revision) for the Agricola Drive Connector between Shamrock Road and Woodland Drive in early April 2024. The proposed alignment has a planned corridor width of 70 feet, will served as a collector roadway and includes a planned roundabout at the intersection of Shamrock Road with Agricola Drive. The alignment for the planned Agricola Drive Connector was shared with the applicant in mid-2023 and the applicant is respecting the planned corridor as part of the subdivision application. Upon gazettal of the latter roadway, the NRA intends to begin construction in the fall of 2024.*

*Additionally, while the Environmental Impact Study (EIA) for the extension of the East-West Arterial corridor from Woodland Drive to Frank Sound Road is still on-going, the alignment and width of this planned road corridor is now essentially been set at 220 feet — the findings*

of the EIA study should be completed as a Draft Environmental Statement by end of the summer where the public will have an opportunity to comments on the EIA at public meetings. For the CPA's and the applicant's benefit, the alignment of the extension of the EWA corridor along with the Agricola Drive connector roadway are depicted on the following map.

### Gazette Plans for EWA Extension and Agricola Drive - Impact on 31A164 and 31A16



**The configuration of the new intersection between the EWA extension and Agricola Drive is still being assessed and determined by the Engineering Section of the NRA. On that basis, the NRA indicates to the CPA that these details can be finalized at a future phase of the subdivision plan.**

*Finally, in discussions with senior staff from the PAHITD Ministry, it was agreed that Boundary Plan 442 which borders the eastern boundary of the subject development (gazetted in December 2002) would be withdrawn as a planned roadway—the PAHITD will write a Cabinet to that effect.*

#### *Stormwater Management Issues*

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

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

### *Infrastructure Issues*

*The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility.*

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

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

*The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.*

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

### **Department of Environment (January 6, 2023)**

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

### ***Legal Status & Benefits of Mangroves***

*The application site is predominantly primary habitat classified as seasonally flooded mangrove forests and woodland on the DoE's habitat mapping layer. The applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (NCA) with an adopted Conservation Plan. **It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting and implementation of planning permission or a National Conservation Council Section 20 permit.** The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>.*

*Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland*

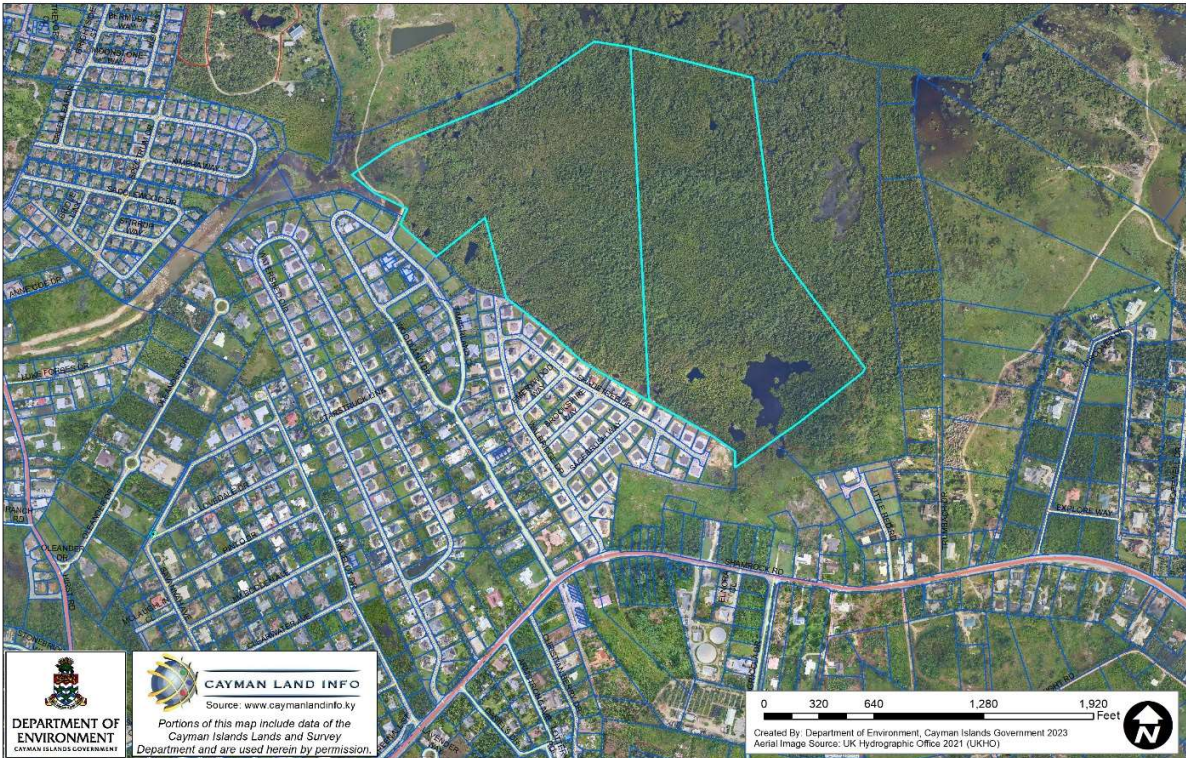
wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.

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

### ***Increased Urbanisation & Density Flooding Impacts***

The DoE notes that the current subdivision proposal would result in small lots of an average 6,000 sq. ft., and if developed, would result in a high density of development and increased urbanisation of this presently wetland habitat. With the proposed conversion of wetland habitat and increased urbanisation adjacent to a low-lying residential area, drainage must be properly assessed. The vicinity of the site is prone to flooding, and the site is likely acting as a stormwater drainage basin for the surrounding area. The clearing and filling of this site may exacerbate flooding in the surrounding area as it will reduce the site's natural capacity to retain stormwater. Therefore, a stormwater management plan should be provided for the area, as a part of the application, to ensure that the water potentially being displaced by the development of the land will not impact the wider area.

We note that the proposed subdivision plan references the East-West Arterial road and Savannah By-Pass Connector (shown as "Proposed NRA take" on the applicant's site plan). The East-West Arterial road is currently the subject of an ongoing Environmental Impact Assessment (EIA), due to the potential effects on flooding and drainage of nearby communities and the hydrology and ecology of the Central Mangrove Wetlands. The EIA will help to refine the specific route of the road and will determine the design required to maintain a suitable hydrological regime. The outcome of the EIA also has the potential to affect current and proposed land-use along the road corridor; for example, the EIA may recommend stormwater management techniques such as the requirement of retention ponds in specific areas.



**Figure 1: UK Hydrographic Office 2021 aerial image showing the subject parcels highlighted in light blue. Note that the parcels consist of seasonally flooded mangrove forests and woodland. The filling of this habitat has the potential to impact surrounding residential areas.**

**Source of Fill Impacts**

*Should the CPA be minded to approve the application, it is important to note that the site will require a significant amount of fill. The source and quantity of fill should be identified by the applicant prior to the commencement of any site works to determine whether the proposal is feasible. This will help to avoid a situation where the mangroves are destroyed but the proposed subdivision cannot be filled or future proposals for development cannot be completed.*

**Pond Impacts**

*The applicant’s site plan shows the retention of an existing pond on-site on Block 31A Parcel 16. In future, it will be essential to ensure that stormwater does not run off into the pond as this could lead to eutrophication of the pond and associated poor water quality impacts and amenity issues. Ponds can also be susceptible to contamination from neighbouring septic tanks and the use of fertilizer during landscaping maintenance.*

*As water quality is also impacted by the surrounding uses, efforts should be made to ensure that any activities that have the potential to increase the level of nutrients entering the pond are avoided and/or minimised. The DoE strongly recommends that there is no direct stormwater discharge into the pond. In addition, the applicant is encouraged to retain any existing pond-side vegetation including mangroves and to incorporate a vegetated buffer around the pond to assist with reducing water quality impacts. Retaining the pond-side mangroves would provide a natural buffer which will help intercept surface water that may run off of the land into the pond.*

### **DoE Recommendations & Conditions**

*Land clearing should be reserved until the development of the resulting subdivided lots is imminent through the granting of planning permission for development on each particular lot. This allows the primary habitat to continue to provide its ecosystem functions and allows the individual lots to retain as much native vegetation as possible to incorporate into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, resulting in vegetation that requires less maintenance which makes it a very cost-effective choice. Wetland vegetation in particular is useful for managing on-site stormwater management and drainage.*

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

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

### **Fire Department**

*Approved for planning permit.*

*Please note, CIFS has no objections to this subdivision. However, for further development the owner/developer would have to comply with the CIFS Fire Brigade Law/Codes And Standards.*

### **OBJECTIONS**

Letter #1

*I am writing to officially lodge my objection to the proposed development near [your street name], particularly in relation to the planned through road to The Haven. My block and parcel numbers are Block 32B, Parcel 474.*

*While I understand the importance of development, I strongly oppose the inclusion of a through road as part of this project. The through road would bring increased traffic,*

*noise, and potential safety hazards to our community. Furthermore, it may disrupt the peaceful and residential nature of our neighbourhood.*

*I urge you to reconsider this aspect of the development and explore alternative solutions that do not compromise the well-being and tranquillity of our area.*

*Thank you for considering my objections. I trust that you will take our community's concerns into account during the planning process.*

#### Letter #2

*I am writing to formally express my objection to the proposed development near Walbridge Dr., particularly regarding the inclusion of a through road within the project connected to The Haven. My block and parcel numbers are 32B439.*

*Our neighborhood prides itself on being a close-knit, family-oriented community, providing a safe environment where our children have the freedom to ride their bikes, skate, walk, run and play in the streets without fear of being endangered by increased volume of motorists.*

*In addition to our children's safety, our community members utilize the roads for various recreational activities, including walking, running, and other forms of exercise.*

*Introducing a through road would not only disrupt this cherished aspect of our neighborhood but also pose significant safety risks to our residents.*

*While I understand the importance of the development, I strongly oppose the through road as it would bring increased traffic, noise, and potential safety hazards to our community disrupting the peaceful and residential nature of our neighborhood.*

*Given these concerns, I urge you to reconsider this aspect of the development and explore alternative solutions that prioritize the well-being and tranquility of our area. It is imperative that any proposed changes are carefully assessed to ensure they align with the values and needs of our community.*

*Thank you for taking the time to consider my objections. I trust that you will give due regard to the concerns raised by our community throughout the planning process.*

#### Letter #3

*In addition to the emails sent by the the members of the Haven community, I am also writing to officially lodge my objection to the proposed development to join or use our community via ShadeTree Drive as a "through fare". My block and parcel numbers are Block 32B, Parcel 444.*

*Our neighbourhood is a close-knit, family-oriented community where our children have the freedom to ride their bikes, skate, and play without the fear of being hit by motorists.*



*Additionally, our residents frequently walk in the neighbourhood for exercise and leisure purposes. The inclusion of a through road would jeopardize the safe environment that we have worked very hard to cultivate for all the residents.*

*While I understand the importance of development, I strongly oppose the through road as it would bring increased traffic, noise, and potential safety hazards to our community. Furthermore, it may disrupt the peaceful and residential nature of our neighbourhood.*

*I urge you to reconsider this aspect of the development and explore alternative solutions that do not compromise the well-being and tranquillity of our area.*

*I thank you for considering my objections, and trust that you will take our community's concerns into account during the planning process*

#### Letter #4

*I am writing to officially lodge my objection to the proposed development, particularly in relation to the planned through road to The Haven. My block and parcel numbers are Block 32B, Parcel 475.*

*Our neighborhood is a close-knit, family-oriented community where our children have the freedom to ride their bikes, skate, and play without the fear of being hit by motorists. Additionally, our residents frequently walk in the neighborhood for exercise and leisure purposes. The inclusion of a through road would jeopardize the safe environment that we have worked hard to cultivate.*

*While I understand the importance of development, I strongly oppose the through road as it would bring increased traffic, noise, and potential safety hazards to our community. Furthermore, it may disrupt the peaceful and residential nature of our neighborhood, and may have effects on The Central Mangrove Wetlands.*

*I urge you to reconsider this aspect of the development and explore alternative solutions that do not compromise the well-being and tranquility of our area.*

*Thank you for considering my objections. I trust that you will take our community's concerns into account during the planning process.*

#### Letter #5

*I am writing to officially lodge my objection to the proposed development near 30 Brookshire Way, particularly in relation to the planned through road to The Haven. My block and parcel numbers are Block 32B, Parcel 483.*

*Our neighbourhood is a close-knit, family-oriented community where our children have the freedom to ride their bikes, skate, and play without the fear of being hit by motorists. Additionally, our residents frequently walk in the neighbourhood for exercise and leisure purposes. The inclusion of a through road would jeopardize the safe environment that we have worked hard to cultivate.*

*While I understand the importance of development, I strongly oppose the through road as it would bring increased traffic, noise, and potential safety hazards to our community. Furthermore, it may disrupt the peaceful and residential nature of our neighbourhood.*

*I urge you to reconsider this aspect of the development and explore alternative solutions that do not compromise the well-being and tranquillity of our area.*

*Thank you for considering my objections. I trust that you will take our community's concerns into account during the planning process.*

Letter #6

*I am writing to officially lodge my objection to the proposed development near Brookshire, particularly in relation to the planned through road to The Haven. My block and parcel number are Block 32B, Parcel 441.*

*Our neighborhood is a close-knit, family-oriented community where our children have the freedom to ride their bikes, skate, and play without the fear of being hit by motorists. Additionally, our residents frequently walk in the neighborhood for exercise and leisure purposes. The inclusion of a through road would jeopardize the safe environment that we have worked hard to cultivate.*

*While I understand the importance of development, I strongly oppose the through road as it would bring increased traffic, noise, and potential safety hazards to our community. Furthermore, it may disrupt the peaceful and residential nature of our neighborhood.*

*I urge you to reconsider this aspect of the development and explore alternative solutions that do not compromise the well-being and tranquility of our area.*

*Thank you for considering my objections. I trust that you will take our community's concerns into account during the planning process.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

Application for a 311 lot subdivision (287 residential lots, 2 multi-family residential lots, 1 commercial lot, 2 LPP, 1 NRA lot, 18 buffer lots) east of the Woodland Dr subdivision.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Lot sizes/widths**

The applicant is proposing lot sizes well below the minimum requirement of 10,000 sq ft for the LDR zone. The majority of the lots are between 6,000 sq ft and 6,500 sq ft with several ranging up to 7,500 sq ft. Further, the vast majority of the residential lots

have a lot width of 60' which is less than the required 80' in the LDR zone. During the plan review stage the Department inquired with the applicant as follows:

- *There is no evidence this is a Government approved low cost housing scheme, yet the lots are 6,000 sq ft and appear to be only 60' wide. A variance letter will be required to justify the lot sizes and widths.*

The applicant's response:

*The subdivision was shown to the Minister but after that meeting, we decide to make the submission to Planning and let them sent it back to the Ministry.*

The applicant has not submitted a letter requesting lot size and lot width variances.

## **2) Access**

There are two elements to this issue. First is the proposed subdivision access points and the second is the circumstances surrounding the E-W by-pass and the EIA process.

Regarding the first point, the subject parcels, 31A 16 & 164, have 30' vehicular access over 32B 499 and 358. These access points would provide direct access for approximately 50 lots within the subdivision. The remaining lots would gain access from a future connector road which NRA has stated will be constructed in the fall of 2024. Should the road be built, about 230 residential lots, as well as the two multi-family lots and the commercial lot, would gain access from one access point on the connector road and the Authority should determine if it is acceptable to have only one access point for the traffic generated by all of those lots.

Regarding second point, both the NRA and DOE have indicated that the EIA for the E-W by-pass is on-going and the final determination of its location has not been made which could possibly require revisions to the current subdivision design. The Authority may wish to determine if the subdivision application should be held in abeyance until the final location of the E-W by-pass has been determined.

## **3) Suitability of the locations of the multi-family and commercial lots**

As the Authority is aware, Regulation 9(3) and (8) will allow apartments, townhouses and commercial development in the LDR zone in suitable locations. It is suggested that the Authority needs to carefully determine now if the locations proposed by the applicant in the subdivision for multi-family and commercial are suitable because if they are approved as proposed, it would pose difficult to revisit the issue of suitability for any future development applications on those lots.

## **4) Land for Public Purposes (LPP)**

The subdivision plan does not label any of the lots as LPP, instead there are 20 lots labelled GZ1 through GZ18 with two of those lots, GZ6A and GZ6B, being an existing pond. During the plan review stage, the Department inquired with the

applicant as follows:

- *No LPP is labelled or is the existing pond intended as LPP?*

The applicant's response: *The existing pond will be part of the LPP.*

The Department inquired further:

- *What are all of the green strips? LPP? Buffer areas? Drainage swales? Will they all have separate parcel numbers? If they are LPP, we need the total acreage to determine the % of the overall parcels.*

The applicant's response: *All green strips are buffer areas and they will have parcel numbers.*

Given the applicant's response, it appears that only the existing pond is LPP which would represent 3.8% of the total parcel area. For information purposes, the total size of the remaining GZ green strips would be 6.52 acres. Together with the pond that would be 9.72 acres which would result in 11.4% of LPP.

#### **5) BP 442**

The subdivision plan has allowed for BP 442, but the NRA has indicated that it will be withdrawn as a planned roadway. Should it not be withdrawn, then the usable area of the lots along the eastern boundary would be effectively less than 6,000 sq ft, closer to 5,000 sq ft.

#### **SUPPLEMENTARY ANALYSIS**

As noted in the Background section, the Authority adjourned the application in order to consult with the National Conservation Council per Section 41(3) of the National Conservation Act. The Council, via the Director of Environment, provided the following response to the s41(3) consultation:

*Noting the revised plans from October 2023, the review provided on 6 January 2023 remains applicable.*

At 10:30am, A.L. Thompson (ALT) appeared as the applicant and he was joined by Fred Whittaker (FW) and Donnabelle Factor. Rashane Williams, Satania Smith and Marsha Thompson-Noble appeared as objectors. Camile Beckford and two other persons joined the meeting as objectors via Zoom. Summary notes are provided as follows:

- CPA asked for the application to be presented.
- ALT provided the following comments:
  - This development will be for affordable housing with approximately 1500 sq ft homes on 6000 sq ft lots. He knows this has been done in strata subdivisions but he doesn't want to strata the development.
  - There are no homes in the immediate area

- They have left a lot of land for buffers
- They are trying to be environmentally friendly
- There are 9 to 10 acres for public use
- The buffers will be left in a natural state
- 5 acres are being donated to the Cayman Islands for a road that is 70' wide
- They met with NRA and will give the land to Government with no payment
- The road will benefit this development
- He has read the objections and doesn't want to fight with them
- This development won't harm them in any way
- People in the Country need homes, 2000 homes are needed
- He will provide 191 affordable lots, but he hasn't done the pricing yet so he doesn't know what affordable means yet
- His own company has 25 to 30 staff looking for homes
- He has owned this land before Frank Hall Homes (FHH) developed next to it
- FHH approached him to move the access and he agreed and they gave him three access points
- The objectors are concerned about traffic going through their subdivision, but that will be short lived because when Government puts in the road no one will go through their subdivision as people will use the north-south road or the east-west by-pass road
- The north-south road will take traffic away from the objectors completely
- He does have legal rights-of-way through the FHHs subdivision
- There is a pond that will be kept as LPP
- NRA is trying to get people coming from the east to the by-pass road and the north-south road is what they would use to get to the by-pass
- CPA asked if the road is being built and ALT replied it is up to the roundabout.
- CPA asked if they are building the homes to re-sell and ALT replied yes.
- CPA asked if they have a phasing plan as NRA wants one.
- ALT replied it will take a while to build all of the homes and the first phase will be next to the FHH subdivision.
- CPA asked if the north-south road alignment is finalized and ALT replied yes.
- CPA asked what are the lot sizes in phase 1 versus the FHH subdivision.

- ALT replied they are 6,000 sq ft and the lots in the FHH subdivision are 10,000 sq ft
- ALT provided several comments:
  - The main ingredient for affordable housing is land
  - The bigger the lots the more they have to charge
  - They can't afford to do affordable housing on 10,000 sq ft lots
  - You can build a modest 3 bedroom home on a 6,000 sq ft lot
  - FHH with 10,000 sq ft lots created slums and people are adding onto them illegally
  - The people that are buying FHH lots can't really afford those large lots
- CPA provided several comments:
  - CPA has seen a lot of applicants that are trying to do affordable housing
  - CPA is in the midst of a Development Plan review and effectively, this application is asking the CPA to make a policy decision to effectively rezone the land
  - The phase 1 lots are smaller than FHH lots, but they are in the midst of that subdivision, but the rest of the lots aren't in the midst of other subdivision lots
  - CPA asked the applicant what are the exceptional circumstances to ask the CPA to make a policy decision to effectively rezone the land when a Development Plan review is being done
- ALT replied this isn't a rezone and the CPA has discretion to allow the smaller lots. He has waited 20 years to develop this land and now they are saying he has to wait another 20 years for a new Development Plan.
- CPA asked how will the smaller lots fit into the area.
- ALT replied the houses won't be smaller, but the lots will be. He noted there have been strata lot developments with lots smaller than these. He also noted that most people don't like strata lots. He explained he has put in a lot of buffers including a 20' buffer next to FHH and he doesn't want to clear the buffers.
- CPA asked for the objectors comments.
- Objector 1 provided several comments:
  - They weren't aware of the legal access through FHH, none of them were told so it is a surprise
  - They are not objecting to development and they support affordable housing, however they do object to access through their subdivision

- They appreciate the buffer, but asked if the access could be moved
- ALT replied a lot depends on NRA. He noted if the road is constructed then he can block the access into their subdivision.
- FW noted that what he is hearing is the objector wants access blocked completely so they would have to go through Savannah and Objector 1 replied that is correct.
- ALT noted that once the road goes in and he blocks the access, FHH will be at a disadvantage.
- Objector 2 noted that other than access they need to think about safety with kids in the subdivision. They are trying to get speed bumps. They want to keep traffic out of their neighbourhood and they wish the access could be moved.
- CPA noted that often they look for interconnectivity that helps with garbage collection, utilities and emergency services, so if the access is blocked emergency service may not get to them as quickly. CPA noted two ways into a subdivision is preferable.
- Objector 2 noted they understand that, but they have been there for 5 or 6 years and everything has been fine. She noted that once the doors are open they can't say who can come in and who can't.
- CPA asked if it is okay for the road to be congested because there isn't another way out and Objector 1 replied it happens now.
- Objector 3 noted that they would prefer not to have access through their neighbourhood and yes there have been accidents on the road that have delayed them getting out. She noted they can't wait for the by-pass to be built.
- Objector 1 noted they are concerned about safety for people walking and jogging.
- ALT noted that what he is hearing indirectly is they want a gated community, but he has legal access through the subdivision.
- CPA explained that the law permits CPA to grant a variance for these lot sizes if there is an exceptional circumstance and what CPA has heard is that smaller lots lower the price of the lots so they would be affordable for Caymanians. CPA asked if that is the exceptional circumstance as the law is clear that lots have to be 10,000 sq ft unless there is an exceptional circumstance.
- FW explained that Government opened the door as they are doing 6,000 sq ft lots in every district and if the private sector does it as well it takes pressure off the Government.
- CPA noted that the law allows the lower lot sizes in Government approved low cost housing schemes.
- FW asked why can't the private sector do it.

- CPA asked again if the exceptional circumstance is that smaller lots lead to lower prices and FW and ALT replied yes.
- CPA asked if they will build the homes and sell them.
- ALT replied yes, he has no intention of selling the raw land lots only. This development will be design/build similar to how FHH was developed.
- CPA asked if the houses would meet setbacks and ALT replied yes and he realizes the site coverage will still be required to meet zoning regulations.
- CPA noted that the objectors comments on access aren't being dismissed, but the applicant does have legal access through FHH.
- ALT noted he would be happy to block the access later. He noted that he has been in these meetings for years and there is a stigma that if your lot is not as big as theirs then they are lesser people.
- Objector 1 noted that is not the issue.
- ALT noted that people think apartments next to a house is a problem, but he lives next to apartments and there is no problem.
- Objector 1 asked when would ALT block the access.
- ALT replied when the road is built because if the road is built he doesn't need to use his legal access.
- Objector 1 asked if the access could be moved south to the green area where their park is, although it hasn't been built.
- ALT replied he has access over that as well.
- Objector 1 noted that she thinks ALT and their community need to meet. ALT replied he would be happy to do that.
- ALT provided several comments:
  - He feels this is a good development and it is suitable for the area given the traffic/roads plans and that higher density developments are more typical along major roads.
  - People need housing
  - He is giving up a lot of land in green space
  - Water Authority spoke of a treatment plant and they are looking into it, but are not committed to it
  - Septic tanks are expensive
  - He spoke of the details of sewage treatment plant maintenance
  - They want to avoid septic waste getting into the groundwater



- They can't do this development with 10,000 sq ft lots, they need 6,000 sq ft lots and that is the only variance they are asking for
- When the east-west by-pass goes in he is hoping to get a left in and left out
- CPA noted they have talked about phasing and it seems that south of the north-south road would be phase 1 and there needs to be a phasing plan for the rest of the lots. CPA noted that over 1,000 lots have been approved recently in the eastern districts and CPA is trying to phase them so lots are slowly absorbed into the market.
- ALT noted he feels this is a good location.
- CPA asked that once the houses are built will there be any restrictions on adding onto them.
- ALT replied he could put restrictive covenants, but they are difficult to enforce. He noted his intention is to register this with Government as affordable housing and he doesn't need larger lots because they won't be affordable.

**2.2 JUDITH HUDGSON (JMP Construction) Block 44B Parcel 364 (P24-0037) (\$10,000) (JS)**

Application for a 4' concrete wall & 4' vinyl fence.

**Appearance at 11:00am**

**FACTS**

<i>Location</i>	Bodden Town Road in Bodden Town
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Current use</i>	House

**BACKGROUND**

Existing house approved September 26, 2007.

May 8, 2024 (CPA/14/24; item 2.10) - It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss safety concerns regarding the proposed placement of the wall in the shoulder of Bodden Town Road.

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The Authority consulted twice with the National Roads Authority and they have advised they have no concerns with the application.

### **AGENCY COMMENTS (Section 7 DPA)**

The Authority received and considered comments from NRA.

#### **National Roads Authority**

As per your email dated March 12<sup>th</sup>, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

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

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject parcel is located on Bodden Town Road in Bodden Town.

The application is for the erection of a 4' concrete and vinyl fence.

#### **Zoning**

The property is zoned Medium Density Residential.

#### **Specific Issues**

##### **1) Wall location**

The proposed 4' concrete and a part of the vinyl fence are proposed on the shoulder of the Bodden Town main road. Although NRA has expressed no objection to the application, it is suggested that the wall/fence could possibly be obstructive to oncoming traffic. The Authority should discuss this aspect of the application.

## **SUPPLEMENTARY ANALYSIS**

Subsequent to the May 8 meeting, the Department contacted NRA again seeking comments on the fence location. The following email was received:

*Good Afternoon Ms. Sokunbi,*

*I hope you are well.*

*My name is Marion Pandohie, I am the Transportation Planner at the National Roads Authority (NRA) and I deal with all of the planning applications that come through the NRA.*

*Mr. and Mrs. Hodgson visited us this morning in regards to the above fence application on Block 44B Parcel 364, noting that the CPA had deferred the application in relation to the fence and possible safety issues. They noted they had been told to come and talk with us , specifically Mr. Denis Thibeault, however, we put in our comments back in March and we honestly have nothing else to add to them as the proposed fence location is not an issues for us. The applicant has abided by the Planning Regulations and have set back the fence 4ft from their property line.*

*If the CPA has concerns with the location of the fence and possible safety issues I do suggest that someone please talk to the applicant and or their agent.*

*My apologies for this, but if there is something specific that is needed from us please let us know.*

*Thank you and have a nice day.*

The applicant has also submitted the following photographs:







At 11:00am, Colin Fawkes (CF) appeared on behalf of the applicant. Summary notes are provided as follows:

- CPA noted there is a concern with the location of the wall in relation to the property line and the dashed line indicating the road reserve.
- CF explained he did a survey to re-establish the boundaries and the wall is 4' from the boundary. He noted the problem is NRA put down chip and spray that encroaches into his client's land, but there is a process for taking land for road widening under the Roads Law.
- CPA indicated that NRA has commented that they don't have a problem with the application.
- CF replied he understood NRA wanted the wall moved further back.
- CPA summarized NRA's comments and expressed surprise that NRA did not have a problem with the location of the wall.
- CF read the CPA's decision of May 27 to adjourn the application.
- CPA noted additional comments were sought from NRA and they were provided.
- CF indicated he had some documents on flash drive for viewing. The CPA viewed the documents. CF pointed out how the road reserve is wider east of his client's land as it steps back toward their land.
- CF advised his clients want the proper process to be followed with compensation under the Roads Law, but NRA wants the wall moved back and not pay for the land they are using as a road.

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

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

**An appearance was scheduled for 11:30am. The applicant and his agent were present and available for the meeting, but the objector was not.**

**FACTS**

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

**BACKGROUND**

NA

**Decision:** It was resolved to adjourn the application and re-invite the applicant and objector to appear before the Authority to discuss details of the application.

**AGENCY COMMENTS (Section 7 DPA)**

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

## Water Authority

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

### Wastewater Treatment and Disposal

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

- **The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 4,690 US gallons per day (gpd), based on the following calculations.**

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

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

### Potential High-Water Use

- **The plans submitted do not indicate the types of tenants to be included. Therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an**

*increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.*

*The developer is advised to contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) to discuss requirements to accommodate potential high-water use tenants.*

### **Elevator Installation**

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

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

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

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

### **Water Supply**

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

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



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

**National Roads Authority**

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

**General Issue**

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

**Road Capacity Issues**

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

<b><i>Dev’t Type</i></b>	<b><i>Expect Ed Daily Trip</i></b>	<b><i>AM Peak Hour Total Traffic</i></b>	<b><i>AM Peak In</i></b>	<b><i>AM Peak Out</i></b>	<b><i>PM Peak Hour Total Traffic</i></b>	<b><i>PM Peak In</i></b>	<b><i>PM Peak Out</i></b>
<b><i>Residential</i></b>	<b><i>160</i></b>	<b><i>12</i></b>	<b><i>2</i></b>	<b><i>10</i></b>	<b><i>15</i></b>	<b><i>10</i></b>	<b><i>5</i></b>
<b><i>Retail</i></b>	<b><i>307</i></b>	<b><i>7</i></b>	<b><i>3</i></b>	<b><i>2</i></b>	<b><i>27</i></b>	<b><i>8</i></b>	<b><i>9</i></b>
<b><i>Total</i></b>	<b><i>467</i></b>	<b><i>19</i></b>	<b><i>5</i></b>	<b><i>12</i></b>	<b><i>42</i></b>	<b><i>18</i></b>	<b><i>14</i></b>

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

**Access and Traffic Management Issues**

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

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

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

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

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

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

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

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

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

### **Department of Environmental Health**

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

*Solid Waste Facility:*

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

*The enclosure must have the following installed:*

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

*NOTE:*

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

*Generator:*

*The specifications for the generator which provides information on the noise levels generated is required. The minimum information required is the overall sound pressure level (dBA), the distance from the equipment this measurement was taken, and the octave band analysis of the sound level.*

### **Department of Environment (17-Apr-24)**

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

#### **Site Overview**

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

#### **Advice to Applicant**

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

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

#### **Advice to Central Planning Authority / Planning Department**

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

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

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

#### **Fire Department**

Approved for Planning Permit Only 22 Apr 24

## **OfReg**

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

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

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

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

## **APPLICANT'S LETTER**

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

*The parcel is zoned neighborhood / commercial.*

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

### **Variance #1**

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

### **Variance #2**

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

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

*We therefore kindly request the CPA's review of the above requests and hopefully agree that this project presents no negative or unsuitable aspects to the existing neighbourhood.*

*Please feel free to contact the undersigned with any questions or comments.*

## **OBJECTIONS**

*I am in receipt of your Notice of Application for Planning Permission to construct a 3 story mixed use building (1<sup>st</sup> floor commercial & 2<sup>nd</sup> & 3<sup>rd</sup> floor apartments) with setback*

variances, including signage on Block and Parcels 23C212, 23C 215 that **I am strongly objecting** to for the following reasons:

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

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

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

We look forward to your immediate response.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Neighbourhood Commercial.

## **Specific Issues**

### **1) Zoning**

Neighbourhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which caters principally for the needs of persons resident in, or in the vicinity of, the zone (Regulation 13(1)(b) 2024 Revision)

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

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

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

### **2) Roadside setback**

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

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

### **3) Garbage side setback**

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

### **4) Density**

Regulation 8(8)(a) of the Development and Planning Regulations (2024 Revision) states *“the maximum density and minimum setbacks shall be at the discretion of the Authority.”* The applicant has proposed a total of 24 units with a total of 24 bedrooms. This equates to a density of 26.1 per acre.

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

**2.4 MUNDY LEWIS (GMJ Home Plans Ltd.) Block 32B Parcel 486 (P22-0227) (\$80,000) (EJ)**

Application for after-the-fact house addition and 3’ metal fence with 5’ concrete columns.

**Appearance at 1:40pm**

**FACTS**

<i>Location</i>	Brookshire Way & Walbridge Drive, Lower Valley
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2384 ac. (10,384 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Three-Bedroom House
<i>Proposed building size</i>	382 sq. ft.
<i>Total building site coverage</i>	15.6%

**BACKGROUND**

February 6, 2019 - The Department granted planning permission for a three-bedroom house.

August 5, 2019 - The Department modified planning permission to adjust house location.

September 14, 2022 (**CPA/22/22; Item 2.2**) – The Authority adjourned the application at applicants request.

May 8, 2024 (**CPA/14/24; Item 2.1**) – The Authority adjourned the application in order to re-invite the applicant to appear before the Authority. The applicant nor their agent was present for the meeting.



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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application for the after-the-fact house addition and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The Authority confirmed that the fence was constructed after the Regulations were amended to require a 4' setback from the roadside boundary.
- 4) The Authority considered the application for the after-the-fact fence and determined that planning permission would be granted as the fence is in keeping with the character of the area and will not detract from the ability of the surrounding owners from enjoying the amenity of their land.

#### **AGENCY COMMENTS (Section 7 DPA)**

The Authority received and considered comments from the National Roads Authority.

##### **National Roads Authority**

*Per the fence please have the applicant setback at minimum 3ft as well as meet the below NRa specifications for sight Distance on 25MPH roads.*

##### **4.6.3 SIGHT DISTANCE:**

*The minimum intersection sight distances as measured from a point 15 feet back along the centreline of the minor road and three and one half feet (3 1/2') above the road surface shall be one-hundred and fifty feet (150') and, two-hundred and thirty feet (230') for major road speed limits of 25 MPH and 30 MPH respectively, as measured along the near edge of the running carriageway.*

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

*We write on behalf of our client, Ms. Mundy Lewis, with regards to the following variance;*

• *A roadside setback- The applicants has requested a variance to allow the after-the-fact fence to remain as built with on the property line instead of the required 4ft setback.*

*We request permission for these variations as shown and humbly give the following reasons:*

- 1. Per section 8(13)(d) of the Planning Regulations, the adjacent property owners been notified and there were no objections:*
- 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, the neighborhood, or to the public welfare;*
- 3. The applicant was not aware of the 4ft setback requirement for a fence along the roadside and assumed that building the fence along the property line would be keeping with numerous existing fences within the subdivision. Note that there are twenty one similar cases within subdivision or that 20% of the properties in the subdivision have already been built on the roadside boundary line.*
- 4. Although the columns for the fence are higher, the panels between the columns 32" in height which lends to safe visibility at adjacent intersection.*
- 5. It would be cumbersome and costly to relocate the existing fence*
- 6. The application complies with all other relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The after-the-fact rear porch addition and metal fence with concrete columns is located on the corner of Brookshire Way & Walbridge Drive, Lower Valley.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Wall & fence road setback**

Regulations 8 (18) states that walls and fences adjacent to the road shall be setback a minimum of four feet from the road side parcel boundary; however, the 3' metal fence with 5' concrete columns exists at 0' vs 4' along Walbridge Drive.

## **SUPPLEMENTARY ANALYSIS #1**

On September 14, 2022 (CPA/22/22; Item 2.2) – The Authority adjourned the application at applicants request.

## **SUPPLEMENTARY ANALYSIS #2**

May 8, 2024 (CPA/14/24; Item 2.1) – The Authority adjourned the application in order to re-invite the applicant to appear before the Authority. No changes have been made to the plans as the wall already exists.

At 1:40pm, Van Ramgeet (VR) appeared on behalf of the applicant. Summary notes are provided as follows:

- CPA asked VR to explain the application.
- VR provided several comments:
  - He described the application
  - The addition complies with setbacks and they paid the atf fee
  - The fence is on the boundary line opposed to the 4' setback required in the Regulations
  - The fence has metal inserts between concrete columns
  - There are other fences on the boundaries in the subdivision
  - The fence is not a hinderance to traffic in the subdivision
  - There are many examples in the subdivision, about 40 lots have fences on the boundaries
  - The fence was built in 2022
- CPA noted it would be interesting to find out if the fence was built before the Regulations were changed for the 4' setback.
- CPA asked if the exterior addition is a porch and VR replied yes. CPA asked if is roofed and VR replied yes.
- CPA asked if the other fences are close by.
- VR replied they are all over the subdivision, about 40 lots or 55% of the subdivision. He noted there are trees, shrubs, pvc, chain link fences on these lots. He noted that it would be costly and cumbersome to demolish and move it.

### **2.5 ATHONY M. CHAMBERS (GMJ Home Plans Ltd.) Block 72C Parcel 342 (P23-0466) (\$90,000) (EJ)**

Application for an after-the-fact house and storage shed & proposed addition to the atf house.

**Appearance at 1:30pm.**

#### **FACTS**

*Location*

John McLean Drive, East End

<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.4309 ac. (18,770 sq. ft.)
<i>Parcel size required</i>	7,500 sq. ft.
<i>Current use</i>	ATF House & Shed
<i>Proposed building size</i>	637 sq. ft. (425 atf, 127 proposed, 85 shed)
<i>Total building site coverage</i>	3.39%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

**BACKGROUND**

February 18, 2022 (**CE22-0018**) - The Department issued an enforcement notice (TY).

October 11, 2023 (**CPA/24/23; Item 2.10**) – The Authority adjourned the application in order to invite the applicant to appear for side setbacks and aesthetics.

January 3, 2024 (**CPA/01/24; Item 2.5**) – The Authority adjourned the application in order to re-invite the applicant to appear for side setbacks and aesthetics.

May 8, 2024 (**CPA/14/24; Item 2.2**) – The Authority adjourned the application in order to re-invite the applicant to appear for side setbacks and aesthetics as the applicant nor their agent was present for the meeting.

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required side setback per Regulation 9(7)(j) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser 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 (Section 7 DPA)**

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

#### **Department of Environment (September 12, 2023)**

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

*The application site is predominantly man-modified with primary habitat along the eastern edge of the parcel. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many*

*endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*

*We note that the application appears to be partially after-the-fact and partially in response to enforcement action (CE22-0018). Provided that no further land clearing is undertaken, we have minimal environmental concerns with the approval of the application.*

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

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

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

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

### **APPLICANT'S LETTER**

*We write on behalf of the applicant, Mr. Anthony Chambers, who is asking the Authority to allow variance in order to retain the location of subject house:*

- A side setback variance - of 8ft 0in. as the subject addition exists at 2ft 0in. from the side property line instead of the required 10ft for a single storey dwelling.*

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

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties notified by register mail. There have been no objections to date.*

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. *The construction consists of a timber-framed floor anchored to reinforced block and concrete piers, a timber siding over framed walls and zinc roofing on timber-framing. Aerial imagery reveals that the house has existed from year 2012. Mr. Chamber has informed that he occupied the property throughout the period since 2010 and to relocate the structure would costly exercise for him.*
4. *The application complies with all other relevant planning*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The After-the-fact one-bedroom house and storage shed & proposed addition to house is located on John McLean Drive in East End. The applicant is seeking permission for additions to the south (front) portion of the house creating bedroom #2 and a shower to the existing bedroom #1.

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Minimum side setbacks**

The applicant is seeking permission for the after-the-fact addition to the house which exist at 2' vs 10' from the right-side boundary, therefore, not meeting regulations 9(7)(j)

#### **2) Aesthetics**

The Authority is asked to also consider the aesthetics and to satisfy itself that the design of the development is consistent with the historic architectural traditions of the Islands under regulations 9(1).



**PHOTOS COURTESY OF CE22-0018**

### **SUPPLEMENTARY ANALYSIS #1**

January 3, 2024 (CPA/01/24; Item 2.5) – The Authority adjourned the application in order to invite the applicant to appear for side setbacks and aesthetics.

### **SUPPLEMENTARY ANALYSIS #2**

May 8, 2024 (CPA/14/24; Item 2.2) – The Authority adjourned the application in order to re-invite the applicant to appear for side setbacks and aesthetics.

At 1:30pm, Mr. Chambers (AC) appeared as the applicant and Van Ramgeet (VR) joined him as his Agent. Summary notes are provided as follows:

- CPA asked the applicant to address the application.
- VR provided several comments:
  - He explained the location of the site
  - The shed complies with setbacks
  - It is a timber frame house
  - The house has been occupied since 2010
  - A side setback variance is needed, 2' and 3' instead of 10'
  - The proposed addition complies with 10' side setbacks
  - It would be costly to relocate the structure
  - The application complies with other Planning requirements
  - There have been no objections
  - The matter is in Court
- CPA asked why is it in Court and VR replied because of the enforcement notice.
- AC advised this has been going on for a year and a half.
- CPA asked if AC constructed the building himself and AC replied yes.
- AC explained he remodelled the exterior and took down the plywood and put up T-111 and it has been there since 2010.
- CPA clarified that everything that needs a setback variance has been there 12 years and the new addition complies. VR confirmed that is correct.
- CPA asked if AC didn't know where his boundary was located.
- AC replied no, he didn't know and he didn't know he needed a 10' setback.
- CPA asked how is the relationship with his neighbour and AC replied it is good. CPA asked if they were family and AC replied no.
- CPA noted that the neighbour's house seems close too and AC agreed.



- CPA asked what is his timing to complete it and AC replied he can't really say.
- CPA asked if they are aware a permit will be required for the older part and if any engineers inspections had been done.
- VR replied not yet, that will come at the permit stage.
- CPA noted it seems he has made changes to the kitchen.
- VR replied they re-designed the kitchen.
- CPA asked if AC is keeping the outside kitchen and he replied it is being removed.

**2.6 BRIAN EARL (Jovan Kerr) Block 56C Parcel 90 (P23-0400) (\$200,000) (NP)**

Application to add 2 units to an existing house to create 3 apartments.

**An appearance was scheduled at 2:00pm, but the applicant was not present for the meeting.**

**FACTS**

<i>Location</i>	Eiffel Drive, Frank Sound
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No objections
<i>Parcel size</i>	9,583.2 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	House
<i>Proposed use</i>	3 Apartments
<i>Building Footprint</i>	1,738 sq ft
<i>Building Area</i>	2,238 sq ft
<i>Units Permitted</i>	3
<i>Units Proposed</i>	3
<i>Bedrooms Permitted</i>	5
<i>Bedrooms Proposed</i>	5
<i>Parking Required</i>	5
<i>Parking Proposed</i>	2

## **BACKGROUND**

February 13, 2024 (CPA/05/24; Item 2.8) – The Authority resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding:

- 1) Suitability for Apartments
- 2) Lot Size (9,583.2 vs 25,000)
- 3) Side Setback (7'9" vs 15')
- 4) Lot Width (80' vs 100')
- 5) Number of Parking Spaces (2 vs 5)
- 6) Lack of turning radii for existing driveway

**Decision:** It was resolved to adjourn the application and re-invite the applicant to appear before the Authority to discuss concerns regarding:

- 1) Suitability for Apartments
- 2) Lot Size (9,583.2 vs 25,000)
- 3) Side Setback (7'9" vs 15')
- 4) Lot Width (80' vs 100')
- 5) Number of Parking Spaces (2 vs 5)
- 6) Lack of turning radii for existing driveway

## **AGENCY COMMENTS (Section 7 DPA)**

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

### **Department of Environment (September 21 2023)**

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

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

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

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

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

### **Water Authority Cayman**

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

*The Water Authority does not have data on the size/capacity of the existing septic tank. Pending an inspection, with the subsequent report forwarded to the Authority, the existing septic tank may be utilized if it is of a capacity of 1,250 US gallons or more.*

*Should the existing septic tank not meet the required capacity based on the calculations below, additional treatment capacity shall be installed.*

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

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

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

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

#### *Wastewater Treatment & Disposal*

- *The developer shall provide a septic tank(s) with a capacity of at least 1,250 US gallons for the proposed, based on the following calculations:*

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Existing House</i>	<i>3-Bed House</i>	<i>300gpd/3-Bed</i>	<i>300</i>
<i>Proposed Additions</i>	<i>2 x 1-Bed Studio</i>	<i>150gpd/1-Bed</i>	<i>300</i>
<i>TOTAL</i>			<i>600</i>

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

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

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

6. *The Water Authorities updated 2020 effluent disposal well specifications.*
7. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### Water Supply

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

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

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

### **Department of Environmental Health**

*Solid Waste Facility:*

1. *This development requires 5 (33) gallon bins and an enclosure built to the department's requirements.*
  - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

### **National Roads Authority**

*As per your memo dated October 25th, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*The NRA is content with the applicant satisfying our concerns with adding the 6' sidewalk on Eiffel drive, however the entrance and exit*

curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-four (24) ft. All other conditions will remain as referenced in memorandum dated July 13th, 2023.

**JULY 13 COMMENTS**

As per your memo dated June 1st, 2023 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

**General Issue**

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

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

**Road Capacity Issues**

The traffic demand to be generated by the above proposed development of 2238 sq. ft. has been assessed in accordance with ITE Code 220 – Multifamily Housing (Low-Rise). The anticipated traffic to be added onto Eiffel Drive is as follows:

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak In 20%</b>	<b>AM Peak Out 80%</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak In 65%</b>	<b>PM Peak Out 35%</b>
<b>13</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>0</b>

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

**Access and Traffic Management Issues**

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

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

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

### **Stormwater Management Issues**

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Eiffel Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto 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;"*

## **Fire Department**

*The Fire Department has approved the proposal.*

### **APPLICANT'S LETTER**

*I hope this letter finds you well. I am writing to request a variance for the following issues regarding the construction plans for 7 Eiffel Drive:*

*Presently a three (3) bedroom concrete residential dwelling is located on the location. The existing structure is approx. 1512 sq. ft., having the front and back boundary's both measuring 80.0ft and the right and left measuring 113.9 ft. and 118.9 ft. respectively. We understand that the lot size is smaller than the required sq. ft. however all the lot within that zone is of the same dimensional character or smaller, with that said we crave your indulgence and consideration in your revision of this construction design.*

#### **1. Concrete Driveway:**

*We understand that the requirement is to provide 5 spaces for the driveway. However, due to site constraints and limitations, we are unable to accommodate the full 5 spaces. Therefore, we kindly request a variance to allow for a total of 2 additional parking space to coincide with the existing 2 car drive way. We assure you that the concrete driveway will be constructed in compliance with all relevant regulations and standards.*

#### **2. Solid Waste Enclosure:**

*We acknowledge the requirement for the solid waste enclosure to be positioned 6 feet from the side and road boundaries. The updated design will reflect that the enclosure is placed in accordance with this requirement to maintain the necessary distance from the boundaries and accessibility.*

#### **3. Side walk:**

*We understand the need for this construction and the updated design will reflect same in compliance with the NRA and all other necessary regulations.*

#### **4. Driveway Width and Entrance Radius:**

*We acknowledge the minimum requirement of a 24-foot width for the driveway. Additionally, we understand that a 15-foot radius at the entrance is desirable. While we strive to meet these specifications, we anticipate that they may be challenging to achieve given the site constraints. We kindly request that these dimensions be considered as a discussion point for the decision makers, taking into account the unique circumstances of the property.*



*We appreciate your understanding and consideration of our variance requests. We assure you that we are committed to adhering to all applicable regulations and standards to ensure the safety and functionality of the proposed construction.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Eiffel Drive in Frank Sound.

The property presently contains a house.

The application is for a rear two storey addition to the house comprising two dwelling units, thereby creating a three apartments on the property.

The applicant is proposing two parking spaces.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability for apartments**

There do not appear to be any existing apartments or townhouses in the vicinity according to Cayman Land Information.

#### **2) Lot size (9,583.2 vs 25,000)**

Regulation 9(8)(f) requires a minimum lot size of 25,000 square feet for apartments.

The existing lot size is 9,583.2 square feet.

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

#### **3) Side setback (7'9" vs 15')**

Regulation 9(8)(j) requires a minimum side setback of 15 feet where the structure is two storeys.

The proposed side setback is 7'9".

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

#### **4) Lot width (80 vs 100)**

Regulation 9(8)(g) requires a minimum lot width of 100 feet for apartments.

The existing parcel has 80 feet of width.

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

#### **5) Number of parking spaces (2 vs 5)**

Regulation 8(1)(vii) requires a minimum 5 parking spaces for three apartments.

The applicant is proposing a total of 2 parking spaces.

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

#### **6) Turning radii**

The NRA comments refer to a minimum 15 foot turning radius for the driveway.

The site plan does not reflect this requirement and it may not be possible due to the narrow depth of the front yard.

The Authority should discuss this design issue.

#### **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

### **2.7 ALEX DILBERT (Eco House) Block 13D Parcel 83 (P23-1045) (\$78,125) (MW)**

Application for an atf duplex.

**Appearance at 2:30pm**

#### **FACTS**

<i>Location</i>	Webb Rd., George Town
<i>Zoning</i>	<b>Medium Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.7029 ac. (30,618.324 sq. ft.)
<i>Parcel size required</i>	TBD
<i>Current use</i>	Existing warehouse & ATF Containers
<i>Proposed building size</i>	625 sq. ft.
<i>Total building site coverage</i>	18.12%
<i>Total site coverage</i>	45.74%
<i>Proposed bedrooms</i>	2
<i>Required parking</i>	9
<i>Proposed parking</i>	9

#### **BACKGROUND**

February 17, 2015 – Warehouse & sign (CPA/04/15; Item 2.9) – the application was considered and it was resolved to grant planning permission.

May 23, 2017 – Sign (CPA/11/17; Item 2.19) – the application was considered and it was resolved to grant planning permission.

June 7, 2023 (CPA/13/23; item 2.2) – 4 ATF containers used as houses & a duplex (subject of current application) – It was resolved to refuse planning permission for the following reasons:

- 1) The application is not consistent with the Objectives of The Development Plan 1997 in that the use of metal storage containers for the purposes of human habitation would not enhance the quality of life for the persons residing in the containers nor would it safeguard the cultural, social and general welfare of the persons residing in the containers. The Authority is of the view that regardless whether the containers could be fitted out to comply with the Building Code, the use of storage containers for human habitation is not an appropriate form of housing resulting in negative aesthetic, cultural and social impact.
- 2) The subject site is zoned Medium Density Residential. Regulation 9(1) states that applicants for development in a residential zone shall ensure that the massing, scale, proportion and design of such development is consistent with the architectural traditions of the Islands. Regulation 9(2) then provides a list of matters to be considered when determining if the applicant has satisfied Regulation 9(1). In this instance, the Authority is of the view that the applicant has not complied with Regulations 9(1) as it is clear to the Authority that metal storage containers used for residential purposes are not consistent with the architectural traditions of the Islands.
- 3) The application does not comply with the minimum lot size requirements per Regulation 9(7)(d) and (e) of the Development and Planning Regulations (2022 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.

The applicant is advised that the containers and duplex must be removed from the site within three months from the date of this decision.

April 24, 2024 (CPA/13/24; Item 2.16) – It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lot size and setbacks

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the front and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required front and side setbacks per Regulations 9(7)(i) and (j) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.
- 4) The Authority accepts the applicant's explanation that two of the four existing containers have been gutted and the other two are being used as offices. As the containers are not being used as dwellings, there is no lot size issue for the after-the-fact duplex. It is acknowledged that there is a separate application for the containers that will be considered in due course.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for an ATF duplex located on Webb Rd., George Town.

## Zoning

The property is zoned Medium Density Residential.

## Specific Issues

### 1) Front Setback

Regulation 9(7)(i) of The Development & Planning Regulations (2024 Revision) states “*the minimum front & rear setbacks are 20’*”. The existing ATF duplex is currently *4’-5”* from the fronting boundary a difference of *15’-7”*.

### 2) Side Setback

Regulation 9(7)(j) states “*the minimum side setbacks are 10’ for a building of one story*”. The existing ATF duplex is currently *3’-4” & 2’-5” (step)* from the side boundary a difference of *6’-8” & 7’-7” (step)*.

### 3) Lot size

When the Authority considered the previous application for 4 atf container houses and the atf duplex it was determined that the application did not comply with the minimum lot size requirement and that formed one of the reasons for refusing permission. The applicant was advised to remove the containers and duplex within 3 months – this has not occurred. There is no new application for the containers, only the duplex. If the containers were removed, then the required lot size would be less than what was previously required. In this regard, it should be noted there is no minimum lot size for a warehouse in a residential zone.

## SUPPLEMENTARY ANALYSIS

There have been no changes to the plans.

At 2:30pm, Alex Dilbert (AD) appeared as the applicant. Summary notes are provided as follows:

- CPA asked AD to explain the application.
- AD explained that the last time they met the CPA didn’t want the containers to be used as homes so he gutted two of them and the other two are container offices.
- The Agenda says there have been no changes to the plans.
- AD noted that there have been no changes to the duplex, the containers are a separate application.
- CPA asked what is the duplex made of and AD replied wood and that it was sold to him by the NRA.
- CPA asked if there is any way to move it to get better setbacks.

- AD replied not really given what he wants to do with the containers. He noted he has letters from his brother and Mr. Myles who own the adjacent parcels and they don't object to the setbacks.
- CPA noted the duplex is already there and AD replied, yes, for 7 years.
- CPA asked if it is occupied and AD replied yes, one person is an employee and the other person is someone he knows.
- AD explained having the duplex there with someone he knows is good for security.
- CPA noted it is the same duplex that was refused. AD explained the refusal was really for the containers.
- CPA noted the refusal said the containers and duplex had to be removed within 3 months as they were on one application. CPA noted now there are two applications, one for the duplex and one for the containers.
- CPA noted the septic tank needs to be 5' from the duplex.
- AD replied he understands and has put in a new septic tank.
- CPA noted that looking at the aerials it seems there is a container on the next property that encroaches onto his land. AD replied that is correct, it is his brother's and he doesn't care about the encroachment.

**2.8 ALBERT THACKER (Tropical Architectural Group Ltd.) Block 28C Parcels 420 & 421 (P23-1030) (\$1,241,400) (MW)**

Modification to mixed use building; add third floor storage units; revise floor layout & elevations, revise parking, relocate WWTP, add 10' retaining wall & (6) signs.

**An appearance was scheduled for 3:00pm. The applicant and his representatives were present and available for the meeting, but the Authority determined that the application could be properly and fully considered without them appearing before the Authority.**

**FACTS**

<i>Location</i>	Hirst Rd., Bodden Town
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.6621 ac. (28,841.076 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	28,039 sq. ft.

<i>Total building site coverage</i>	24.7%
<i>Required parking</i>	39.101
<i>Proposed parking</i>	40

**BACKGROUND**

November 1, 2005 – Two by Two Bedroom Duplex – the application was considered and it was resolved to grant planning permission.

November 2, 2007 – Greenhouse – the application was considered and it was resolved to grant planning permission.

November 2, 2007 – Fence – the application was considered and it was resolved to grant planning permission.

April 16, 2008 – Modification – the application was considered and it was resolved to grant planning permission.

July 6, 2022 – Mixed use building with clinic, (4) apartments & (3) retail units (CPA/17/22; Item 2.5) – the application was considered and it was resolved to grant planning permission.

March 13, 2024 (CPA/09/24; Item 2.10) – It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the building height and deficient setbacks.

**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/17/22; item 2.5 be modified to add third floor storage units; revise floor layout & elevations, revise parking, relocate WWTP, add 10’ retaining wall & (6) signs.

All other conditions of CPA/17/22; item 2.5 remain applicable.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) 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.

- 3) The Authority is satisfied that the building height complies with maximum building height requirement.
- 4) The Authority that the proposed fence heights will not detract from the ability of surrounding land owners from enjoying the amenity of their properties.

**AGENCY COMMENTS (Section 7 DPA)**

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

**Water Authority**

*Please be advised that the Water Authority’s requirements for this development 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, 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 3,979 US gallons per day (gpd), based on the following calculations.***

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
Ground Floor	<b>Clinic</b>		3,000
	12 x Practitioner Chairs	250gpd/Chair	
	1 x Retail Unit ~939 sq. ft.	939 x 0.15 (retail factor)	140.85
Second Floor	4 x 1-Bed Units	150gpd/1-Bed	600
	2 x Retail Units ~1,568 sq. ft.	1,568 x 0.15 (retail factor)	237.9
	Third Floor	18 x Storage Units (No water/wastewater fixtures)	0
<b>TOTAL</b>			<b>3,978.75 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. The minimum well casing diameter for this development shall be 6’’. Licensed drillers are***



*required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*

- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 5'0" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

### **Potential High-Water Use**

*With the exception of the Dental Clinic, the plans submitted do not indicate the types of tenants to be included. Therefore, with the exception of the Dental Clinic the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. Should high-water-use tenants; e.g., food service, laundry, etc., be anticipated at this stage, details should be provided to the Water Authority thereby allowing requirements to be adjusted accordingly. Any future change-of-use applications which indicate an increase in water use will require an upgrade of wastewater treatment infrastructure which may include in-the-ground interceptors (for grease or oil-grit or lint) and/or an upgrade to an Aerobic Treatment Unit.*

*The developer is advised to contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) to discuss requirements to accommodate potential high-water use tenants.*

### **Elevator Installation**

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

### **Stormwater Management**

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

### **Water Supply:**

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

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

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

### **National Roads Authority**

*As per your memo dated January 9<sup>th</sup>, 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### **Road Capacity Issues**

*The traffic demand to be generated by a Mix-Use Development of Four (4) Residential Units and 9,842 sq. ft. General Office Development has been assessed in accordance with ITE Code 220 – Apartment and 710 – General Office. Thus, the assumed average trip rates anticipated traffic to be added onto Sutton Road, Edison Drive & Hirst Road is as follows:*

<b>Dev’t Type</b>	<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak In</b>	<b>AM Peak Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak In</b>	<b>PM Peak Out</b>
<b>Residential</b>	27	2	0	2	2	2	1
<b>Commercial</b>	225	30	26	4	89	15	74
<b>Total</b>	252	32	26	6	91	17	75

*Based on these estimates, the impact of the proposed development onto Sutton Road, Edison Drive & Hirst Road is considered to be moderate.*

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

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

*A six (6) foot sidewalk shall be constructed on Sutton Road, Edison Drive & Hirst Road, within the property boundary, to NRA standards.*

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

#### *Stormwater Management Issues*

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as if 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 Sutton Road, Edison Drive & Hirst Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See*

*<https://www.caymanroads.com/upload/files/3/Sidewalk%20&20Curbing%20Details.pdf>*

*At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given. The National Roads Authority wishes to bring to the attention of the Planning Department that non-*

compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16(g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

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

## **Department of Environmental Health**

### **Solid Waste Facility:**

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

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

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

### **NOTE:**

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

## **Department of Environment (17-1-24)**

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

### **Advice to the Applicant**

The application site is man-modified and of limited ecological value. The DoE recommends that the applicant retains mature trees within the parcels for shade and plants and incorporates native vegetation into the landscaping scheme for the development. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.

*Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

*The applicant may also wish to consider the use of porous surfaces in the areas of hardstanding, e.g. car parks, to allow rainwater infiltration and therefore help to manage the impacts of stormwater run-off.*

*In addition, the DoE also recommends that, wherever possible, sustainable design features are included in projects such as this one. Especially given the target of 70% of the islands' energy generation to be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037), we strongly recommend the incorporation of renewable energy installations. Photovoltaic solar panels in particular could be installed on suitable roof spaces or over the proposed parking spaces and rainwater collection could be used for irrigation.*

#### **Advice to the Central Planning Authority/Planning Department**

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

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

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

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

*Further to the application submitted in relation to the above referenced Project, we hereby request a setback variance which requires a minimum of 20' road setback and a minimum of 6' rear and side setback per Planning Regulation 8(8)(b).*

*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;*

***Regulation 8 (13)(b)(ii), unusual terrain characteristics limit the site's development potential; or Regulation 8 (13)(b)(iii), the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare :***

*The initial application was for a two-storey mixed-use building, which received planning approval on August 5, 2022. However, recognizing the growing demand for storage space and with the aim of fully optimizing the site's potential, our client has decided to incorporate additional storage on the top floor (Third Floor).*

*Integrating these storages necessitates additional parking space, presenting a challenge given the limited space on the property due to its irregular shape and being surrounded by a road on all three sides. It's important to note that the main building adheres to setback regulations; however, the sewage treatment plant slightly exceeds the setback. The sewage treatment plant is situated approximately 3 feet away from the side boundary adjacent to 28C 422 and 8 feet 4 inches away from the road adjacent to Hirst Road. Despite this, the sewage treatment plant will be positioned underground, ensuring it remains unseen.*

*The original location of the sewage treatment plant, as approved in the previous application, remains in the same area. However, a slight adjustment is required, shifting it by a few feet to accommodate the necessary parking spaces for the additional storages. It's crucial to highlight that the proposed project does not seek any variances, aside from the adjustment to the sewage treatment plant. The owner is committed to making the necessary adjustments, but given the site's constraints, there is no viable alternative location for the sewage treatment plant.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a modification to mixed use building; add third floor storage units; 8,276 sq. ft., revise floor layout & elevations, revise parking, relocate WWTP, add 10' retaining wall & (6) signs to be located on Hirst Rd., Bodden Town.

### **Zoning**

The property is zoned Neighbourhood Commercial..

### **Specific Issues**

#### **1) Building height**

The height of the building is 39' with the exception of the portion of the building elevation with the ramp to the basement parking. The height at that portion of the

building is 49'9". Regulation 13(7)(a) states that maximum height of a building in the NC zone is 40'.

## **2) Roadside Setback**

Regulation 8(8)(b) of the Development and Planning Regulations (2022 Revision) states "*the minimum road setbacks shall be 20', unless otherwise specified by the Authority.*"

The applicant has relocated the previously approved WWTP to **8'-10"** from the fronting road boundary, a difference of **11'-2"**.

## **3) Side setback**

Regulation 8(8)(a) of the Development and Planning Regulations (2022 Revision) states "*the maximum density and minimum setbacks shall be at the discretion of the Authority.*" The applicant has relocated the previously approved WWTP from the approved 6' boundary setback to a distance of **3'-0"** from the adjoining parcel a difference of **3'-0"**.

## **4) Fence Height**

The CPA fence guideline 4.4.3 stipulates that "*In commercial, industrial and institutional zones, when a semi-transparent wall or fence is used in combination with a solid wall or fence, the solid portion of the wall or fence must not exceed 32 inches. If the solid portion exceeds 32 inches, the wall or fence will be classified as a solid wall or fence, and the total height will be limited to 48 inches.*" The applicant has proposed a **10'-0"** high retaining wall which will have 6'-0" high concrete base wall and topped with a 4'-0" high aluminium railing. The wall will be located along the western and southern property boundaries. In addition the applicant has proposed to increase the previously approved 4' high boundary fence along the northern boundary to **6'-0"**.

## **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans.

**2.0 APPLICATIONS**  
**(Items 2.9 to 2.19)**

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

Application for a 5-storey medical office building with a restaurant, retail, pharmacy & two generators.

**FACTS**

<i>Location</i>	Cerasee Way in Camana Bay
<i>Zoning</i>	Low Density Residential Transect T6 -Building Transect T4 -Parking
<i>Notification Results</i>	No Objections
<i>Proposed use</i>	Office Tower, Restaurant, Retail, 2 Generators & Parking
<i>Building Area</i>	119,339 sq ft
<i>Parking Required</i>	359
<i>Parking Proposed</i>	393

**BACKGROUND**

NA



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

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

- 1) The applicant shall submit a revised site plan showing a minimum of four parking spaces dedicated for electric vehicles.
- 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 showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under About/Draft Policies.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning and must be prepared in accordance with the Central Planning Authority's Construction Operations Plan Guidelines - Template B *found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under About/Draft Policies.*

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

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 10) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene

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

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

Additionally, once construction has started, condition (12) shall be complied with before a final Certificate of Occupancy can be issued.

- 12) The development shall be connected to the West Bay Beach Sewerage System (WBBSS). The applicant is directed to liaise with the Water Authority to ensure compliance with their requirements.

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2024 Revision).
- 3) The Authority is satisfied that the proposed development complies with the provisions of Camana Bay Planned Area Development.

#### **AGENCY COMMENTS (Section 7 DPA)**

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

## **Department of Environment – 6 August 2024**

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

### Site Overview

*The application site consists of mangrove forests, although it has been impacted over time by the development in the area.*

### Advice to the Applicant

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

*Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change. As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from areas of hardstanding and buildings. Trees, root mats, and other wetland vegetation also slow the speed and distribution of stormwater. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality by filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants.*

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

*With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. We recommend that stormwater is managed to avoid run-off and prevent the flooding of adjacent properties and that wetland vegetation is retained where possible to assist with on-site drainage.*

*In addition, the applicant should consider incorporating Sustainable Drainage Systems (SuDS) into the stormwater management plan for the site to mitigate against the inundation of the surrounding area. SuDS are drainage solutions that provide an alternative to the direct channeling of surface water through pipes and deep wells. By mimicking natural drainage regimes, SuDS aim to reduce surface water flooding, improve water quality and enhance the amenity and biodiversity value of the environment. SuDS achieve this by lowering flow rates, increasing water storage capacity and reducing the transport of pollution to the water environment. We encourage the applicant to utilize porous or permeable materials such as pavers or gravel to reduce areas of impermeable hardstanding, particularly in the parking area. Porous and permeable materials allow rainwater infiltration and help better manage the impacts of stormwater.*

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

*Lastly, we recommend that, wherever possible, sustainable design and energy efficiency features are included in projects such as this one. We especially encourage renewable energy installations given that the Cayman Islands has a target of 70% of energy generation being renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). For example, photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces. In addition, the construction of the proposed parking lot will result in very high one-time carbon emissions from the removal of peat through 'demucking'. The Applicant could explore construction techniques which allow the mangrove peat to stay in place, thereby reducing their greenhouse gas emissions.*

#### *Advice to the Central Planning Authority/Planning Department*

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

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

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

### **Water Authority Cayman**

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

#### *Wastewater Treatment:*

*The proposed development is located within the Camana Bay Planned Area Development (CB PAD).*

- *All development within the CB PAD shall be connected to the Water Authority's West Bay Beach Sewerage System (WBBSS) via Camana Bay's Sewerage System (CBSS).*
- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*
  - *the site-specific connection requirements are relayed to the developer,*
  - *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
  - *the Authority can make necessary arrangements for connection.*
- *A grease interceptor with a minimum capacity of 1,642 US gallons is required to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: 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 WBBSS.*
- *The developer shall submit plans to the Water Authority for approval, which show details including piping, invert levels, etc. of the section of CBSS associated with the proposed development's direct or indirect connection to the WBBSS. All direct connections to the WBBSS shall be made by the Water Authority, the cost of which shall be borne by the developer.*
- *The developer shall make an application with the Water Authority's Customer Service at 814-2144 for the additional wastewater services.*

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.*

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)

Geothermal Cooling System:

- *Proposals for geothermal cooling systems require that the developer first complete a Geothermal Installation Notification Form which provides outline information on the scale and type of system proposed. This information is needed to determine requirements under sections 22 and 34 of the Water Authority Law (2011 Revision) for groundwater abstraction licences and discharge permits, respectively.*

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**

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

*The applicant is reminded that the fit-out applications for the pharmacy, medical offices and food and beverage units must be submitted to DEH for review and approval.*

*The medical offices must be equipped with handwashing sinks in each treatment room and biohazard bins.*

*Generator: In addition, the specifications for the generator which provides information on the noise levels generated is required. The minimum information required is the overall sound pressure level (dBA), the distance from the equipment this measurement was taken, and the octave band analysis of the sound level.*

### **Fire Department**

*Please depict existing/proposed Fire Hydrant and fire well Locations 603.1.3 Fire Hydrants/Fire Well 603.1.3.1*

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

### **National Roads Authority**

*As per your memo dated August 2nd, 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

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

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

*Road Capacity Issues The traffic demand to be generated by the above proposed development of 118,458.46 sq. ft. has been assessed in accordance with ITE Code 710 General Office. The anticipated traffic to be added onto Cerasee Way is as follows: Expected Daily Trip AM Peak Hour Total Traffic AM Peak In AM Peak Out PM Peak Hour Total Traffic PM Peak In PM Peak Out 1,493 219 193 26 211 36 175 Based on these estimates, the impact of the proposed development onto Cerasee Way is considered to be minimal.*

#### *Access and Traffic Management Issues*

*Two-way driveway aisles shall be a minimum of twenty-two (22) ft wide. Tire stops (if used) shall be place in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.*

### *Stormwater Management Issues*

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff is no worse than pre-development runoff. To that effect, the following requirements should be observed: The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site. The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit. order to prevent stormwater runoff from and onto Cerasee Way. Suggested dimensions 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 noncompliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as "any artificial canal, conduit, pipe or raised structure from which any water or other liquid escapes on to any road which would not but for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road;"*

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The proposed five storey tower would be located on Cerasee Way, directly north of the recently completed Health City building in Camana Bay.



The proposed building would have a 1,642 square foot restaurant as well as retail/pharmacy (3,719.9 sq ft) floor space on the ground floor.

### **Zoning**

The property is zoned Low Density Residential. (Transect T6 -Building and Transect T4 - Parking of the Camana Bay Planned Area Development)

### **Specific Issues**

#### **1) Planned Area Development (PAD)**

As noted above, the proposed building is situated in transect T6 Urban Centre of the PAD. This transect allows for higher densities and building heights with the greatest variety of uses. The proposed medical office building appears to consistent with the Transect Description and Regulations matrix contained in the PAD.

The majority of the parking for the building is situated in Transect T4 Neighbourhood Edge. This transect is intended for a mixed use but primarily residential urban fabric. The Transect Description and Regulations matrix indicates the general character to be a mix of houses, townhouses and small apartment buildings with scattered commercial activity and there is to be a balance between landscape and buildings with a presence of pedestrians. The applicant has addressed this matter with the following statement:

*The current application is the first phase of a planned 2-phase medical wellness development. This is planned in order to fully benefit from the SD1 transect and create a lined street front.*

*We are actively engaged in master planning exercises for the area south of CIS and OLEA. As the area develops, a shared parking scheme will be implemented and the parking facility will also provide parking for adjacent uses.*

The Authority needs to determine if a parking lot with 342 parking spaces is consistent with the provisions of the PAD development statement for transect T4.

#### **2) Electric Vehicle Parking Spaces**

Regulation 8(1)(iv) states, among other matters, that at least 1% of the parking spaces must be reserved for electric vehicles.

Based upon a required total of 359 parking spaces, a minimum 4 electric vehicle parking spaces should be provided.

## **2.10 CI CANCER SOCIETY (CGMJ Architecture) Block 14E Parcel 273 (P23-1022) (\$100,000) (NP)**

Application for a second storey addition to the existing commercial building.

### **FACTS**

*Location*

Maple Road, George Town

<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	6,534 square feet
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	One storey building
<i>Proposed use</i>	Second storey addition
<i>Proposed Building Footprint</i>	958 sq. ft.
<i>Proposed Building Area</i>	1,915 sq. ft.
<i>Parking Required</i>	7
<i>Parking Proposed</i>	7
<i>Maximum Site Coverage</i>	75%
<i>Site Coverage Proposed</i>	42%

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) Pursuant to Regulation 8(8)(b) of the Development and Planning Regulations (2022 Revision), the Authority deems the minimum road 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 building setback already exists and the proposal is simply to extend that same setback to the new second floor.

**AGENCY COMMENTS (Section 7 DPA)**

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

**Water Authority Cayman**

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

Wastewater Treatment & Disposal

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

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>CICS Commercial Building</i>	<i>1915.90 sq.ft.</i>	<i>0.15/sq.ft.</i>	<i>287.39</i>
		<i>TOTAL</i>	<i>287.39</i>

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

- *Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'9" 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 Water Authority's Septic Tank Inspection Form.*

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

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

### Buried Septic Tank

- *The drawings do not indicate the location of the existing nor proposed septic tank.*

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

- *Queries regarding burial of septic tanks and additional requirements can be forwarded to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky).*

### Water Supply

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

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

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

### **Fire Department**

*The Fire Department has approved the drawings.*

### **Department of Environmental Health (DEH)**

*DEH has approved the proposal.*

### **National Roads Authority**

*As per your email dated March 12th, 2024, the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

*The NRA has no objections to the above-proposed development.*

### **Department of Environment – March 21, 2024**

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

#### *Environmental Overview*

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

#### *Advice to the Planning Department/Central Planning Authority*

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

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

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

### **APPLICANT'S LETTER**

*We request that the CPA consider granting a variance relating to building setback and 6'-0" h CMU wall in line with 2021 Development and Planning Regulations – Sec 8 (13) (b) (iii)*

*The proposed addition is an addition of a storey directly above the existing footprint. The setback on ground floor (1'-10" proposed) is an existing condition. The requirement per planning regulations on roadside is 20'-0". The 6'-0" rendered CMU wall is to add privacy between the Cancer Society premises and its neighbouring residential property.*

*We strongly feel 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.*

*We trust the application will be well received and we will remain on standby to assist in any queries the planners and statutory authorities may have regarding the application.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

The proposal is for a second storey addition to the existing Cancer Society office.

The total floor area of the building would be 1,915 square feet if permission is granted.

A total of 7 parking spaces are required and have been provided on the site.

### **Zoning**

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

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

The required front setback is 20 feet (Regulation 8(8)(b)).

The existing building has a setback of 1' 10" and the proposal is for the second storey to maintain that setback.

The applicant has submitted a variance letter and the Authority should consider if a variance is warranted.

#### **2.11 ALFRED & INA BERRY (Roland Bodden & Co. Ltd) Block 38B Parcel 2 (P24-0442) (\$16,000) (NP)**

Application for an 8 lot subdivision (6 residential lots and 2 road parcels).

### **FACTS**

<i>Location</i>	North of Carmen Blvd., Lower Valley
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	2.25 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings 25,000 sq. ft. for apartments

<i>Parcel width required</i>	80 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	+ 10,890 sq. ft.
<i>Proposed lot widths</i>	Various
<i>Current use</i>	Vacant

**BACKGROUND**

NA

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

- 1) Prior to the commencement of any site works (with the exception of minor land clearing needed to establish site levels for the preparation of a stormwater management plan), the applicant shall submit:
  - a) Specifications of any proposed underground utilities; including location, type of utilities, and trench dimensions.
  - b) A stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority. The plan shall be designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and should include, but not be limited to, the location of all drainage facilities and general grading details of the parcels (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess runoff directed to one central drainage facility or a series of facilities.
- 2) Prior to the subdivision plan being finalized, the following conditions shall be satisfied:
  - a) All underground utilities shall be inspected and approved by the relevant agencies prior to the utilities being buried.
  - b) The approved stormwater management system shall be installed on site.
  - c) The final subdivision plan shall indicate a vehicular easement over the subdivision access road in favour of each lot. The final plan must be accompanied with the requisite grant of easement forms detailing the easements to be registered.
  - d) The subdivision access road (L7) and the relevant portion of L8 shall be constructed with asphalt and approved by the Central Planning Authority prior to the lots being registered. The applicant shall liaise with the Managing Director, National Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project



unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.

- e) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
- f) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
- g) There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels (with the exception of the road parcel) without planning permission for such works being granted.
- h) The surveyor's final drawing **shall include the surveyed dimensions of all lots** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the widths of L1, L2 and L4, which are addressed below, the application complies with the Development and Planning Regulations (2024 Revision).
- 3) Proposed lots L1, L2 and L4 do not comply with the minimum required lot width per Regulation 9(8)(g) of the Development and Planning Regulations (2024 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 widths as follows:
  - a) The deficient lot widths are a result of L1 and L2 being somewhat wedge shaped and L4 is on the hammerhead turnaround. These are typical subdivision design

features and the Authority notes that other than the widths along the road frontage the remainder of those lots meet or exceed the minimum requirement.

- 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.
- 4) The Authority is satisfied that Land for Public Purposes is not warranted in this instance given the small size of the subdivision and the fact that the applicant is setting aside land for a future public road.

### **AGENCY COMMENTS (Section 7 DPA)**

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

#### **Water Authority Cayman**

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

##### Wastewater Treatment

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

##### Stormwater Management

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

##### Water Supply

*The proposed development site is located within the Water Authority's piped water supply area, however, please be advised that the connection of a proposed development to the Water Authority's piped water supply may require an extension.*

- *Extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The developer shall contact The Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*

- The developer shall install the water supply infrastructure within the site, under the Water Authority’s supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority’s web page: <http://www.waterauthority.ky/water-infrastructure>.

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

**Department of Environment – 24 June 2024**

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

Ecological Overview

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



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

### Advice to the Applicant

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

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up of water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*

*In particular, we recommend that any mature trees are retained as they can be utilized for shade. We have limited environmental concerns with the road lot being cleared but would still recommend that it is retained in its natural state until development is imminent so that it can continue to provide ecosystem services. In addition, we recommend that the proposed road corridor indicated on the submitted plans is also retained in its natural state.*

### Advice to the Central Planning Authority/Planning Department

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

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

## **National Roads Authority**

*As per your memo dated June 19th, 2024 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

### *Stormwater Management Issues*

*A comprehensive drainage plan needs to be provided by the applicant for the entire project. The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties that are lower, and nearby public roadways are not subject to stormwater runoff from this site. The applicant is encouraged to consider stormwater management techniques other than deep wells, and to contact the NRA for advice on these alternative control measures.*

### *Infrastructure Issues*

*The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility. This site will need a stop sign with stop bars at the junction of Carmen BLVD. A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs. The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder. The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities. All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle sweeps for a standard garbage and/or fire truck can be accommodated by the site layout.*

## **APPLICANT'S LETTER**

*On behalf of our clients, Alford Berry & Ina Berry, we are kindly requesting a variation on the minimum lot width requirement for the proposed subdivision, as it relates to Planning Regulation 8(13).*

*Due to the irregular shape of the parcel, lots 1, 2 and 4 were unable to meet the minimum lot width requirement. The irregular shape of the parcel could not create symmetrical lot designs in a practical fashion which resulted in the proposed design.*

*Your approval for the variation would be greatly appreciated.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in Lower Valley, north of Carmen Boulevard.

The property is currently vacant and the proposal is to create 6 new residential lots.

Proposed residential lot sizes are all above a minimum 10,890 square feet.

Although NRA hasn't commented on the issue, the applicant has set aside land for the BP 445.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Lot widths**

Regulation 9(8)(g) states that the minimum lot width in a Low Density Residential zone shall be 80 feet.

Proposed lots 1, 2 and 4 have less than the required lot width.

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

#### **2) Land for Public Purposes (LPP)**

The Authority can request 5% of the total land to be set aside as LPP. The applicant has not provided any LPP, but it is noted that land has been set aside for a future road and that amounts to 21% of the total land acreage.

## **2.12 CONROY SAMUDA Block 75A Parcel 425 (P24-0333) (\$5,000) (NP)**

Application for land clearing.

### **FACTS**

<i>Location</i>	Unnamed right of way, East End
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	13,913 sq ft
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	None at this time

## **BACKGROUND**

NA

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

- 1) The applicant must either submit written reasons supporting the land clearing or submit an application to develop the property.

## **AGENCY COMMENTS (Section 7 DPA)**

The Authority received and considered comments from the DOE.

### **Department of Environment – June 4, 2024**

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

### **Site Overview**

*As seen in Figure 1 below, the application site consists of primary dry shrubland.*



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

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

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

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

#### **Advice to the Central Planning Authority/Planning Department**

Justification for the land clearing has not been included in the application submitted to the DoE for review, therefore, the DoE considers the proposal to be speculative clearing. The DoE does **not** support speculative clearing of parcels prior to planning permission for development being granted.



*We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Once planning permission has been received, the DoE encourages applicants not to undertake land clearing until development is imminent to allow ecosystem services to continue to function until they are ready to begin construction.*

***As there has been no justification submitted for the land clearing, the DoE recommends that the application is refused or deferred until a proposal for the development or use of the land has been applied for and planning permission has been granted. No clearing should take place until planning permission for land clearing, site works or development has been granted and those works are imminent.***

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on an unnamed right of way off north of Austin Connolly Drive in East End.

The property is presently vacant.

The applicant is seeking permission to clear 100 percent of the land by mechanical means.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Nature of the application**

Discuss the request to clear the land by mechanical means when there is no application for the primary development of the site.

## **2.13 FRANKLIN SMITH (Whittaker & Watler) Block 66A Parcel 198 (P23-0465) (\$55,410) (EJ)**

Application for an after-the-fact house and shipping container.

### **FACTS**

<i>Location</i>	Charles Sanderson Drive, East End
<i>Zoning</i>	<b>A/R</b>
<i>Parcel size proposed</i>	1.003 ac. (43,690 sq. ft.)
<i>Parcel size required</i>	21,780 sq. ft.
<i>Current use</i>	ATF House & Container
<i>Proposed building size</i>	689 sq. ft.

*Total building site coverage* 1.58%

**BACKGROUND**

NA

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) The Authority considered the application and determined that since the site is zoned Agricultural/Residential, there is no minimum required setbacks and planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The Authority viewed available aerial photography and noted that the structures were on site from at least 2018 and may have been exempt from requiring planning permission.
- 4) The Authority is satisfied that the storage container is associated with the agricultural use of the site and is acceptable in this instance.

**AGENCY COMMENTS (Section 7 DPA)**

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

**Department of Environment**

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The after-the-fact two-bedroom (369.40 sq. ft.) house and 40’ (320 sq. ft.) container is located on Charles Sanderson Drive in East End.

**Zoning**

The property is zoned Agriculture Residential.

**Specific Issues**

**1) Side setback**

The after-the-fact house and 40-ft container structure is setback 6’ & 8’ vs 10’ from the east side boundary; therefore, the applicant is seeking the Authority’s permission for these after-the-fact structure.

**2.14 IZETTE MAE & JAMES SMITH (Ernesto Carter) Block 44B Parcel 196 (P21-0727) (\$30,000) (EJ)**

Application for a 4’ wall.

**FACTS**

<i>Location</i>	Daffodil Street, Gun Square in Bodden Town.
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.10 ac. (4,356 sq. ft.)
<i>Current use</i>	partial house
<i>Proposed building size</i>	1,215.28 sq. ft.
<i>Total building site coverage</i>	27.90%
<i>Required parking</i>	1
<i>Proposed parking</i>	2

**BACKGROUND**

Aerial maps show a structure from 1971.

October 27, 2021 (CPA/22/21; Item 2.9) – The Authority granted permission for a house but adjourned the wall application until the site boundaries had been set out physically on the ground.

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the wall not complying with the required

4' setback from the road side property boundary.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is seeking permission for a 4' wall.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

**1) Wall Location**

The applicant has proposed a 4' high concrete wall at the front (centre) immediately adjacent to the road and not meeting the required 4' setback from the road side boundary as the Regulation 8(18) requires.

**SUPPLEMENTARY ANALYSIS**

The applicant has now submitted a general boundary survey plan and verification from the licensed land surveyor that the site boundaries have been physically set out on the ground.

**2.15 OCEANS 8 LTD. (Trio) Block 69A Parcel 61 (P24-0091) (\$800,000) (NP)**

Application for an 8 lot subdivision & wall.

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

**FACTS**

<i>Location</i>	Queen's Highway, East End
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	4.88 acres
<i>Parcel size required</i>	10,000 sq. ft. for dwellings
<i>Parcel width required</i>	80 feet for dwellings
<i>Proposed lot sizes</i>	+26,438 sq ft
<i>Proposed lot widths</i>	+ 90 feet
<i>Current use</i>	Vacant

**BACKGROUND**

July 10, 2024 (CPA/18/24; Item 2.5) – The Authority considered the application and prior to a full review under the Development and Planning Act (2021 Revision), The

Development Plan 1997 and the Development and Planning Regulations (Rev 2022) it was resolved to adjourn the application and apply for approval from the National Conservation Council pursuant to Section 41(4) of the National Conservation Act as the application would likely have an adverse effect on a Marine Protected Area.

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

- 1) The applicant is required to submit a revised plan showing the proposed wall with a minimum setback of 4' from the roadside property boundary.
- 2) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements, including the reciprocal easements for the shared driveways** and shall be submitted to the Director of Planning for approval prior to the survey being registered.
- 3) There shall be no land clearing, excavation, filling or development of the resultant subdivided parcels without planning permission for such works being granted.
- 4) All construction materials and debris shall be stockpiled at least 50 ft from the Marine Protected Area to prevent material from entering the marine environment and impacting Marine Protected Area.
- 5) If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment. These conditions are directed to prevent run-off and debris from entering the Marine Protected Area, namely a Marine Reserve, causing turbidity and impacting sensitive marine resources.

Reasons for the decision:

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

#### **AGENCY COMMENTS (Section 7 DPA)**

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

## Department of Environment – 20 March 2024

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

### **Site Overview**

*The application site is located on a highly elevated coastal ridge (Figure 1), adjacent to a Marine Reserve (a Protected Area under the National Conservation Act) and is located on a Scenic Coastline. The site also consists predominately of a mixture of primary coastal shrubland, dry forest and dry shrubland. Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.*



*Figure 1: Extract taken from Cayman Land Info's Digital Terrain Model 2018 showing the natural elevation of the application site which is outlined in red.*

### **Impacts to Ironshore/Karst & Coastal Ridge**

*We note the proposal also includes a 4-foot wide boardwalk placed 10 feet from the ironshore/karst bluff edge along the coastal boundary of the parcel. The DoE prefers that ironshore is left in its natural state and not altered. Besides forming an important habitat, ironshore represents a unique and visually appealing vista. The placement of large concrete platforms or pads along the shoreline and/or operating heavy machinery on the ironshore damages the ironshore and removes many of these important aesthetic characteristics. The DoE was concerned that tracked equipment may have been required to install the 8-inch piles for the boardwalk. DoE reached out to the Architect Mr Mike Stroh of Trio Architecture to confirm the methodology for the boardwalk. Mr Stroh confirmed that the works will be done by hand and that drilling would not be required, stating that Sono tubes will be used on the rock and dowel steel into the rock. The DoE would not support the excavation of the existing coastal ridge. Given the climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge), we recommend the retention of the natural elevation of the site as it contributes to the site's natural climate resiliency.*

### ***Advice to Applicant***

*The Applicant's cover letter states that clearing will be strictly limited as needed for the construction of the elements proposed. The DoE recommends that the Applicant retains as much native vegetation as possible. We are encouraged that the Applicant aims to minimize the land clearing. In regards to the construction of the boardwalk, wall and road, the DoE recommends that where possible areas be cleared by hand and that clearing be kept to what is necessary to facilitate the proposed works as stated in the cover letter. The DoE does not support the wholesale clearing of subdivision sites and recommends that land clearing not take place 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 and incorporate it into their landscaping. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

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

- *It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- *It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*

- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly through breaking the momentum of rain, anchoring soil, and taking up water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

### ***Advice to the Central Planning Authority***

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

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

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

### ***Polystyrene Impacts on the Protected Area***



*Polystyrene-based products are commonly used in a variety of applications on construction sites and without appropriate best management practices, impact the surrounding area including the marine environment. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife when they enter the food chain. These beads are very difficult to remove once they enter the environment and they do not naturally break down (Figures 2-4).*



*Figures 2-4. DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment.*

#### *Inappropriate Location of Stockpiles*

*Storage of materials too close to the water's edge can result in pollution of the marine environment (Figures 5 to 13). The DoE has responded to numerous incidents where poor construction management practices such as the storing of aggregates or loose materials at the water's edge has resulted in that material entering the marine environment, causing turbidity and impacting water quality. Sedimentation and pollutant-laden runoff also can affect marine species such as seagrass and corals as they rely on good water quality to survive. Depending on the amount of turbidity that occurs and the length of time that it is present, it could adversely and irreversibly affect the marine organisms that have been exposed. The location of stockpiles needs to take into account storms such as hurricanes and nor'westers, and even 'temporary' stockpiles can still be impacted.*

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



*Figures 5 and 6: The DoE responded to a complaint from the public that this stockpiled material was causing considerable turbidity and siltation of the marine environment.*



*Figures 7 and 8: Loose materials and construction debris being stored on the canal side of a development, and that material entering into the marine environment.*



Figure 9: Stockpiling and on-land activities impacting the marine environment through turbidity and deposition of waste



*Figures 10 & 11: Material stockpiled on the edge of the water interacting with moderate wave activity and entering the marine environment*



*Figure 12: The same site as Figures 10 and 11, showing the interaction of stockpiled materials entering the marine environment during moderate wave activity.*



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

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

***Section 41(3) Recommendations***

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

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

***Section 41(4) Considerations***

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

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

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

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

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

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### **Appendix 1 – Draft Conditions**

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

#### **Draft Directed Conditions**

1. *All construction materials and debris shall be stockpiled at least 50 ft from the Marine Protected Area to prevent material from entering the marine environment and impacting Marine Protected Area.*
2. *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment.*

*These conditions are directed to prevent debris from entering the Marine Reserve (a Protected Area) and impacting sensitive marine resources.*

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

### **National Roads Authority**

*As per your memo dated March 5th, 2024 the NRA has reviewed the above-mentioned planning*

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

#### *General Issue*

- *The applicant needs to reduce the number of driveways from four to one main driveway off of the Queens Highway and create an internal twenty-four ft. access road for all lots.*
- *The proposed eleven (11) lot subdivision is located on Queens Highway, which is a fifty (50) foot main arterial road with a posted speed limit of 50 mph. A deceleration lane should be constructed within the subject lands. For a 50 mph roadway, the combined length of the taper and deceleration lane should be 505 feet.*
- *Per Development and Planning (Amendment) Regulations, 2021 - Section 4(g) (18) Walls and fences adjacent to a road shall be setback a minimum of four feet from the roadside parcel boundary, and vehicular gates adjacent to a road shall be setback a minimum of twelve feet from the roadside parcel boundary*
- *As the area develops, the NRA would recommend to the CPA that consideration be made for the provision of a sidewalk along the length of the property.*

#### *Stormwater Management Issues*

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

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

#### *Infrastructure Issues*

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

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

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

*The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.*

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

## **Water Authority**

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

### Wastewater Treatment

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

### Water Supply

*The proposed development site is located within the Water Authority's piped water supply area, however, please be advised that the connection of a proposed development to the Water Authority's piped water supply may require an extension.*

- *Extensions in private roads are done at the owner's expense and the timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The developer shall contact The Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*



- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

### **Public Lands Commission**

Comments not yet received.

### **NATIONAL CONSERVATION COUNCIL DIRECTED CONDITIONS**

*The Department of Environment (DoE), under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013 (NCA)), received a request for approval under Section 41(4) of the NCA from the Planning Department/Central Planning Authority prior to the granting of planning permission for the aforementioned project. Under Section 41(5) of the NCA, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE, therefore, respectfully directs that the following conditions be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

- *All construction materials and debris shall be stockpiled at least 50 ft from the Marine Protected Area to prevent material from entering the marine environment and impacting Marine Protected Area.*
- *If the construction uses insulating concrete forms (ICFs) or other polystyrene materials, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent marine environment. These conditions are directed to prevent run-off and debris from entering the Marine Protected Area, namely a Marine Reserve, causing turbidity and impacting sensitive marine resources.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on the Queen's Highway in East End.

The proposal is to divide the existing parcel into eight residential parcels. The proposal includes a 10 foot wide road widening for a deceleration and acceleration lane. In addition, the proposed 8 residential lots would be accessed by a total of 4 shared driveways, thereby minimising the number of driveways along this portion of the Queen's Highway.

The proposal also includes a 3'6" wall along the Queen's highway. The proposed wall would be setback 10 feet from the property boundary.

The property is vacant and contains an existing 6 foot wide public right of way to and along the sea.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) NRA Comments**

It should be noted that the comments on record from the NRA pertain to the original subdivision proposal. Following the receipt of the NRA comments, the applicant modified the application to the proposal that is being considered by the Authority. The modified plan was circulated to the NRA for comments and the Department has yet to receive a response. Department staff have reached out to the NRA and requested comments but none have been received as of the date of this report.

### **SUPPLEMENTARY ANALYSIS**

The Authority sought approval from the NCC per s41(4) pf the NCA and the NCC's response is provided above.

#### **2.16 MELISSA RANKINE-SEYMOUR (Darius Development) Block 1D Parcel 475 (P24-0452) (\$350,000) (MW)**

Application for a duplex & 6' vinyl boundary fence.

#### **FACTS**

<i>Location</i>	Poinciana Ln., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>

<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.44 ac. (19,166.4 sq. ft.)
<i>Parcel size required</i>	22,500 sq. ft.
<i>Current use</i>	Existing residence
<i>Proposed building size</i>	2,008 sq. ft.
<i>Total building site coverage</i>	18.36%
<i>Required parking</i>	3
<i>Proposed parking</i>	5

### **BACKGROUND**

April 28, 2008 – House– the application was considered and it was resolved to grant planning permission.

September 18, 2008 – House addition- the application was considered and it was resolved to grant planning permission.

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2024 Revision).
- 3) The proposed application does not comply with the minimum required lot size per Regulation 9(8)(e) of the Development and Planning Regulations (2024 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area; 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.
- 4) The Authority is satisfied that the 6' fence is in keeping with the character of the area.

### **APPLICANT'S LETTER**

*With respect to our submission for a duplex on ID 475 which is accessed via Poinciana Drive, we hereby request variances as follows:*

1. *Lot Size Variance for duplex development on the 0.45 Acre (19575 sq.ft.) parcel with an existing house. The minimum lot size required in low density residential for a house and a duplex is 22,500 sq.ft. The variance request represents 2925 sq.ft., 0.07 acre or approx. 13% below the required minimum.*

*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.*

*We thank you for your consideration of this matter and look forward to a favorable decision on this application in due course.*

*Please do not hesitate to contact me for any further information.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a duplex; 2,008 sq. ft. & 6' high vinyl boundary fence located on Poinciana Ln., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

Regulation 9(8)(e) of The Development and Planning Regulations (2024 Revision) states *“the minimum lot size for each duplex is 12,500 sq. ft.”* The proposed lot currently has an existing residence on it which requires 10,000 sq. ft. per Regulation, as such a minimum lot size of **22,500 sq. ft.** is required for the existing residence and proposed duplex. The current parcel is only **19,166.4 sq. ft** a difference of **3,333.6 sq. ft.**

#### **2) Fence height**

The CPA fence guideline 4.3.1 stipulates that *“In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height”*- The proposed vinyl privacy fence would be **6'-0”** in height a difference of **2'-0”**.

**2.17 MR & MRS JARON LESLIE (Architectural Designs & Cayman Contemporary Style)  
Block 38D Parcels 92 and 93 (P24-0480) (\$550,000) (AS)**

Application for house additions & a pool.

**FACTS**

<i>Location</i>	Manse Rd
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.5 AC (21,780 sq. ft.)
<i>Current Use</i>	House
<i>Existing building</i>	1,628 sq ft
<i>Proposed addition</i>	2,370 sq ft
<i>Total footprint</i>	3,321 sq ft
<i>Site Coverage</i>	15.25%

**BACKGROUND**

Existing house approved in 2009

**Decision:** Prior to a full review under the Development and Planning Act (2021 Revision), The Development Plan 1997 and the Development and Planning Regulations (Rev 2022) it was resolved to adjourn the application and apply for approval from the National Conservation Council pursuant to Section 41(4) of the National Conservation Act as the application would likely have an adverse effect on the critical habitat of a protected species.

**AGENCY COMMENTS (Section 7 DPA)**

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

**Department of Environment**

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

***Site Overview***

*The application site is predominately man-modified and consists of primary and secondary shrubland. The beach located south of Manse Road has been designated as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles*

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

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

### ***Turtle Friendly Lighting***

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

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



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

### ***Advice to the Applicant***

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

- It can be retained along parcel boundaries and between buildings to serve as privacy, noise and sound buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*

- *It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*
- *Shade provided by retaining mature vegetation can also help to lower cooling demand and utility costs.*
- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can assist with drainage, directly by breaking the momentum of rain, anchoring soil, and taking up water and indirectly through keeping the existing grade and permeable surfaces.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

*Therefore, the applicant should retain as much native vegetation as possible and incorporate it into the landscaping scheme. This could be done by limiting clearing to only the development footprint. For the avoidance of doubt, the development footprint includes buildings, structures, hardscape, parking areas etc. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.*

***Advice to the Planning Department/Central Planning Authority***

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

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

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



### **Section 41(4) Considerations**

*The site is adjacent to Critical Habitat under the Interim Directive for designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) and hybrids (2020) issued under Section 17 (7) of the National Conservation Act (2013). It is important to ensure that the proposed development will not have any unacceptable adverse impacts on this Critical Habitat.*

*Without appropriate controls, there would or would likely be an adverse effect on the designated Critical Habitat, namely:*

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

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

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

### **Director of Environment**

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#### **Appendix 1: DRAFT Section 41(5) Conditions**

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

*Prior to the Issuance of a Building Permit*

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

*Prior to the Issuance of a Certificate of Occupancy*

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

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

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is additions to an existing house and a pool located on Manse Rd, Bodden Town.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Parcel combination**

The application involves two lots, Block 38D Parcels 92 and 93. Parcel 92 appears to have been created as a road parcel for a larger parcel to the rear, but that parcel has about 110' of frontage on Manse Road so the need for the road parcel is unclear. A search of available records, including parcel mutations, did not reveal any application for subdivision to have created the apparent road parcel. The proposed house additions and septic tank encroach onto this road parcel. Should approval be granted, a condition should be included to combine 38D 92 and 93.

**2.18 ANGELLA BARRETT (John Doak Architecture) Block 8A Parcel 166 (P24-0505) (\$30,000) (MW)**

Modification to approved duplex for as built entrance stairs & ATF rear exterior steps.

**FACTS**

<i>Location</i>	Off Powery Rd., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3106 ac. (13,529.736 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Existing duplex
<i>Proposed building size</i>	3,786 sq. ft.
<i>Total building site coverage</i>	27.98%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

## **BACKGROUND**

July 11, 2018 – Duplex (CPA/16/18; Item 2.7) – 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 be modified to allow as built entrance stairs & the after-the-fact rear exterior steps.

All other conditions of the CPA/16/18; item 2.7 remain applicable.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2024 Revision).
- 3) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2024 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.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a modification to approved duplex floor layout; as built entrance stairs & ATF rear exterior steps located off Powery Rd., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Rear setback**

Regulation 9(8)(i) of The Development and Planning Regulations (2024 Revision) states “the minimum rear setback is 20’-0” The ATF rear steps are currently **14’-0”** from the rear boundary a difference of **6’-0”**.

**2.19 JAMES ALOYSIUS GARRETT (Design (Cayman) Ltd.) Block 24C Parcel 27 (P24-0605) (\$20,000) (MW)**

Modification to reduce finished floor level, omit crawl space, revise floor layout & elevations.

**FACTS**

<i>Location</i>	Patrick’s Ave., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.29 ac. (12,632.4 sq. ft.)
<i>Current use</i>	vacant
<i>Proposed building size</i>	3,323.02 sq. ft.
<i>Total building site coverage</i>	26.31%

**BACKGROUND**

September 15, 2022 – Two bedroom house w/ detached guest suite, covered porch, U/G propane tank, pool with hot tub– the application was considered and it was resolved to grant planning permission.

March 1, 2023 – Modify planning permission to relocate the U/G lpg tank and septic tank and raise the ground floor slab. (CPA/05/23; Item 2.12) – 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 be modified to reduce the finished floor level, omit the crawl space, revise the floor plan layout & building elevations.

All other conditions of the previously granted planning permission remain applicable.

Reasons for the decision:

- 1) The Authority considered all information contained in the Agenda including agency comments, any objections and any other representations made pertaining to the application.
- 2) With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2024 Revision).
- 3) The proposed application does not comply with the minimum required side setback per Regulation 9(8)(j) of the Development and Planning Regulations (2024 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 (Section 7 DPA)**

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

#### **Department of Environment (23 July 2024)**

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

#### **Site Overview**

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

*The DoE notes that the proposed modifications are no closer to the canal than what has already been approved in the initial planning permission (P22-0779). Therefore, our previous comments remain but are reiterated below for convenience.*

#### **Advice to the Applicant**

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

*The DoE discourages areas of hardstanding near the marine environment and recommends that the applicant limits these areas and considers using porous or permeable paved surfaces in the proposed areas of hardstanding. Porous or permeable paved materials will allow rainwater infiltration and help manage the impacts of stormwater runoff. These materials can help prevent harmful materials from entering the marine environment and reduce erosion rates by slowing and reducing the amount of runoff. Some examples of recommended materials are gravel and sustainably designed pavers which can be seen in Figures 1-3 below.*



*Figure 1-3. Examples of sustainably designed pavers.*

### **Advice to the Central Planning Authority/Planning Department**

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

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

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

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

### **APPLICANT'S LETTER**

*We would be grateful for your consideration in respect to the following planning variance in accordance with the Development and Planning Regulations Clause 8(11a, b, e), which relates to our client's proposed side boundary setback (steps and service slab) for Residence in LDR zoning. Please note the below variance request.*

1. *South-West (Side) Setback Variance for Residence - (Encroaching by Maximum 3')*

*We ask for a variance to allow for the extension of outside access steps and the existing concrete pad platform for our client.*

*Initially, our client planned the house to be situated at an elevation of 10' AMSL but has since decided to lower it to 8' AMSL (in line with current Planning Laws) to accommodate site conditions and reduce fill requirements. This adjustment necessitates modifications to the surrounding infrastructure.*

*The proposed extension of the steps is crucial to enhance the accessibility and functionality of the property in accordance with our client's needs. Specifically, the portion of the stairs to be extended is directly aligned with the laundry door, facilitating direct linear access from the laundry to the garden side of the home. This modification aims to improve convenience and usability without compromising safety or environmental integrity of the prior 22" drop.*

*Additionally, our client has requested permission to extend the proposed generator platform along the entire length of the guest house, encroaching 10.75 inches into the side setback adjacent to the guest house. This variance is necessary to accommodate potential future service needs that may require a concrete platform on this side of the building e.g. the named future generator not included in the planning and permit application mentioned herein.*

*In accordance with the Development and Planning Regulations and Clause 8(13) we note as follows:*

*b(i) the characteristics of the proposed development are consistent with the character of the surrounding area.*

*(iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; or*

*Adjoining property owners have been notified of the application.*



*Our client has asked for your consideration when making your decision on the above noted variances.*

*Your understanding and approval will be greatly appreciated.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a modification to reduce finished floor level, omit crawl space, revise floor layout & elevations located on Patrick's Ave., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Side setback**

Regulation 9(8)(j) of The Development and Planning Regulations (2024 Revision) states "*the minimum side set back is 10 feet for a building of one storey*" The proposed steps at the western end of the residence would be approximately *7'-1"* from the side boundary a difference of *2'-11"*.

## **3.0 DEVELOPMENT PLAN MATTERS**

## **4.0 PLANNING APPEAL MATTERS**

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

### **5.1 CESARS COVE Block 22D Parcel 141 Rem12**

The Authority reviewed a request for a temporary electrical connection for equipment maintenance to complete the approved subdivision. The Authority determined that a more detailed explanation is needed as to why a temporary electrical connection is needed.

### **5.2 RANSDALE RANKIN Block 75A Parcel 356 (P23-1083)**

The Authority reviewed Mr. Rankin's request to waive the conditions requiring the road to be built and the water line installed and determined to adhere to the original conditions of planning permission.

The Authority determined further to advise Mr. Rankin that the best way forward is to submit the final survey plan which can be signed subject to restrictions being placed on the registers until the conditions of approval are satisfied. The Authority would then

authorize the transfer of two of the lots provided the restrictions remain on the land registers until the outstanding conditions are satisfied.

**5.3 COASTAL WORKS LICENSE FOR GRAND HYATT HOTEL Block 13E Parcel 165 (CWL 493)**

The Authority reviewed the plans for a dock that would be used in conjunction with a water sports operation at the hotel.

The Authority does not support the approval of the coastal works license for the following reasons:

- There is a history of not allowing docks along this portion of the western shore of the Island. Approval of this dock could set a precedent and lead to a proliferation of other docks along the shore which would increase the level of water based activity and this would negatively affect the character of this portion of the western shore of the Island. A proliferation of docks in this area would also negatively affect the visual appearance of this shoreline.
- There is a concern that at times of inclement weather and storms there is a hazard risk of the main downtown area receiving waterborne debris/materials.

**5.4 COASTAL WORKS LICENSE FOR KAIBO PUBLIC BEACH Block 33E Parcel 77 (CWL 482)**

The Authority reviewed the plans for a dock, jet ski land ramp and several off-shore groynes and supports the application.

**5.5 PAUL & LISA CZUDNOCHOWSKY Block 33E Parcels 41 and 43 (P24-0261) (NP)**

The Authority was advised that the applicants are requesting the Authority to modify planning permission so as not to require the finished floor level of the boat garage to be 7' above mean sea level. They have advised that given the level of the adjacent road, if the finished floor level was 7' they would not be able to physically get the boat into the garage. They are requesting the Authority to apply the 7' finished floor level to the liveable space on the second floor above the boat garage.

The Authority considered the matter and determined that since the ground floor space is non-habitable, planning permission can be modified such that the proposed finished floor level can be less than 7'.

**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/16/24; item 2.29 be modified as follows:

- Delete condition 1) and re-number the remaining conditions accordingly
- Revise the reminder statement as follows:  
“If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of the habitable portion of the building should be at least seven feet (7') above mean sea level.”

All other conditions of CPA/16/24; item 2.29 remain applicable.

#### **5.6 COLIN ANGLIN Block 4D Parcel 67 (P22-0965) (MW)**

Mr. Anglin contacted the Department requesting an extension in time in order to have the deep well drilled for the septic tank. He advised he was having difficulty with the adjacent land owner in allowing him to arrange for drilling equipment to enter his land in order to drill the deep well.

The Authority considered the matter and determined that planning permission would be modified to provide an additional year to have the deep well drilled.

**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/04/23; item 2.1 be modified by replacing condition 2) with the following condition:

- 1) No later than August 28, 2025, the 42' length of the northerly property line must be set out on the ground by a licensed land surveyor and the septic tank must be physically relocated to the applicant's side of the property boundary with no encroachment over the boundary.

All other conditions of CPA/04/23; item 2.1 remain applicable.

#### **5.7 JENNIFER MELLIS GAYLE Block 4E Parcel 710 (CE24-0170) (AM)**

The Authority viewed photographs of the deposit of miscellaneous construction material and debris and determined that a Maintenance of Land notice would be issued.

**Decision:** It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 30 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of

60 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the Act.

## **6.0 CPA MEMBERS INFORMATION/DISCUSSION**

### **6.1 LAND CLEARING**

The Authority discussed the issue of land clearing in the Agriculture/Residential zone does not require planning permission, yet applications for same are still being included on the CPA Agenda. Accordingly, the CPA will no longer require applications for matters listed in Section 13(d) of the Development and Planning Act. The Authority asked the Department to explore options for preventing such applications from being accepted through the Online Planning System. For example, include a question that asks if the proposed use is for agricultural purposes and if "no", no application is required.

The meeting adjourned at 3:40p.m. The next regular meeting of the Central Planning Authority is scheduled for ***Wednesday, September 11, 2024 at 10:00 a.m.*** in Conference Room 1038, 1<sup>st</sup> floor, Government Administration Building.



Ian Pairaudeau  
Chairman



Ron Sanderson  
Acting Executive Secretary