Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on April 13, 2022 at 10:00am in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.

11th Meeting of the Year

Mr. Ian Pairaudeau (Chair)
Mr. Handel Whittaker (Deputy Chair)
Mr. Joshua Bernard
Mr. Gillard McLaughlin
Mr. Charles Russell Jr.
Mr. Windel Scott
Mr. Peter Campbell
Mr. Kenneth Ebanks
Ms. Danette McLaughlin
Ms. Shakina Bush
Ms. Christine Maltman, MCIP, AICP
Ms. Celecia Bancroft
Mr. Ashton Bodden
Mr. Haroon Pandohie (Executive Secretary)
Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)

1. Confirmation of Minutes & Declarations of Conflicts/Interests
2. Applications
3. Development Plan Matters
4. Planning Appeal Matters
5. Matters from the Director of Planning
6. CPA Members Information/Discussions
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<td>CROWN SQUARE LTD (Roland Bodden) Block 14CF Parcel 205 (P22-0151) ($4,800) (NP)</td>
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<td>2.23</td>
<td>LIFESTYLE HOLDINGS LTD. (John Doak Architecture) Block 48C Parcels 121 (P22-0006) ($250,000) (MW)</td>
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<td>OSWALD BROWN (Ernesto Carter) Block 72C Parcel 325 (P22-0139) ($315,000) (EJ)</td>
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<td>BARRETT’S RESIDENCE (Craftman’s Touch) Block 28C Parcel 612 (P21-0060) ($600,000) (JP)</td>
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<td>ERIC ANDERSON (GMJ Home Plans Ltd.) Block 22E Parcel 429 (P22-0094) ($70,000) (EJ)</td>
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<td>2.27</td>
<td>TREVOR WATKINS (Eric Cronier Limited) Block 22E Parcel 539 (P22-0078) ($5,000) (NP)</td>
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<td>2.28</td>
<td>J. LAURENSON (Shedwerx) Block 27C Parcel 662 (P22-0155) ($45,000) (NP)</td>
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<td>2.29</td>
<td>JASON M. BROWN (CCS LTD.) Block 19E Parcel 33 (P22-0100) ($1,750,000) (MW)</td>
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<td>HARRY LALLI (Abernethy &amp; Associates Ltd) Block 22D Parcel 141 REM12 (P22-0159) ($3469) (JP)</td>
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<tr>
<td>2.31</td>
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<th>TIME</th>
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<th>PAGE</th>
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<tr>
<td>Eamon McErlean</td>
<td>10:30</td>
<td>2.1</td>
<td>5</td>
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<tr>
<td>Gifford Palmer</td>
<td>11:00</td>
<td>2.2</td>
<td>11</td>
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<tr>
<td>Swadnik Ltd.</td>
<td>11:30</td>
<td>2.3</td>
<td>14</td>
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<tr>
<td>Rosedale</td>
<td>1:00</td>
<td>2.4</td>
<td>20</td>
</tr>
<tr>
<td>Coral Sands</td>
<td>1:30</td>
<td>2.5</td>
<td>27</td>
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<td>Dwight Allen</td>
<td>2:30</td>
<td>2.6</td>
<td>36</td>
</tr>
</tbody>
</table>

1. 1 Confirmation of Minutes CPA/09/22 held on March 30, 2022 & CPA/10/22 held on April 06, 2022.

1. 2 Declarations of Conflicts/Interests

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<tr>
<th>ITEM</th>
<th>MEMBER</th>
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2.0 APPLICATIONS APPEARANCES (Items 2.1 to Item 2.6)

2.1 EAMON MCERLEAN (Declan O’Brien) Block 23C Parcel 230 (P21-1365) (F21-0674) ($2.0 million) (NP)

Application for proposed house & pool.

Appearance at 10:30

FACTS

Location Prospect Point Road in George Town
Zoning Beach Resort Residential
Notification Results Objections
Parcel size 10,890 sq ft
Parcel size required 10,000 sq ft
Current use Existing Seawall
Proposed use House and Pool
Building Footprint 2,208 square feet
Building Area 8,110 square feet

BACKGROUND:

July 23, 2014 (CPA/17/14; Item 2.6) - application for a house and pool granted planning permission.

Recommendation: Discuss the application, for the following reasons:

1) HWM setback (39’ for house and 17’ 6” for pool vs 75’)
2) Side setbacks (15’ & 16’ vs 20’)
3) Wall location along road
4) Septic setback (7’ vs 20’)
5) Solid Waste setback (0’ vs 6’)
6) Concerns of the Objectors
AGENCY COMMENTS

The following comments have been received to date:

Department of Environment

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

Based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as a turtle nesting beach. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Act, 2013, as being ‘protected at all times’ in the Cayman Islands. Artificial lighting associated with the proposed house could present a threat to turtle nesting and hatchling sea turtles. Bright lights on the beach can deter female turtles from nesting and cause hatchlings to crawl away from the sea. Any lighting proposed as part of these works should be designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to impact turtle nesting. In addition, there should be no works carried out seaward of the existing seawall on the beach of the property.

If the CPA is minded to grant approval we recommend the inclusion of the following condition:

Any lighting proposed as part of these works should be designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to impact turtle nesting.

Please do not hesitate to contact the Department should you require further assistance.

OBJECTIONS

Letter #1

I, [blank], owner of Block & Parcel 23C-231 am writing this letter of concern about the plans provided to me by Mr. Eamon McErlean who wishes to build a residential home and pool on his property Block 23C-230.

I understand his proposal requires three variances for site plan approval.

I do have the following concerns:

1. The request for variance for pool setback is not simply about the setback. The pool and contiguous patio are set at a height that is 5’ above road grade and above the grade of the adjacent homes. At this height, the pool and patio will be one foot below the top of the existing privacy wall located between our lots. At this height, the privacy wall will only serve as a curb and will enable full view and access into my property. No rationale has been provided as to why the pool and patio must be set at this height. Furthermore, it implies that the owner may wish to increase the height of the privacy wall which in itself
would be inappropriate and unsightly from my own property. Also, based on the proposed
elevation, there is a second floor balcony that appears to be 18’ above the grade of my
home. The site 2 plan does not contemplate the landscaping that would be required to
shield this balcony to provide privacy to myself.

2. The variance for the side yard is also a concern to the extent that the grade of the site is
5’ higher than my own. As a result of the increase to the grade of the site, I have significant
concerns about drainage and runoff between the two homes. No information has been
provided regarding how this will be addressed on an engineering basis. It is proposed that
septic tanks are placed between the proposed house and my home. Again, no information
from the site plan provided has been received regarding safety and management of the
septics as it relates to the grade, backfilling and aesthetics of the property. The site plan
does not show the location of the air conditioning systems. At the proposed grade, the
sound and visibility of these air conditioners will require mitigation which information is
not available on the plans provided.

3. The third variance relates to the location of a wall street side that would be 4’ back from
the neighbouring walls. This does not clearly appear on the site plan drawing provided to
me. However, I would strongly note that all properties on this portion of our street have a
contiguous wall separating our properties from the street. These privacy walls have been
designed consistently and a deviation from this seems unnecessary from a planning point
of view. The privacy wall, if located 4’ back from the standard on the street would
effectively be constructed as a retaining wall if the backfilling of the lot is approved at the
level requested.

4. The request for these variances is the result of the house design that contemplates three
highly unusual features for this traditional neighbourhood. The height of the home as
proposed appears to be around 55’. My home and that of the adjacent neighbour are under
30’ tall. The proposed home will tower 25’, effectively looking like more than two stories,
above our rooflines. Backfilling the lot to increase the grade by some 5’ is a result of the
design that incorporates two double car garages. No single family home in our area has
that capacity of garage space. I would be very concerned if this garage capacity would
enable the home at some point to be duplexed. The variance regarding the front wall is
only required as a result of the design of the garages. No other homes on my street have
garages located below street grade. There is no justification to design a home with below
grade garages that results in a narrow tall structure that dominates the street. While the
roof line is arched, this only results in an even taller structure than a flat roof would
otherwise provide.

5. Lastly I would bring to your attention the fact that Mr. McErleans lot includes a public
beach access right of way. There is nothing on the site plan that explains the impact of this
design and the proposed grade of the site on the beach access. Currently, our community
uses the beach access for fishing and recreation by accessing the beach from an existing
staircase. The variance for the pool at a grade 5’ above the existing sea retaining wall
does not address any issues related to accessibility via the public beach access point. It is
unclear as to whether he will build a privacy wall or add another staircase for beach access
and at what grade either will be established. This would obviously be of concern to the
larger community, specifically residents at Lantern Point who are frequent users but do
not have the opportunity to comment at this point of the process.
With respect, the proposal at hand significantly impedes my private enjoyment and investment in my own home. It maximizes the size of a home on a small parcel of land with features that are extreme and out of character for this street.

I trust you will take into consideration these concerns.

Letter #2
We have seen the Jenkins complaint about the proposed house to be built on Prospect Point owned by Eamon McErlean.

Our specific concerns are as follows:

The height of the proposed home might shade our solar panels making them drastically less effective.

The height of the home we feel will be out of character with the rest of the neighbourhood. This street has a story book theme and a home of that height we feel will destroy the beauty we all have enjoyed for decades.

We also feel the height of the home and decks will infringe on our privacy.

If Mr. McErlean can make us comfortable with our privacy we could be more tolerant. We are unclear of the true height of the home since the Jenkins state 55 feet and Mr McErlean states 43 feet. We see that as a huge difference and we cant tell by the drawing the actual height.

We understand the air conditioning units will be housed on top of his roof and he will hide the units. If that is the case we have no concern.

The drainage if addressed properly to handle the water runoff would be acceptable to us but feel it is a valid concern from the Jenkins.

The front wall is not a concern to us.

We will honor whatever the Board plans for future development and Mr. McErlean elects to do.

The beach access is not a concern to us unless he chooses to raise the grade of the land there too which do not believe he is electing to do. We know that the planning board will definitely make accessibility for the residents a priority.

APPLICANT’S LETTERS

Letter #1
We would like to request variances for the above noted project.

However, we would firstly like to point out that this house already had planning approval with the variances we are now requesting. We have not changed the sq. ft. or design of the building. This is simply just a resubmission. The client had planning approval back in July 2014 but due to personal reasons he had to leave island and this is why the home was never built. He is now back and ready to build.
- “East side setback variance – 20ft. requires 15’ proposed” Please note that this is zoned beach resort residential. As we are only applying for a home, we feel that the 15ft setback is adequate.

- “West side setback variance – 20ft. requires 16’ provided. 7’ to septic” Please note that this is zoned beach resort residential. As we are only applying for a home, we feel that the 15ft setback is adequate. We have not changed the location of the septic from where it was approved previously.

- “Setback to pool – At discretion of CPA” We would like to point out that there is a large seawall approx. 13’ back from the HWH and is approx. 12’ high. The proposed pool is obviously behind the seawall and in line with the neighbors’ pools.

- “Solid Waste enclosure – Must be setback a minimum of 6’ to the boundary” Again, this is what was approved previously. We are willing to adjust this if the board require but this location is similar to the neighboring properties.

I refer to 8(13) of the planning regulations. We have also attached a personal letter from the owner sharing his personal history with this property. Notifications have been sent to the adjoining properties who have assured him they have no issue with what is proposed and previously approved.

We hope the board will find this acceptable.

Letter #2

My late wife and I bought the land in question together with the adjacent property at 23C-231 in 2005. The plans under consideration were drawn up, submitted and approved by Planning in 2014 for what was to be our future dream home! Very sadly, my wife and I then had to leave Cayman to care for our ailing parents shortly after receiving our planning approval so the house could not be built at that time.

Our parents died in 2017 by which time my wife was very unwell. As we were not then spending much time in Cayman we sold the land and the adjacent property in late 2017. My wife subsequently died in 2019. After that time I returned to Cayman and bought the land back in March 2021 with the sole intention of seeing through the building of the home we had planned. While the plans for the property that were approved in 2014 have not been changed, the 5 year period has now lapsed.

I would greatly appreciate it if the board would allow me to build the home as originally planned by me with my wife 8 years ago.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Prospect Point Road in Prospect.

The proposal is for a house and pool.
Planning permission for a house and pool was granted in 2014 but that permission has now lapsed. The applicant is applying for a similar house to what was previously approved. It should be noted that several of the Beach Resort Residential Regulations have since changed in the intervening years.

**Zoning**

The property is zoned Beach Resort Residential.

**Specific Issues**

1) **HWM setback (39’ vs 50’)**

   Regulation 8(10)(f) requires a minimum 75 foot seaside setback where the coastline is beach.

   The applicant is proposing a 39 foot seaside setback to the edge of the house and 17’ 6” to the edge of the pool. When the house and pool were approved in 2014, the HWM setbacks were 26’ (pool) and 47’ (house).

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

2) **Side setbacks (15’ & 16’ vs 20’)**

   Regulation 15(4)(b) states that side setbacks shall be a minimum of 20 feet.

   The proposed west side setback is 16 feet and the proposed east side setback is 15 feet. When the house and pool were approved in 2014, both side setbacks were 15’.

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

3) **Front stairs setback**

   The plans show 7 steps leading up to the front porch. The first step is setback about 4’ from the road side boundary instead of the required 20’.

4) **Wall location**

   It appears from the site plan that the applicant is proposing a wall along the roadside property boundary and this would not comply with the required 4’ setback per Regulation 8(18).

5) **Septic setback (7’ vs 20’)**

   Regulation 15(4)(b) states that side setbacks shall be a minimum of 20 feet.

   Setbacks are to be measured to septic tanks and the proposed side setback to the septic is 7 feet. In 2014, there was no mention of the side setback for the septic tank.

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

6) **Solid Waste setback (0’ vs 6’)**

   Regulation 8(7) states that solid waste enclosures shall be setback a minimum of 6 feet from property boundaries.
The proposed solid waste enclosure is setback 0 feet from the east boundary.
The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

2.2 GIFFORD PALMER (Tropical Architectural Group Ltd.) Block 38E Parcel 219 (P21-1238) ($805,500) (EJ)

Application for a house, pool and 5’ wall.

**Appearance at 11:00**

**FACTS**

- **Location**: Rockwell Drive in Beach Bay
- **Zoning**: LDR
- **Notification result**: No objectors
- **Parcel size proposed**: 0.32 ac. (13,939 sq. ft.)
- **Parcel size required**: 10,000 sq. ft.
- **Current use**: Vacant.
- **Proposed building size**: 5,954 sq. ft.
- **Total building site coverage**: 26.11%
- **Allowable units**: 1
- **Proposed units**: 1
- **Allowable bedrooms**: NA
- **Proposed bedrooms**: 5
- **Required parking**: 1
- **Proposed parking**: 2

**BACKGROUND**

January 19, 2022 (CPA/02/22; Item 2.10) – The CPA adjourned the application in order to invite the applicant to appear regarding the setback variances.

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

1) Setback Variances (6.3’ vs 15’) and (8.9’ & 3’ vs 10’)
2) Wall Height (5’ vs 4’)

**AGENCY COMMENTS**

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

As per your memo dated November 16th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

The NRA has no objections or concerns’ regarding the above proposed fence as it is located on a road classified as an Access Road.

Department of Environment

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

The application site is man-modified and of limited ecological value. We recommend the planting of native species. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.

APPLICANT’S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a setback variance to a site plan which requires a minimum of 15 ft side setbacks per Planning Regulation 9 (8)(i).

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

(1) Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site’s development potential: While we have complied with the required minimum 20ft front and rear setback, we would also like to request for a setback variance due to the odd shape/orientation of the lot. Because of the odd shade of the lot, we have to move the house placement towards the left part of the parcel. There is a proposed perimeter fence and these areas will also be heavily landscaped, which will serve as a privacy screen for both properties. We hope that the CPA board will find this acceptable since there is no other place we can properly fit these areas other than its current proposed location.

(2) Under 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 proposed 5ft perimeter wall (fence) was intended to be built to give privacy and additional security within the development.

PLANNING DEPARTMENT ANALYSIS

General

The proposed two-storey house with swimming pool and deck and 5’ concrete and timber wall located on Rockwell Drive in Beach Bay does not meet the required setbacks and the wall is over the allowable 4’ height limit.
Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Setback Variance

The proposed does not meet the required side setbacks from the house, swimming and deck, with the two-storey house proposed at 6.3’ and 10’ vs 15’ from the left and right sides; the swimming pool and deck is proposed at 8.9’ and 3’ vs 10’ respectively. The two-storey house is not stepped-back 15’ on the second floor; therefore, the applicant is request a setback variance from the authority.

2) Wall Height

Additionally, the proposed wall is setback 4’ from the road (Rock Well Drive) and extended down the right-side boundary to the rear; however, the wall exceeds the allowable 4’ height that is normally administratively approve in residential zone.

SUPPLEMENTARY ANALYSIS

No changes have been made to the plans.
2.3 SWADNIK LTD. (Architectural Designs) Block 28D Parcel 166 (P21-0642) ($1,200,000) (MW)

Application for (6) unit apartment building; 7,126 sq. ft. with gazebo; 100 sq. ft. & swimming pool with lot size, bedroom density & rear setback variances.

Appearance at 11:30

FACTS

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<th>Location</th>
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<tr>
<td>Zoning</td>
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<tr>
<td>Notification result</td>
<td>No Objectors</td>
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<td>Parcel size proposed</td>
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<td>Parcel size required</td>
<td>25,000 sq. ft.</td>
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<td>Vacant</td>
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<td>7,226 sq. ft.</td>
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BACKGROUND

February 02, 2022 (CPA/03/22; item 2.12) – the application was adjourned to invite the applicant to appear before the Authority to discuss concerns regarding the suitability of the location for apartments, the lot size, bedroom density and rear setback

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

1) Suitability
2) Bedroom Density (12 vs 9)
3) Lot Size (17,424 sq. ft. vs. 25,000 sq. ft.)
4) Rear Setback (16’-11 ½” vs. 20’-0”)

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AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment & Disposal

- The developer shall provide a septic tank(s) with a capacity of at least 2,250 US gallons for the proposed apartments.
- The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.
- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 5’1” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

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**National Roads Authority**

As per your memo dated July 21st, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

**General Issue**

Per section 7.1 of the NRA specifications, Driveways may be no closer to the corner of intersecting rights of way than 60% of parcel frontage or one-hundred feet (100'); whichever is less. Please have the applicant revised the site plan accordingly.

**Road Capacity Issues**

The traffic demand to be generated by a residential development of six (6) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Shamrock Rock is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 16% In</th>
<th>AM Peak 84% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 67% In</th>
<th>PM Peak 33% Out</th>
</tr>
</thead>
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<td>3</td>
<td>1</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>1</td>
</tr>
</tbody>
</table>

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

**Access and Traffic Management Issues**
Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

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

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

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

**Stormwater Management Issues**

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.

- Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Shamrock Rock and Galaxy Way. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

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

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

- **Sidewalk detail needs to be provided as per NRA specifications.** See [https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail%20s.pdf](https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail%20s.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 Law (2005 Revision). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

**Department of Environmental Health**

**Solid Waste Facility:**

DEH has no objections to the proposed in principle. This development require six (6) thirty three (33) gallon bins and an enclosure built to the department’s requirements. The enclosure should be located as close to the curb as possible without impeding the flow of traffic. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

<table>
<thead>
<tr>
<th>Number of Containers</th>
<th>Minimum Dimensions (feet)</th>
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<tbody>
<tr>
<td></td>
<td>Width</td>
</tr>
<tr>
<td>6</td>
<td>5.00</td>
</tr>
</tbody>
</table>

**Swimming Pool:**

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

**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 notes that the majority of the subject parcel is man-modified having been cleared prior to 1999 and has since regrown. It is recommended that existing mature native vegetation should be retained where possible and incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost-effective and sustainable choice for landscaping.

Please do not hesitate to contact the Department should you require further assistance.
Fire Department

Please Depict Proposed/Existing Fire Well Plans are not to scale at 1:20 measurements are accurate to the scale of 1:10.

APPLICANT’S LETTER

On behalf of our client, we wish to apply for a variance, in regards to proposed Apartments on Block:28B Parcel:144

This request for a variance pertains to the density, lot size and width of the parcel. The proposed apartments consist of 6 units and 12 bedrooms, where the allowable are 6 units and 9.6 bedrooms (as the lot size is 0.4 acre). Therefore, we are asking for 12 bedrooms versus the allowed 9.6 bedrooms. Which we have provided the required parking spaces for. We would note that the parcel does not meet the minimum width and lot size of 25,000 sq ft for apartments in LDR area. Nevertheless, we have met all set back requirements and still maintain a site coverage of 22%, less than 30% as required. Please further note that at present, there are currently apartments in the area on lots of a similar size, that do not meet the 25,000 sq ft. required. Also the uncovered landings for the back doors are 36" inside of the min. setback area. In reference to section 8(13) of the Development and Planning Regulations. Our proposal characteristics are consistent with that of the surrounding area. Based on the different mixtures of occupancies. All the surrounding neighbors have been notified, and we have no objections to our proposal. Which is clearly an enhancement to the area.

We hope that the CPA will favourably consider our proposal.

PLANNING DEPARTMENT ANALYSIS

General

Application for (6) unit apartment building, gazebo and pool to be located on Galaxy Way, Bodden Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

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

• Detached & semi-detached houses.
• Duplexes
• In locations considered as suitable by the Authority guest houses and apartments.

An overview of the proposed site shows the surrounding area to be primarily residential homes and vacant parcels within the nearby vicinity. There are no apartments in the surrounding area south of Shamrock.
2) **Bedroom Density**

Regulation 9(8)(c) of the Development & Planning Regulations (2021 Revision) states “the maximum number of apartments is fifteen per acre with a maximum of twenty-four bedrooms.” The applicant has proposed 12 bedrooms, however calculations show the maximum number of bedrooms would be 9, a difference of 3 bedrooms.

3) **Lot Size**

Regulation 9(8)(f) of the Development & Planning Regulations (2021 Revision) states “the minimum lot size for apartments is 25,000 sq. ft.”. The proposed parcel would only be 17,424 sq. ft. (0.40 Ac.) a difference of 7,576 sq ft.

4) **Rear Setback**

Regulation 9(8)(i) states “the minimum front and rear setbacks are 20 feet”. The rear steps of the proposed apartments would be approximately 16’-11 1/2” from the rear boundary a difference of 3’-1/2”.

**SUPPLEMENTAL ANALYSIS**

No changes have been made to the plans.

### 2.4 HAB DEVELOPERS (ACE Engineering) Block 20D Parcel 428 (P19-1436)

($2,516,800) (JP)

Application for 84 apartments arranged over 14 blocks, clubhouse and swimming pool.

**Appearance at 1:00**

**FACTS**

- **Location**: Old Crewe Road, George Town
- **Zoning**: MDR
- **Notification result**: Objectors
- **Parcel size proposed**: 12.13 ac. (528,382.8 sq. ft.)
- **Parcel size required**: 20,000 sq. ft.
- **Current use**: Residential
- **Proposed building size**: 124,096 sq. ft.
- **Total building site coverage**: 12.29%
- **Allowable units**: 242
- **Proposed units**: 116 (32 existing and 84 proposed)
- **Allowable bedrooms**: 363
- **Proposed bedrooms**: 240 (72 exiting and 168 proposed)
- **Required parking**: 174 (for existing and proposed)
- **Proposed parking**: 267
BACKGROUND

November 24, 2021 (CPA/24/21; item 2.5) – the application was adjourned in order to allow re-circulation of the plans to the Fire Department and National Roads Authority

Recommendation: Discuss the application, for the following reasons:

1) Suitability
2) Concerns of the Objectors

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment and Disposal

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 19,100 US gallons per day (gpd), based on the following calculations.

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
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<tr>
<td>Building 1</td>
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<td>150</td>
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<td>2 x 3-Bed</td>
<td>300</td>
<td>1,350</td>
<td>1,350</td>
</tr>
<tr>
<td>Building 2</td>
<td>2 x 1-Bed</td>
<td>150</td>
<td>1,350</td>
<td>1,350</td>
</tr>
<tr>
<td></td>
<td>2 x 2-Bed</td>
<td>225</td>
<td>1,350</td>
<td>1,350</td>
</tr>
<tr>
<td></td>
<td>2 x 3-Bed</td>
<td>300</td>
<td>1,350</td>
<td>1,350</td>
</tr>
<tr>
<td>Building 3</td>
<td>2 x 1-Bed</td>
<td>150</td>
<td>1,350</td>
<td>1,350</td>
</tr>
<tr>
<td></td>
<td>2 x 2-Bed</td>
<td>225</td>
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<tr>
<td></td>
<td>2 x 3-Bed</td>
<td>300</td>
<td>1,350</td>
<td>1,350</td>
</tr>
<tr>
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<td>Building 5</td>
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<td>Building 14</td>
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<tr>
<td></td>
<td>2 x 3-Bed</td>
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<td>200</td>
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</tr>
<tr>
<td>Clubhouse</td>
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<tr>
<td>TOTAL</td>
<td></td>
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</tr>
</tbody>
</table>

- **Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority’s standards.** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- **To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’6” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

**Water Supply:**

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

- The developer shall contact Water Authority’s Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.

- The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.

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

No comments received.

**Department of Environmental Health**

**Solid Waste Facility:**

The location of the proposed 8 cubic yard container must be provided with a minimum of 50 feet straight approach. Revisions are required as the applicant must indicate the 50 feet straight approach on the drawing.

This development requires (4) 8 cubic yard containers with twice per week servicing.

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

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

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

**Fire Department**
*Please note the scale provide is incorrect.*
*As per discussion please depict Fire well 2 required.*

**APPLICANT’S LETTER**
Appendix A

**OBJECTIONS**
Appendix B

**PLANNING DEPARTMENT ANALYSIS**

**General**
The application site is located in George Town and forms part of an extension to an existing apartment complex.

Crewe Road provides access and forms the southern boundary. The remaining boundaries are shared with existing residential units ranging from houses to apartments.

The application seeks Planning Permission for the development of 14 apartment blocks consisting of 84 units, a clubhouse and swimming pool.

**Zoning**
The property is zoned Medium Density Residential.

**Specific Issues**
1) **Suitability**
   Regulation 9(7) permits apartments in ‘suitable locations’.
   The application seeks to expand an existing apartment complex.
   Members are invited to consider the support letter together with submitted objections in determining the Planning application.
SUPPLEMENTAL ANALYSIS

24th November 2021 (CPA/24/21; 2.5) – Members adjourned determination to enable the Fire Department and NRA to provide comments and for the applicant to provide access gate details.

- The Fire Department stamped approved the plans.
- Gate details have been submitted.
- Casey Goff has withdrawn their objection owing to no longer owning a property in Rosedale.
- NRA provided the following comments:

As per your memo dated November 29th 2021 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 residential development of eighty-four (84) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Crewe Road is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 20% In</th>
<th>AM Peak 80% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 65% In</th>
<th>PM Peak 35% Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>559</td>
<td>43</td>
<td>9</td>
<td>34</td>
<td>52</td>
<td>34</td>
<td>18</td>
</tr>
</tbody>
</table>

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

Access and Traffic Management Issues

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

Entrance and exit curves shall have no less than fifteen (15) feet radius curves. For large residential development such as this proposal, there should be 2 exit lanes and 1 entry lane. Please have applicant revise site plan.

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

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

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.

- Construct a gentle ‘hump’ at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Crewe Road. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

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

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

- **Sidewalk detail needs to be provided as per NRA specifications.** See [https://www.caymanroads.com/upload/files/3/Sidewalk%20%20Curbing%20Details.pdf](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.
2.5 CORAL SANDS (AMR Consulting Engineers) Block 13EH Parcels 174 (P21-0739) ($37,800) (MW)
Application for seawall (4’-11” and 8’ wide beach access ramp.

Appearance at 1:30

FACTS
Location North Church St., George Town
Zoning Hotel Tourism
Notification result No Objectors
Parcel size proposed 0.48 ac. (20,908.8 sq. ft.)
Current use Existing Condo Development

BACKGROUND
January 19, 2022 (CPA/02/22; item 2.5) – the application was adjourned to invite the applicant to appear before the Authority to discuss concerns regarding the deficient High Water Mark setback and potential coastal erosion

Recommendation: Discuss the application, for the following reasons:
1) HWM Setback (7’-0” / 29’-9” vs 130’-0”)
2) DOE’s comments

AGENCY COMMENTS
Comments from the Department of Environment are noted below.

Department of Environment

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

Site Overview
The application site is man-modified and is located on a perched beach. The site is also abutting a Line Fishing Zone and a Marine Protected Area (Marine Reserve) under the National Conservation Act as shown in Figure 1.
The Initial Proposal

The site plan for the initial proposal indicated the works included the following:

- the construction of an 8 ft wide beach access ramp along the northern boundary;
- the construction of a seawall near the water’s edge;
- the removal of the existing concrete pad; and
- raising the existing wooden deck.

The seawall included in the initial plans posed concerns due to its proximity to the Mean High Water Mark (MHWM), as shown in Figures 2 and 3. It was located approximately 3 ft from the MHWM at its closest point. The Department was concerned with potential construction impacts on the Marine Protected Area and long term impacts to the beach.

Therefore, the DoE reached out to the applicant’s contractor via email to confirm the construction methodology and proposed mitigation measures for the works. The contractor confirmed that:
• they have obtained permission from NCB Group for access for the cement pump truck and backhoe via the existing construction site immediately to the north (Block 13E Parcel 175);
• No heavy equipment except for a backhoe will be used on the beach;
• The backhoe will be used to dig the trench for the seawall;
• The wall will be framed using wood and precut steel;
• There will a silt containment fence installed to assist with keeping sediment out of the marine environment; and
• The cement truck will be stationed on the NCB site and the pumping of the cement for the seawall and ramp will happen in one day.

The DoE remained concerned about the impacts to the Marine Protected Area and felt that it was necessary to meet with the property manager and contractor to discuss further.

Figure 2: Original site plan overlaid onto LIS 2018 aerial imagery (Plan Source: AMR Consulting Engineers, August 2021)
Summary of Meeting with the Contractor and Property Manager

On 5 October 2021, the DoE met with the contractor and the property manager for Coral Sands Resort. The DoE explained that the area offshore is a Marine Protected Area and that we were very concerned about the proximity of the wall to the sea and the potential impacts on the Marine Protected Area arising from the construction and the potential impacts to the beach seaward of the proposed wall, when the sea interacts with the hard structure.

The DoE noted the impacts of the construction of another seawall which took place within the past six months which had major negative impacts on a Marine Protected Area. Photos which documented these impacts were shared during this meeting (see Figures 4 and 5).
The property manager confirmed that the rationale for the wall stems from the construction of the adjacent wall along the boundary with the NCB site, which will remove the option of sand being brought to the site for any future nourishment. The wall is an attempt to prevent wave activity removing sand from the beach. The wooden skirting/wall along the water edge (that has been on installed for at least 15 years) will be removed and the existing concrete pad will remain, along with raising the existing wooden deck.

The property manager also advised that the proposed seawall will be constructed using
wooden plywood fencing to shutter the area where the wall will be built. A silt screen membrane will be used to contain silt/fines in order to assist preventing them from entering the sea. It will take approximately one month for works to be conducted. The concrete pumping into the wall and ramp will take place at one time i.e. will not need to use wheelbarrows etc to carry concrete. The concrete jetties and platforms will remain.

The DoE concluded the meeting by stating that repositioning the wall significantly further landward would reduce the construction impacts on the Marine Protected Area and help ensure the longevity of the beach which sits seaward of the wall. DoE noted that hard structures should be put as far away from the sea as possible and as close to the structure they seek to protect. Alternatively, at a minimum the applicant was requested to revisit the location of the wall particularly at the point where it is closest to the MHWM (the pinch point next to the wooden deck) to reduce the potential for impacts to the marine environment. The property manager agreed to take these matters to the owners/board and revert back with feedback.

**Revised Plans**

The property manager confirmed via email on the 20 October 2021 that the plans were revised to reposition the wall be located 4 ft further back from the original location (therefore 7 ft away in total from the Mean High Water Mark at the closest point). The revised plans were submitted to the Planning Department.

Once in receipt of the revised plans, they were overlaid onto LIS 2018 aerial imagery (see Figures 5 and 6), which confirmed that the wall has been moved 4ft back.

![Figure 5: Showing revised plans overlaid onto LIS 2018 aerial imagery (Plan Source: AMR October 2021)](image-url)
Figure 6: LIS 2018 aerial imagery showing the revised seawall location in relation to the originally proposed location

DoE Comments
The revised location of the seawall is still very close to the MHWM especially at the pinch point near the existing concrete pad, however its repositioned location is certainly better than the originally proposed location. The wall does not meet the minimum coastal setbacks outlined in the Development and Planning Regulations for a beach coastline. It is has always been the Department’s preference and long standing recommendation that there should not be any hard structures on an active beach or close to the MHWM.

As a general principle on beaches, the greater the distance that waves can travel up a beach profile before encountering a physical barrier, the more energy is dissipated. The seawall would likely prevent this natural activity. Additionally, the seawall would prevent the nourishment of the beach after a significant storm event. This further inhibits the natural beach recovery process as perched beaches tend to gain sand during storms events unless artificially nourished.

The presence of a seawall interacting with waves on a beach is a well-documented cause
of long term beach erosion, as shown in Figure 7. Placing the wall in the proposed location is essentially armouring the coastline, and would eventually lead to the exacerbation of coastal erosion seaward of the wall.

Figure 7: Showing wave energy distribution (source the CT Mirror 2013- Connecticut’s trouble with seawalls)

It is strongly recommended that the applicant pulls the wall back as far as possible. The proposed mitigation measures that the contractor has proposed should assist with mitigating some of the impacts to the Marine Protected Area.

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

- Prior to the commencement of works, the contractor shall provide a written construction methodology statement for review and approval by the Department of Environment. The construction methodology shall include but is not limited to, details of the stages and method of construction, details of the equipment required for the works, the access route for equipment and any mitigation measures proposed to prevent run-off and debris from entering the Marine Protected Area, the location of stockpiled construction materials and a timeline for the duration of works.
• Works shall stop during inclement weather conditions during exceptionally high tides.
• Construction materials and debris shall be stockpiled at least 30 feet landward of the Mean High Water Mark.
• No heavy equipment shall be operated or driven along the beach except for a mini-excavator (e.g. a bobcat) to dig the trench required for the seawall.
• Silt containment measures shall be put in place to prevent sediment-laden runoff from entering the Marine Protected Area.

We also recommend the following condition:

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

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).

APPLICANT’S LETTER
We are respectfully requesting a variance for our omission of the HWM setback requirements in our plan and application for a replacement seawall after the destruction caused by storms. We adjusted the location of the proposed wall after we had through discussions with the Department of Environment and our adjustments were in accordance with those discussions.

It maybe of importance for the Department to know that adjacent properties have built similar seawalls with smaller setbacks.

We herewith do respectfully request this variance and we know the variance in setback is absolutely required so that the seawall can work as intended to protect the beach area and our property.

PLANNING DEPARTMENT ANALYSIS

General
The application is for a proposed 4’-11” concrete seawall and an 8’ wide beach access ramp to be located on North Church St. at the site of the Coral Sands resort, George Town.

Zoning
The property is zoned Hotel Tourism.
**Specific Issues**

1) HWM Variance

Regulation 8(10)(e) states “in a Hotel/Tourism zone, all structures and buildings up to three storeys, including ancillary buildings, walls and structures, shall be setback a minimum of 130’ from the high water mark, with an additional 15’ setback for each of the fourth through seventh storeys, and the minimum setback for the eighth through the tenth storeys shall be the same as that for the seventh.” The proposed seawall would be approximately 7’-0” at its closest point & 29’-9” at its furthest point from the HWM a difference of 123’-0” & 100’-3” respectively.

**SUPPLEMENTAL ANALYSIS**

No changes have been made to the plans.

2.6 DWIGHT ALLEN Block 49A Parcel 53 (P20-0285) ($3,500) (AS)

Application for a container.

**Appearance at 2:30**

**FACTS**

- **Location**: Sandstone Drive
- **Zoning**: MDR
- **Parcel Size**: .2833 AC (12,340 sq. ft.)
- **Current Use**: Vacant
- **Proposed Use**: Container to be used for storage.
- **Building Coverage**: 13.8%

**BACKGROUND**

Administrative approval was granted on the 27th May 2019 for a 1,169 sq ft house. On the 17th September 2019 administrative approval was also granted for a 384 sq ft gym/storage bldg.

April 29, 2020 (CPA/07/20; item 2.7) - the Authority adjourned the application for a storage container for the following reason:

1) The applicant shall first obtain a permit for the previously approved building(s) prior to the container being considered for approval.

On the 12th April 2021 a building permit was issued for the 1,169 sq ft house that was conditionally approved on 27th May 2019.

On the 12th April 2021, a building permit was issued for a 384 sq ft gym/storage building that was conditionally approved on 17th September 2020.
October 13, 2021 (CPA/21/21; Item 2.7) – the application was adjourned to invite in the applicant to discuss a concern with the container being used for permanent storage

March 01, 2022 (CPA/06/22; Item 2.4) - the application was adjourned to re-invite the applicant to discuss a concern with the container being used for permanent storage.

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

1) Use of the container for permanent storage

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a container to be used temporarily for storage.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

1) **Suitability**

    There are no existing structures on the parcel. A house and gym/storage building have received administrative approval, but building permit applications have not been submitted for either. The applicant states the wish to have the container for temporary storage. The Authority should determine if it is suitable to have a shipping container on a vacant parcel in a residential subdivision.

**SUPPLEMENTARY ANALYSIS**

The applicant has obtained permits for the approved house and gym/storage building, but has now indicated that they wish to keep the container permanently on the parcel.
2.0 APPLICATIONS APPEARANCES (Items 2.7 to 2.31)

2.7 KEL THOMPSON (Tropical Architectural Group Ltd.) Block 22D Parcel 154 (P22-0051) ($1,581,750) (MW)

Application for 3 duplexes, a 3 unit apartment building, cabana, pool, sign on 4’ fronting concrete wall and a 4’ chain link boundary fence.

FACTS

Location
Abbey Way., George Town

Zoning
Low Density Residential

Notification result
No Objectors

Parcel size proposed
0.76 ac. (33,105.6 sq. ft.)

Parcel size required
62,500 sq. ft.

Current use
Vacant

Proposed building size
10,705 sq. ft.

Total building site coverage
32.76%

Allowable units
11

Proposed units
9

Allowable bedrooms
18

Proposed bedrooms
18

Required parking
11

Proposed parking
20

BACKGROUND


February 16, 2021 – (4) unit Apartment Complex – the application was considered and it was resolved to grant planning permission. (CPA/04/21; Item 2.6)

Recommendation: Discuss the application, for the following reasons:

1) Suitability
2) Lot Size (33,105.6 sq. ft. vs. 62,500 sq. ft.)
3) Site Coverage (32.76% vs. 30%)
4) Side Setback (8’-2” / 8’-3” vs. 10’-0”)

38
5) Garbage side setback (5’-3” vs. 6’-0”)
6) Gate setback

**AGENCY COMMENTS**

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

**Water Authority**

*Wastewater Treatment and Disposal*

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

- The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 2,025 US gallons per day (gpd), based on the following calculations.**

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building #1</td>
<td>2 x 2-Bed Units</td>
<td>225gpd/2-Bed</td>
<td>450</td>
</tr>
<tr>
<td>Building #2</td>
<td>2 x 2-Bed Units</td>
<td>225gpd/2-Bed</td>
<td>450</td>
</tr>
<tr>
<td>Building #3</td>
<td>2 x 2-Bed Units</td>
<td>225gpd/2-Bed</td>
<td>450</td>
</tr>
<tr>
<td>Building #4</td>
<td>3 x 2-Bed Units</td>
<td>225gpd/2-Bed</td>
<td>675</td>
</tr>
<tr>
<td>Cabana</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>2,025 GPD</strong></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- **To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’5” 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.
**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 28th, 2022 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 electronic gate must to be setback at least two (2) cars lengths or 40 feet to allow on-site stacking.*

**Road Capacity Issues**

The traffic demand to be generated by a residential development of nine (9) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Abbey Way is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 20% In</th>
<th>AM Peak 80% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 65% In</th>
<th>PM Peak 35% Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>33</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

Based on these estimates, the impact of the proposed development onto Abbey 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.
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 Abbey Way, within the property boundary, to NRA standards.

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

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and 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 runof 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 Abbey Way. Suggested dimensions of the ‘hump’ would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.

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

- Roof water runoff should not drain freely over the parking area or onto 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:**

1. DEH has no objections to the proposed in principle. This development require nine (9) thirty three (33) gallon bins and an enclosure built to the department’s requirements.
   a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.
   b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

<table>
<thead>
<tr>
<th>Number of Containers</th>
<th>Minimum Dimensions (feet)</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Width</td>
<td>Length</td>
</tr>
<tr>
<td>9</td>
<td>5.00</td>
<td>12.50</td>
</tr>
</tbody>
</table>

**Swimming Pool:**

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

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 site is man-modified and of low ecological value. The application site was previously a mangrove wetland, prior to it being cleared. The filling of this land will reduce the site’s natural capacity to retain storm water. Therefore, it is recommended that a storm water management plan is developed to ensure that storm water runoff is handled on site and does not impact surrounding areas. It is also recommended that any remaining native vegetation be retained, along with incorporating native vegetation into the landscaping
scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost effective and sustainable choice for landscaping.

Fire Department
Approved for Planning Permit Only 08 Mar 22

APPLICANT’S LETTER
Further to the application submitted in relation to the above referenced Project, we hereby request for a site coverage variance which requires a maximum of 30 percent of the lot size per Planning Regulation 9 (8)(h).

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

(1) The total area of the project site is 0.7673 acres, wherein the Planning Regulations allows up to a maximum 11 townhouse units with 18 bedrooms and a site coverage up to a maximum of 30% of the lot size. While the proposed plans exceed the maximum allowed site coverage by 2.92%, we tried to make up for this excess by proposing only 9 townhouse units instead of 11 and still comply with the maximum allowed bedroom count. Several extra parking spaces on the site were also provided. The parking spaces required are only (14) slots while the proposed is (20) parking slots. We also revised the floor plan layout to eliminate all the side setback variance. No variance is being requested other than the site coverage. We hope that the board will find our request to be acceptable.

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

PLANNING DEPARTMENT ANALYSIS
General
The application is for 3 duplexes, a 3 unit apartment building, cabana, pool, sign on 4’ fronting concrete wall and a 4’ chain link boundary fence. The site is located on Abbey Way, George Town.

Zoning
The property is zoned Low Density Residential.

Specific Issues
1) Suitability
   Regulation 9(8) states the following development is permitted in a Low Density Residential Zone.
   • Detached & semi-detached houses.
• Duplexes
• In locations considered as suitable by the Authority guest houses and apartments.

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

- 22D168 :- The Villas at Red Bay (Appvd 20-9-2006 & 14-5-2008)
- 22D153:- Duplex (Appvd 18-7-2007)
- 22D12:- Duplex (Appvd 15-10-1998)
- 22D298:- Apartment Complex 12 Units (Appvd 29-7-2017)

2) Lot Size

Regulation 9(8)(e) & (f) states “the minimum lot size for each duplex is 12,500 sq. ft.” & “the minimum lot size for apartment buildings or townhouses is 25,000 sq. ft.” The applicant has proposed (3) Duplexes (12,500 sq. ft. x 3 & (1) Triplex which would require a total of 62,500 sq. ft., the proposed lot is currently 33,105.6 sq. ft. a difference of 29,394.4 sq. ft.

3) Site Coverage

Regulation 9(8)(h) states “the maximum site coverage for detached houses, duplexes, guest houses and apartment buildings or townhomes is 30% of the lot size.” The proposed development currently covers 32.76% of the proposed lot excluding the paved surfaces a difference of 2.76% over the maximum allowable.

4) Side Setback

Regulation 9(8)(j) states “the minimum side setback is 10’ for a building of one story.” The proposed duplex building #1 & triplex building #4 rear concrete slabs to the proposed storage rooms encroach the side setbacks at 8’-2” & 8’-3” a difference of 1’-10” to 1’-9” respectively.

5) Garbage Side Setback

Regulation 8(7) states “solid waste storage areas shall be setback a minimum of 6’-0” from the adjacent property boundaries and shall be screened with vegetation and fencing.” The proposed garbage enclosure will be 5’-3” from the adjoining parcel a difference of 9”.

6) Gate setback

The applicant has proposed a 5’ aluminium automatic sliding gate setback 16’ from the road side boundary. The Authority typically requests gates to be setback between 16’ and 20’ to allow for vehicle stacking. It should be noted that the NRA has asked for the gate to be setback 40’ which far exceeds the Authority’s typical requirement.
Application for 3 apartments.

**FACTS**

*Location*  
Old Robin Road, North Side

*Zoning*  
MDR

*Notification result*  
No Objectors

*Parcel size proposed*  
0.3017 ac. (13,142.05 sq. ft.)

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

*Current use*  
vacant

*Proposed building size*  
4,436 sq. ft.

*Proposed footprint*  
1,998 sq ft

*Total building site coverage*  
15.2%

*Allowable units*  
6

*Proposed units*  
3

*Allowable bedrooms*  
9

*Proposed bedrooms*  
5

*Required parking*  
5

*Proposed parking*  
5

**BACKGROUND**

N/A

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

1) Suitability

2) Lot size variance (13,142.05 sq ft v 20,000 sq ft)

3) Pavement of parking lot

4) Number of access points on Old Robin Road

**AGENCY COMMENTS**

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

**Water Authority**

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

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

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Townhouse</td>
<td>2 x 1-Bed Units</td>
<td>150gpd/1-Bed Unit</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td>1 x 3 Bed Unit</td>
<td>300gpd/3-Bed Unit</td>
<td>300</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>600 GPD</td>
</tr>
</tbody>
</table>

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

- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

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

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

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

**Water Supply**

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

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

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

**National Roads Authority**

As per your memo dated November 10th, 2021 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 residential development of three (3) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Old Robin Road is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 20% In</th>
<th>AM Peak 80% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 65% In</th>
<th>PM Peak 35% Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>20</td>
<td>2</td>
<td>0</td>
<td>2</td>
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<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>
Based on these estimates, the impact of the proposed development onto Old Robin Road is considered to be minimal.

**Access and Traffic Management Issues**

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

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

A six (6) foot sidewalk shall be constructed on Old Robin Road, within the property boundary, to NRA standards. *Please have applicant provide.*

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

**Stormwater Management Issues**

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

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

**Department of Environmental Health**

**Solid Waste Facility:**

DEH has no objections to the proposed in principle.

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

<table>
<thead>
<tr>
<th>Table 1: Minimum Enclosure Dimensions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of Containers</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>3</td>
</tr>
</tbody>
</table>

**Fire Department**

The CPA approved the site layout.

**Department of Environment**

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

The application site is man-modified with secondary regrowth as shown in Figure 1. Secondary growth can still provide valuable ecological benefits such as:

- Provision of habitat and food for wildlife;
• Provision of sound and privacy buffers from the road and neighbouring properties/developments;
• Provision of mature vegetation which can enhance landscaping and immediately offer shade;
• Assisting with the management of run-off and drainage;
• Reducing the amount of greenhouse gas emissions by avoiding the unnecessary clearing of land which releases carbon dioxide into the atmosphere.

![Figure 1: LIS 2018 aerial image showing application site outlined in red](image)

The Department notes that site is abutting a wetland area (to the south) and therefore would strongly recommend the retention of the existing vegetation outside of the built footprint as vegated buffer (see Figure 2). The clearing and filling of this vegetation would reduce the site’s natural capacity to retain storm water and could cause drainage impacts to the surrounding area.

We also recommend that native vegetation is used in the landscaping scheme as it is best suited for the habitat conditions of the site, requiring less maintenance and making it a cost effective and sustainable choice for landscaping.
APPLICANT’S LETTER

Further to my receipt of your Planning Review for the above Project (dated 10 November 2021) requesting a Letter of Variance, I would submit the following in support of my application in accordance with the Development and Planning Regulations (2020 Revision).

Whilst the Planning Review, that I received, specifically requests a Letter of Variance regarding lot size, I can provide the following clarifications on all of the requirements of sub regulation 13b

1. The application I have made comprises of a development similar in nature to other properties along Old Robin Road and will not, therefore, be inconsistent with the surrounding area.

2. The Parcel shape and size are largely defined by the location of the adjacent proposed Sailor Way. Whilst the Parcel is narrow at certain points, our application maintains the required setbacks and the building occupies just over 15% of the plot, which is well within the allowable limits.

3. I can confirm that, as the property will be my primary residence, with two small adjoining apartments for income generation as Air B n B rentals it 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.
4. The property has been designed within the required setbacks and the lot size (and shape), can adequately provide sufficient space for the development with the required amount of parking. As a matter of due process, I have notified all owners within a 150ft radius of my property, who now have an opportunity to respond within the 21-day review period.

In summary, I would therefore request your approval for my Application once all due diligence is complete.

PLANNING DEPARTMENT ANALYSIS

General

The application is for two-apartments and one-townhouse at the above-captioned property. The site is located on Old Robin Road, North Side.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Suitability

Pursuant to Regulation 9(7) of the Development and Planning Regulations (2022 Revision), apartments are permissible in suitable locations. The surrounding land uses in the area is single-family dwelling houses, apartments (57E77 adjoining the subject property), 57E236, and vacant properties. Given that the apartments are in the area, the Authority is to determine if the location is suitable for the proposed apartments.

2) Lot size variance

Regulation 9(7)(f) requires a minimum lot size of 20,000 sq ft. The application seeks planning permission for apartments/townhouse on a lot size of 13,142.05 sq ft. From a planning perspective, the lot size would be more appropriate for a duplex instead of apartments.

3) Pavement of Parking Lot

The parking surface is proposed as stone chips, whereas the CPA guideline would require the parking lot paved with asphalt or equivalent.

4) Entry/Exit Points

As indicated on the revised site plan, the applicant is proposing two access points onto Old Robin Road as well as an access from Sailors Way to the rear of the property. The site plan indicates that the easterly driveway on Old Robin is intended for gaining access to the rear of the property, but the plan also shows another access from Sailors Way that leads to the rear of the property. It should be noted that Sailors Way has a parcel number and is owned by the Crown, but it is not currently a public road. It is unclear from the land register if the subject site has legal access over Sailors Way. The Authority should determine if two access points onto Old Robin are necessary and acceptable.
Application for a 4 lot subdivision.

**FACTS**

- **Location**: Off Jures LN, West Bay
- **Zoning**: LDR
- **Notification result**: No objectors
- **Parcel Size proposed**: 1.88 acre or (81,892.8 sq ft)
- **Parcel Size required**: 0.22 ac or (10,000 sq ft)
- **Current Use**: Vacant

**BACKGROUND**

No previous CPA history.

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

1) Access scenario
2) Lot width (51.9’ vs 80’)

**AGENCY COMMENTS**

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

**Department of Environment**

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

The DoE confirms that we have no comments at this time as the application site is man-modified and of limited ecological value.

**National Roads Authority**

As per your memo dated November 4th, 2021 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 road for the subdivision is located on an un-built section of road, which consists of two road parcels 4B447 and 4B478 and a section of public 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.

A twenty-four (24) ft. wide road parcel needs to be provided in order to have adequate access to Lots 1 & 2, as the NRA does not endorse the use of vehicular ROWs.

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 Thistle Lane.

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:

Water Supply:
Please be advised that the proposed development site is located within the Cayman Water Company’s (CWC) 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.

Wastewater Treatment:
• Please be advised that the development is outside the Water Authority’s West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.
APPLICANT’S LETTER

Enclosed please find the relevant documents relating to a 4-lot subdivision. Although the majority of lot 4 is over the required width of 80’, a section of the lot is undersized in the southwest corner. We are asking for a variance on the lot width for lot 4 under the Planning Regulation 8(13) (b) (iii) to accommodate this.

Email from applicant

It indicated on the application plan that we intend to register a 22’ wide vehicular right of way. We’re not going to register unless planning permission is granted, so asking for the rights of way before the planning permission is granted is a little cart before the horse, isn’t it?

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to subdivide the above-captioned property into four (4) lots located off Judes Lane, West Bay.

Access to the site is via a vehicular Right of Way over the whole of 4B Parcels 478 and 477.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Access

The subdivision plan indicates a proposed 22’ wide VROW over 4B237 and 4B238 in favour of lots 1 and 2. The Department asked the applicant’s surveyor for signed grant of easement forms, but as noted above, the response was that they did not feel they needed to do this at this time.

The access for lots 3 and 4 is proposed over 4B 477 and 478 and the subject parcel does benefit from vehicular easements over those parcels. The access for lots 3 and 4 would also include part of a public road. As noted by NRA, the public road and any proposed access over Parcels 477 and 478 are not constructed at this time.

2) Lot Width

The width of lot 4 is 51.9’ on the “road” frontage, but the majority of the lots is 125’ wide. Regulation 9(8)(g) of the Development and Planning Regulations (2021 Regulations) requires a minimum lot width of 80’.
2.10  OSMOND ANDERSON (Island Drafting) Block 24E Parcel 304 (P19-0506) ($471,468) (MW)

Application for 4 apartments.

FACTS

Location  Whirlwind Dr., George Town
Zoning  Low Density Residential
Notification result  No Objectors
Parcel size proposed  0.2970 ac. (12,937.32 sq. ft.)
Parcel size required  25,000 sq. ft.
Current use  Vacant
Proposed building size  3,251.50 sq. ft.
Total building site coverage  25.1%
Allowable units  4
Proposed units  4
Allowable bedrooms  7
Proposed bedrooms  6
Required parking  6
Proposed parking  8

BACKGROUND

September 11, 2019 (CPA/19/19; item 2.5) – the current application was adjourned for the following reason:

1) Sweetleaf Close must be physically constructed in accordance with the requirements of the National Roads Authority.

Recommendation:  Discuss the application, for the following reasons:

1) Suitability
2) Lot Size (12,937.32 sq. ft. vs. 25,000 sq. ft.)
3) Lot Width (94’-1” / 97’-0” vs. 100’-0”)

AGENCY COMMENTS

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

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

Wastewater Treatment & Disposal

- The developer shall provide a septic tank(s) with a capacity of at least 1,500 US gallons for the proposed, based on the following calculations:

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Apartments</td>
<td>2 x 1-Bed Units</td>
<td>150gpd/1-Bed Unit</td>
<td>300</td>
</tr>
<tr>
<td></td>
<td>2 x 2-Bed Units</td>
<td>225gpd/2-Bed Unit</td>
<td>450</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td><strong>750 GPD</strong></td>
<td></td>
</tr>
</tbody>
</table>

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

- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

2. All dimensions and materials shall be provided for any site-built tanks.

3. Manhole extensions are permitted up to a maximum of 24” below finished grade.
4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.

5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)


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](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**

**Road Capacity Issues**

The traffic demand to be generated by a residential development of a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Whirlwind Drive is as follows:
<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak 16% In</th>
<th>AM Peak 84% Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak 67% In</th>
<th>PM Peak 33% Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>27</td>
<td>2</td>
<td>0</td>
<td>2</td>
<td>3</td>
<td>2</td>
<td>1</td>
</tr>
</tbody>
</table>

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

Access and Traffic Management Issues
Two-way driveway aisles shall be a minimum of twenty-two (22) ft. wide.

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 Whirlwind Drive, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

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

• Sidewalk detail needs to be provided as per NRA specifications. See [https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail%20specs.pdf](https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Detail%20specs.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. A maximum of (4) 33 gallon bins are required. Note that the enclosure should be located close to the curb as possible without impeding the flow of traffic. The enclosure should be place in front of the landscaping strip.

**Department of Environment**

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

The application site is man-modified with limited ecological value, nonetheless it is recommended to use native vegetation in their landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance, making it a cost effective and sustainable choice.

Please do not hesitate to contact the Department should you require further assistance.

**Fire Department**

Approved for Planning Permit Only (10 Sep 19)
APPLICANT’S LETTER

We have submitted an application on behalf of Mr. Osmond Anderson which will be located on the above mentioned block and parcel number.

Not with standing 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;

And not with standing regulation 8(13)(d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.

With the registered area of this parcel being 0.2970 Area (12,937.30 Sq. Ft.). Which the proposed development will fall short of the required 25000.00 Sq. Ft. (M.D.R), by about (12,062.70 Sq. Ft.) We would like to request a variance which would allow the proposed apartment to be approved as submitted.

With the lot width being less than the required minimum, which is only 97’ & 94’-1” respectively and 100’ is the minimum, we would like to request a variance for the proposed application to be approved as submitted.

Within the area of this proposal, they are existing apartments which shows the mix of single residence and apartments which should indicate that the proposed development would fit well within the area as proposed.

We would appreciate the board’s favourable decision to this request to allow this proposal to be approved as requested.

PLANNING DEPARTMENT ANALYSIS

General
The application is 4 apartments to be located on Whirlwind Dr., George Town.

Zoning
The property is zoned Low Density Residential.

Specific Issues
1) Suitability
Section (8) states the following development is permitted in a Low Density Residential Zone.

- Detached & semi-detached houses.
- Duplexes
- In locations considered as suitable by the Authority guest houses and apartments.

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

- 24E 314 :- The Chateau on Whirlwind
- 24E 313:- Bella Sole Villas
- 24E 569:- Frangipani Villas
- 24E 591:- The Moorings
- 24E 305:- DSM Investments

2) Lot Size

Regulation 9(8)(f) states “the minimum lot size for guest houses and apartments is 25,000 sq. ft.”. The proposed lot is currently only 12,937.32 sq. ft. which will be 12,062.68 sq. ft. less than the required respectively.

3) Lot Width

Regulation 9(8)(g) of The Development and Planning Regulations (2018 Revision) states “the minimum lot width for guest houses and apartments is 100 feet.” The proposed lot is 94’-1” (Sweetleaf Cl.) & 97’-0” (Whirlwind Dr.) a difference of 5’-11” & 3’-0” respectively.

SUPPLEMENTAL ANALYSIS

The applicant has revised the plans so that there is no access from Sweetleaf Close, only Whirlwind Dr.

2.11 VISTA SUR MAINTENANCE CO. LTD (APEC Consulting Engineers Ltd.) Block 10A Parcel 68Rem1, 224, 271 & 273 (P22-0134) ($40,000) (EJ)

Application to modify permission to re-locate an approved 6’ aluminum fence 3’ vs 4’ from road edge.

FACTS

Location Yacht Drive, Vista Del Mar in West Bay

Zoning LDR

Notification result No objectors

Parcel size proposed 1.99 ac. (86,937 sq. ft.)

BACKGROUND

September 01, 2021 (CPA/18/21; Item 2.12) - The Authority granted permission for a 6-ft aluminum fence to replace existing chain-link fence.

Recommendation: Discuss the application, for the following reason:

1) Fence Setback (3’ vs 4’) from road
AGENCY COMMENTS

Comments from the Department of Environment (NCC) are noted below.

Department of Environment (NCC)

“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).

We have no comments at this time as the site is man-modified with limited ecological value”

APPLICANT’S LETTER

Vista Sur Maintenance Ltd was granted approval to replace an existing chain-link fence with a new 6ft high aluminum fence (P21-0760, CPA/18/21; Item 2.12).

Our client would like to make a modification to the approval received in September 2021. They would like to move the fence further south so it will be within three feet of the edge of Yacht Drive. This is an adjustment of 4 feet on average.

PLANNING DEPARTMENT ANALYSIS

General

On September 01, 2021 (CPA/18/21; Item 2.12) - The Authority granted permission for a 6-ft aluminum fence to replace the existing chain-link fence. Now, the applicant is seeking a modification to locate the approved aluminum fence 3’ vs 4’ from the road

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence Setback from Road

Originally, the Authority granted permission for the proposed 6’ aluminum fence replaces some existing chain link fence and proposes to run about 600’ from the entrance of Bird Island Drive running south easterly to the marina at the end of said Drive.

Now, the applicant is seeking a modification to locate the approve aluminum fence 3’ vs 4’ from the road; therefore, the Authority is asked to consider the proposed setback from the road edge.
2.12 DAVID & CAROL BELL. Block 17A Parcel 278 (P22-0262) ($20,000) (AS)

Application to modify planning permission to revise the driveway/parking layout and to relocate the approved 5’ wall.

**FACTS**

<table>
<thead>
<tr>
<th>Location</th>
<th>Lalique Quay.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>LDR</td>
</tr>
<tr>
<td>Parcel Size</td>
<td>.3426 AC (14,923.66 sq. ft.)</td>
</tr>
<tr>
<td>Current Use</td>
<td>Residential</td>
</tr>
</tbody>
</table>

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

1) Wall road setback (3’ vs 4’)

**Background:**

On 9th October 2019 (CPA/21/19, Item 2.11) approval was granted for a house, pool, lpg tank and 5 ft high wall. The wall was approved with no setback from the road.

On 8th April 2020 administrative approval was granted to modify the lpg tank & floor plan.

On 21st May 2020 administrative approval was granted for a dock.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is to modify planning permission to revise the driveway/parking layout and to relocate the approved 5’ wall modify the location of the roadside wall from 0’ setback to 3’.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issue**

1) **Road setback**

   When the house and wall were approved in 2020, Regulation 8(18) was not in effect so the wall was approved on the property boundary. The applicant is now applying to revise the driveway design and in doing so is proposing to shift the wall away from the property line by 3’. As the Authority is aware, Regulation 8(18) now requires walls to be setback 4’ from the road side boundary.
2.13 EXROY ANNON (Modern Dream Homes Construction) Block 38E Parcel 284 (P21-1126) ($750,000) (EJ)

Application for a duplex and a house.

**FACTS**

<table>
<thead>
<tr>
<th>Location</th>
<th>Kingchase Drive, Beach Bay</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Zoning</strong></td>
<td>LDR</td>
</tr>
<tr>
<td>Notification result</td>
<td>No objectors</td>
</tr>
<tr>
<td>Parcel size proposed</td>
<td>0.31 ac. (13,506 sq. ft.)</td>
</tr>
<tr>
<td>Parcel size required</td>
<td>22,500 sq. ft.</td>
</tr>
<tr>
<td>Current use</td>
<td>Vacant</td>
</tr>
<tr>
<td>Proposed building size</td>
<td>5,186.89 sq. ft.</td>
</tr>
<tr>
<td>Total building site coverage</td>
<td>23.88%</td>
</tr>
</tbody>
</table>

**BACKGROUND**

N/A

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

1) Lot size (13,506 sq ft vs 22,500 sq ft)

**APPLICANT’S LETTER**

On behalf of my client Glenford Annon, we wish to apply for a variance regarding the proposed duplex on Block: 38A Parcel: 284. The request for variance pertains to notices to 150’ radius of property (13,504 sq. ft.), being less than the 25,000sq.ft. that is required.

In reference to section 8(13) of the Development and Planning Regulations. Our proposal characteristics are consistent with that of the surrounding area. Based on the variances we are applying for, all the surrounding neighbours to be notified, and have no objections to our proposal. Which is clearly an enhancement to the area.

**PLANNING DEPARTMENT ANALYSIS**

**General**

Proposed duplex and house located on Kingchase Drive in Beach Bay.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

1) **Lot Size Variance**

   The proposed duplex and house require 12,500 sq. ft. and 10,000 sq. ft. respectively for
If the Authority was to allow the proposed duplex and house, then the subject lot would be over density and the authority should bear in mind that the area is saturated with lots of similar size to the proposed.

2.14 HOME & OUTDOOR (Kozaily Designs) Block 19E Parcel 149 (P22-0180) (JP)
Application for removal of condition 2 of P20-1044.

FACTS

Location Caterpillar Lane, off North Sound Road, George Town
Zoning HI
Notification result Objectors
Parcel size proposed 0.74 ac. (94,438.08 sq. ft.)
Parcel size required 20,000 sq. ft.
Current use Vacant

BACKGROUND

August 25, 2021 (CPA/17/21; item 2.3) – application for two warehouse buildings approved (P20-1044)

Recommendation: Discuss the application, for the following reason:

1) Request to remove condition of approval

APPLICANT’S LETTER
See Appendix C

PLANNING DEPARTMENT ANALYSIS

General
The application seeks to remove condition 2 from Planning Permission P20-1044 which seeks to combine parcels 149 and 153.

Zoning
The property is zoned Heavy Industrial.

Specific Issues

1) Justification

The applicant seeks to remove condition 2, which requires combination of parcels,
Appendix C contains supporting documents which asserts two reasons for such a proposal:

(i) Combination would result in loss of all access easements. Furthermore, support documents state Lands and Survey would not register a combination without new easements being granted.

(ii) The land owners have formalised a lease agreement for parking.

Firstly, the Department of Planning invites members to note that CPA determined the application with the benefit of representations from Mr Kozaily asking for no combination of lots. Members determined adequate grounds for imposing such a condition.

Secondly, the applicant’s assertion that all access easements would be lost can be easily fixed by simply including them on the combination.

Thirdly, the Planning Department would provide the following comments on the lease agreement:

- It is of no relevance to the Planning Permission;
- If it is of paramount importance to the applicant simply amend it;
- The map attached is misleading in any case. Areas are highlighted blue and yellow but with no explanation as to purpose and the lease agreement refers to all 26 spaces.

2.15 CHARLOTTE BAILEY (CS Designs) Block 44B Parcel 3 (P22-0116) ($800,000) (NP)

Application for a house & pool.

FACTS

Location: Manse Road in Bodden Town
Zoning: Beach Resort Residential
Notification Results: No Objections
Parcel size: 16,988 sq ft
Parcel size required: 10,000 sq ft
Current use: House
Proposed use: House and Pool
Building Footprint: 3,028 sq ft
Building Area: 4,325 sq ft

Recommendation: Discuss planning permission for the following reasons:

1) Department of Environment Comments
2) Proposed Pool Seaside Setback (68’ vs 75’
3) Proposed West Side Setback (House) (4’3” vs 20’)
4) Proposed Septic Setback (10’ vs 20’)
5) Proposed Road Setback (2’ vs 25’)

AGENCY COMMENTS

The following comments have been received to date:

Department of Environment

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

SITE OVERVIEW

The subject parcel is located adjacent to a Marine Protected Area, namely a Marine Reserve and based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified 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)).

As per Sections 41 (4) and (5) of the National Conservation Act, 2013 (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct/stipulate the inclusion of those conditions in any Planning Permission that may be given. All marine turtle species are listed in Part 1 of Schedule 1 to the NCA, as being ‘protected at all times’.

IMPACTS ON SEA TURTLES

Artificial Lighting Impacts

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

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

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

Construction Impacts

Operating heavy machinery during land clearing and construction presents a threat to nesting sea turtles. Construction works not only disturb the physical nesting habitat but heavy machinery and associated works can crush or bury baby sea turtles and turtle nests. The excavation of the foundations for the house, pool and ancillary structures will likely result in a large quantity of sand. The sand is another key component of what makes the application site good for sea turtles. For this reason, any excavated beach-quality sand should be retained on-site.

CLIMATE CHANGE

The DoE notes that the applicant’s proposed structures are located closer to the Mean High Water Mark (MHWM) than the existing house (see Figure 4). In particular, we note that the proposed pool and pool deck are located approximately 68 feet from the MHWM and do not meet the minimum 75-foot coastal setback for beaches required in the Development & Planning Regulations. The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Setbacks seek to reduce the impacts of storm-related damage upon coastal infrastructure and ensure that development does not encroach onto the “active” part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change.
predictions for the region, which include sea-level rise and increased intensity of storm events (including storm surge). Inappropriately sited development (either on the active beach or too close to the MHWM) reduces a beach’s potential to recover after major events. This “squeezing” of the beach caused by inappropriately sited development and climate change-induced storms and inundation may reduce the potential area that serves as a turtle nesting habitat.

The DoE is of the opinion that rebuilds, additions and modifications of developments should seek to build in a more sustainable and climate-resilient manner. For this reason, the Department does not support a coastal setback variance. The DoE encourages applicants to exceed the minimum coastal setbacks wherever possible and incorporate climate-resilient features such as elevated structures and wash-through ground floors. Increasing the coastal setback increases the resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards.

Figure 4: A geo-referenced image showing the outline of the applicant’s proposed built footprint in green overlaid on Lands & Survey 2018 aerial imagery. The yellow line shows the MHWM survey line which was submitted to OPS.
IMPORTANCE OF COASTAL VEGETATION

Coastal habitat incorporates a variety of salt and wind tolerant flora. Native coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Once vegetation has been cleared from a site, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is an appropriate nesting habitat for sea turtles. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding.

We strongly urge the applicant to plant and incorporate native vegetation when landscaping. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands’ biodiversity by providing habitat and food for native fauna.

CONSTRUCTION DEBRIS IMPACTS ON MARINE ENVIRONMENT

We have experienced developments along the coast inadvertently polluting the marine environment from wind-borne debris. For example, the Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island (Figures 5-9).

Figures 5-7: 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. Neighbours complained to the DoE about the pollution. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment. A screen was then fastened around the building to contain the beads. The last
image was taken at a construction site located on the same critical turtle nesting beach coastline as the application site.

Figures 8 & 9: Cayman Compass photos from a news article showing polystyrene pollution from a development on a turtle nesting beach which is also adjacent to a Marine Protected Area.

EPS is used in a variety of applications, including thermal insulation in buildings, civil engineering applications and decorative mouldings and panels. During construction, once EPS is cut, tiny microbeads are blown into the air, polluting neighbouring yards, stormwater drains, and nearby water bodies. Polystyrene is not biodegradable, and the EPS beads can be consumed by wildlife where it enters the food chain. EPS beads that make their way to the sea can be mistaken by fish and birds as fish eggs and have the potential to cause blockages in their digestive systems. It is almost impossible to collect the polystyrene beads once they have become wind-borne.

We strongly recommend that best management practices be adopted during the construction process to ensure that construction-related debris does not enter the Marine Protected Area or pollute the critical turtle nesting beach.

DIRECTED CONDITIONS

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

1. In order to conserve critical turtle nesting habitat, the proposal shall be revised so that all hard structures including the pool, pool deck and any other ancillary features are set back a minimum of 75 feet from the Mean High Water Mark (as required in the Development & Planning Regulations).
2. The applicant shall, prior to the issuance of a Building Permit, prepare and submit a turtle friendly lighting plan which minimises the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE’s Turtle Friendly Lighting: Technical Advice Note (September 2018) available from [http://doe.ky/marine/turtles/turtle-friendly-lighting/](http://doe.ky/marine/turtles/turtle-friendly-lighting/).

3. Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete.

4. Prior to the commencement of works, the applicant or applicant’s agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.

5. No construction work, vehicle access, storage of equipment/materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.

6. Beachside construction fencing associated with the works shall be positioned at least 75ft from the Mean High Water Mark (to maximise turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.

7. All construction material shall be stockpiled landward of the beachside construction fencing.

8. If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the critical turtle nesting beach and adjacent Marine Protected Area offshore.

9. Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.

10. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.
These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources. They are also directed to prevent the ‘take’ of sea turtles (Part 1 Schedule 1 species of the National Conservation Act) and adverse impacts to the critical habitat of sea turtles, which is defined in the Interim Directive for the designation of Critical Habitat of Green turtles (Chelonia mydas), Loggerhead turtles (Caretta caretta), Hawksbill turtles (Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp’s Ridley turtles (Lepidochelys kempii) (issued under Section 17 (7) of the National Conservation Act (2013)).

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

**APPLICANT’S LETTER**

With reference to the subject above, we hereby request for the following setback variance:

- Road setback = 2'-0” minimum
- Right-side setback = 4'-3.5” minimum
- Left-side setback = 10'-03/4” to septic tank
- High Water Mark setback = 68'-10.5’” minimum to Pool trough

The above setback encroachments are based on the footprints of the existing single-storey House that will be refurbished and expanded to create a two-storey House with an attached single-storey Garage. It is important to note that the new two-storey section of the house is within the prescribed setback regulations.

The house setbacks on the north and west side boundaries are exactly in line with the footprint of the house that is currently constructed on the property. The new house footprint has been designed to allow for the use of the entire sub-structure of the existing house by designing a 1(one) car garage in the location of the living room of the current house. The proposed garage will serve as a buffer between the road and the main living area of the new house.

Furthermore, we are cognizant that the area is zoned as Beach Resort/ Residential which, requires a minimum 20’ front and side setbacks and 75'-0” HWM setback, however, most of the surrounding buildings in the area currently have front and side setbacks up to less than 1'-0” from the boundary lines and less than 75'-0” setback from HWM. This is particularly evident on the adjacent house on Block 44B Parcel 380 which has a side setback of +/-1'-3 1/4” and HWM setback of +/-61'-6”. There is clear precedent in the area in terms of setbacks encroachments.
As per Regulation 8(13)(b) side setback variances are: (i) consistent with the character of the surrounding area; (iii) 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. Also, as per Regulation 8(11) seaside setback variance may be permitted at a lesser distance than what's prescribe, having regard to: (e) the location of adjacent development.

Below are photos of the existing house on parcel 3. Also, enclosed is an aerial map showing properties that are within 1000 feet of the existing structure where several lots with setback encroachments are highlighted.

As indicated, the new design will maintain the sub structure of the entire old structure’s footprint. We felt that this was fundamental to maintain the old Caymanian charm of the new home to ensure that it doesn’t affect the aesthetics and community feel of the surrounding area along Manse Road.

We have notified adjoining property owners of the application via registered mail, and we are currently not aware of any objections to the setbacks, or any other matters related to the design of the new house.

We respectfully ask that you consider our request and provide approval for the construction of the new house, which will complement the beauty and history of this historical area. Should you need further information, please do not hesitate to contact us directly.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Manse Road in Bodden Town.

The proposal is for a house and pool.

There is an existing house located on the property. The existing house does not meet the north (road) or west (side) setback requirements. The applicant proposes to use a portion of the existing house for a garage so the existing setbacks will not change for that portion of the house.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) HWM setback

Regulation 8(10)(f) requires a minimum 75 foot seaside setback where the coastline is beach.

The applicant is proposing a 68’ seaside setback to the edge of the pool.

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

2) Side setback

Regulation 15(4)(b)(i) states that side setbacks shall be a minimum of 20 feet.
The proposed west side setback is 4’3”.
The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

3) **Septic setback**

Regulation 15(4)(b)(i) states that side setbacks shall be a minimum of 20 feet.
Setbacks are to be measured to septic tanks and the proposed side setback to the septic is 10 feet.
The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

4) **Road setback**

Regulation 15(4)(b)(ii) states that the rear setback shall be 25 feet for a two storey structure.
The proposed house is setback 2 feet from the east boundary.
The applicant has submitted a variance letter and the Authority should discuss whether the request is justified in this instance.

2.16 **BARKER HOLDINGS LTD. (John Doak Architecture) Block 8A Parcel 219 (P22-0076) ($2,000) (MW)**

Application for after-the-fact modifications which include: change the exterior stairs from spiral to curved; create a private garden with a 6’-11” wall; and add a basement to cabana 1.

**FACTS**
- **Location**: Conch Point Rd., West Bay
- **Zoning**: Hotel Tourism
- **Notification result**: No objections
- **Parcel size proposed**: 2.30 ac. (100,188 sq. ft.)
- **Parcel size required**: 12,500 sq. ft.
- **Current use**: Approved Residence under construction
- **Proposed building size**: 10,753 sq. ft.
- **Total building site coverage**: 6.46%
- **Required parking**: 2
- **Proposed parking**: 6

**BACKGROUND**
April 18, 2018 – 2 Story House with Guest Quarters, Pool & Ancillary Features— the application was considered and it was resolved to grant planning permission (CPA/09/18; Item 2.6)
August 13, 2018 – Modification to Omit Carport & gym, Add Caretaker building & Decrease Floor Area- the application was considered and it was resolved to grant planning permission.

August 1, 2018 – Caretakers Building; 417 sq. ft. – the application was considered and it was resolved to grant planning permission.

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

1) Side Setback (15’-4” vs. 20’-0”)
2) Fence Height (6’-11” vs. 4’-0”)

**AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

**Department of Environment**

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

It is noted that the proposed modification is no further seaward than what was previously approved. If any beach quality sand is excavated for the construction of the wall for the private garden and the basement for cabana 1, this sand should be placed on the natural beach profile. Given that the property is located on a turtle nesting beach, any placement of sand on the natural beach profile should not occur during turtle nesting season (May to November) without written consent from the DOE.

Please do not hesitate to contact the Department should you require further assistance.

**APPLICANT’S LETTER**

The applicant’s agent was asked to submit a letter, but none has been forthcoming.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for after-the-fact modifications which include: change the exterior stairs from spiral to curved; create a private garden with a 6’-11” wall; and add a basement to cabana 1. The site is located on Conch Point Rd., West Bay.

**Zoning**

The property is zoned Hotel Tourism.
Specific Issues

1) Side Setback

Regulation 10(1)(f) of the Development and Planning Regulations (2021 Revision) states “the minimum side setbacks are a minimum of 20'-0””. The edge of Cabana 1 was previously approved by CPA on April 18, 2018 (CPA/09/18; Item 2.6) with a 14’ 6” setback from the eastern boundary, however the applicant has modified the existing site to allow for a stairway off the existing deck to the lower grade area which is now approximately 15’ 4”.

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 ATF private walled garden fence at the eastern side of the residence would be 6’-11” in height a difference of 2’-11” respectively.

Supplemental Information

Current Site Photos
2.17 BRODERICK ROSS (I Draft Studio) Block 19E Parcel 5 (P21-0545) ($150,000) (NP)

Application for proposed temporary auto repair.

**FACTS**

- **Location**: Seymour Drive in George Town
- **Zoning**: Light Industrial
- **Notification Results**: No Objections
- **Parcel size**: 0.2 acres (8,712 sq ft)
- **Current use**: Existing 40 Foot Storage Container
- **Proposed use**: Auto Repair & Paint Booth
- **Buildings Footprint**: 1,616 sq. ft.
- **Buildings Area**: 1,616 sq. ft.

**Recommendation**: Discuss planning permission for the following reasons:

1) NRA comments re: access location
2) DEH comments re: solid waste
APPLICANT’S LETTER

We write on behalf of our client Wings Auto Repair.

We are seeking approval to construct a temporary structure and associated site improvements for a five year period. The temporary structure will operate as an auto repair business.

As this will be a temporary location for the business we would like to limit the number of site improvements and type of driveway surface to be used for this development.

1. New sidewalk along Seymour drive (main road side only)
2. Gravel driveway – we are aware that this would not be the standard type of surface to be used we would ask for lenience from the board based on the fact that the property is only being leased for five years, the proposed development is temporary the use of standard surface finishes such as concrete or asphalt would be very costly for this type of development and not value for money based on the life span of the development.

We would also like to members to note the following below

• The surrounding landowners within 300’ notification radius were notified no objections were received.
• All parking spaces are 8’6”x16’ (standard) and a driveway aisle of 22’ (standard) has been provided.
• There is sufficient spacing for parking and revering within the allocated area.
• The proposed development meets all setback requirements, and required number of parking spaces.
• We thank you for your consideration of this matter and look forward to the decision on this application.

AGENCY COMMENTS

Agency comments that have been received to date are listed below.

Department Of Environment

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

The application site is predominately man-modified and of limited ecological value, therefore, we have no comments at this time.

Fire Department

The Fire Department has written that they approve the drawings.
Water Authority

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:

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
<th>GPD</th>
</tr>
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<tbody>
<tr>
<td>Auto Repair</td>
<td>1,296sqft</td>
<td>0.1gpd/sqft &amp; 100gpd/WC</td>
<td>230gpd</td>
<td>230gpd</td>
</tr>
</tbody>
</table>

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

- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority’s standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

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

- Vehicle service and other industrial workshops where fuels, greases, oils or solvents are stored and/or handled shall have all floor drains plumbed to an oil/water separator. The outlet of the separator shall be plumbed to a disposal well. Oil/water separators must meet Water Authority standards, per attached guidelines.
- Conduct maintenance and repairs on a non-porous surface (concrete, not asphalt or soil). Protect the concrete work area with a sturdy rain canopy that extends two feet beyond the concrete work area. Berm the concrete work area to contain any spills. Use drip pans and oil change catch basins to minimize spills.
- Use dry methods (absorbent material such as sand, cat litter, or rags) to clean up any drips or spills that do occur. Collect soiled absorbent materials for delivery to the George Town Landfill for proper disposal. Call 949-8793 before delivering the wastes.
- Minimize inventory of fluids and chemicals: stock only what is needed in the near term. Store fluids and chemicals in their original containers; transfer fluids using funnels or drum pumps to minimize spills. Use less toxic or nontoxic solvents for parts cleaning; e.g., terpenes and citric acid or microbial or water-based cleaners.
- Collect and store liquid wastes to be recycled in an area protected from the rain. Store wastes in labelled drums with bung closures. Store waste drums within a secondary containment structure designed to contain 110% of the storage capacity. Store lead-acid batteries upright in a single layer, within an acid-resistant secondary containment bin. Limit the amount of wastes stored by regularly delivering them to the George Town Landfill recycling drop-off. Call 949-8793 before delivering the wastes.

**Water Supply**

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

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

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

As per your memo dated June 28th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

**General Issue**

Per section 7.1 of the NRA specifications, Driveways may be no closer to the corner of intersecting rights of way than 60% of parcel frontage or one-hundred feet (100’); whichever is less. Please have the applicant revised the site plan accordingly.

**Road Capacity Issues**

The traffic demand to be generated by the above proposed development of 1,296 sq. ft. has been assessed in accordance with ITE Code 942 – Automobile Care Centre. The anticipated traffic to be added onto Seymour Drive is as follows:

<table>
<thead>
<tr>
<th>Expected Daily Trip</th>
<th>AM Peak Hour Total Traffic</th>
<th>AM Peak In</th>
<th>AM Peak Out</th>
<th>PM Peak Hour Total Traffic</th>
<th>PM Peak In</th>
<th>PM Peak Out</th>
</tr>
</thead>
<tbody>
<tr>
<td>12</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
</tr>
</tbody>
</table>

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

**Access and Traffic Management Issues**

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

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 Seymour Drive and Access Road, within the property boundary, to NRA standards.

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

**Stormwater Management Issues**

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff within the subject parcel and retain existing drainage characteristics of the site as much as is feasible through innovative design and 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 stormwater 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 Access 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 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%20Detail%20s.pdf](https://www.caymanroads.com/upload/files/3/Sidewalk%20%20Curbing%20Detail%20s.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 Law (2005 Revision). For the purpose of this Law, 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**

This application is not recommended for approval for the following reasons:

1. The floor plans for the development were not submitted.
2. The specifications for the paint booth exhaust system was not submitted.
3. The proposed location of the solid waste enclosure does not meet DEH requirements
   a. The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing.
b. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure.

c. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility.

d. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line.

e. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject property is located in George Town, at the corner of Seymour Road and an un-named cul de sac.

The property is vacant except for an existing 40 foot storage container.

The proposal is for an auto repair business that includes a paint booth. The applicant has indicated that the existing container will remain as part of the proposal.

The applicant has indicated that the use would only exist for five years.

Abutting properties were notified by Registered Mail and two advertisements were placed in a local newspaper. No objections have been received to date.

**Zoning**

The property is zoned Light Industrial.

**Specific Issues**

1) **Access location**

The NRA has indicated that the proposed entrance should not be located within 100 feet or 60 % of the Seymour Road frontage to the intersection.

In this instance, the proposed entrance from Seymour Road is located adjacent to the street intersection.

The applicant is not able to utilize the un-named private road for access due to the fact that he does not have an easement over that road. Therefore access is limited to Seymour Road, but the driveway could be shifted further south.

The Authority should discuss whether the proposed entrance is satisfactory for a five year time frame.

2) **Parking and driveway surface**

The applicant has indicated a gravel parking and driveway surface instead of hard surfacing.

The Authority should discuss whether this is acceptable for business that is proposed to exist for five years.
2.18 GUMTREE PHASE 6 (AMR Consulting Engineers) Block 19A Parcel 23 (P21-0860) ($2.5M) (JP)

Application for a warehouse.

FACTS

Location Lincoln Drive, George Town
Zoning LI
Notification result No objectors
Parcel size proposed 17,384.80 sq. ft.
Current use Vacant
Proposed building size 9,486 sq. ft.
Total building site coverage 44.02%
Required parking 10
Proposed parking 14

BACKGROUND

8th December 2021 (CPA/25/21; item 2.16) Members adjourned determination to enable the applicant to address Fire Department and DEH comments with a revised site plan.

Recommendation: Discuss the application, for the following reason:
1) Manoeuvring and visibility

AGENCY COMMENTS

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

Water Authority

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:

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD/BLDG</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Warehouse</td>
<td>4 x Toilets</td>
<td>150gpd/Toilet</td>
<td>600</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td><strong>600 GPD</strong></td>
</tr>
</tbody>
</table>

- The Water Authority acknowledges the 2,500 US gallon septic tank proposed. The Authority will accept this size septic should the developer choose to install it.
• The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.

• Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

• To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

2. All dimensions and materials shall be provided for any site-built tanks.

3. Manhole extensions are permitted up to a maximum of 24” below finished grade.

4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.

5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)


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

Traffic Rated Tank and Covers

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

The Water Authority will not approve buried septic tanks with the exception of those proposed under approved designated handicapped parking.
**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](http://www.waterauthority.ky/water-infrastructure).

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

**National Roads Authority**

No comments provided.

**Fire Department**

The attached drawings can not be saved for review. However, this development requires to have a Fire Well for fire fighting purpose & the location shall be depicted on the site drawing. Also, the fire lane access is inadequate. Please note, Chapter 6 of the 1994 Standard Fire Prevention Code states: 602.6 Access to Buildings by Fire Apparatus 602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft (6.1m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15 ft.

**Department of Environmental Health**

Solid Waste Facility: This development requires (1)8 cubic yard container with once per week servicing.

Specifications for Onsite Solid Waste Enclosures Container size 8 (yd3) Width 10 (ft) Depth 10 (ft) Height 5.5 (ft) Slab Thickness 0.5 (ft), Water (hose bib), drain, Effluent Disposal well; guard rails

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is located within an established industrial area east of the George Town landfill.

The application seeks Planning Permission for the construction of a two storey warehouse.

Zoning

The property is zoned Light Industrial.

Specific Issues

1) Visibility and manouevring

The application proposes two access points – one on the west facing elevation and one on the south. The southern access point has two issues members should be aware of:

- There is no turning facility to ensure vehicles enter and leave in forward gear.
- The proximity of the garbage enclosure reduces visibility along Lincoln Drive.

Members are invited to consider whether the removal of southern entrance would ensure safety for road users.

SUPPLEMENTAL ANALYSIS

8th December 2021 (CPA/25/21; item 2.16) Members adjourned determination to enable the applicant to address Fire Department and DEH comments with a revised site plan.

28th February applicant submitted a revised site plan. The Fire Department stamped approved the site and DEH commented:

Solid Waste Facility:

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

NOTE

The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority’s specifications. Contact development.control@waterauthority.ky for deep well details.
2.19 ELAINE WATLER (Dweainy Construction) Block 38B Parcel 488 (P22-0114) ($700,000) (JP)

Application for two duplexes and a house.

FACTS

Location: Carmen Boulevard, Lower Valley
Zoning: LDR
Notification result: No objectors
Parcel size proposed: 0.64 ac. (27,878.4 sq. ft.)
Parcel size required: 35,000 sq. ft.
Current use: Vacant
Proposed building size: 8670 sq. ft.
Total building site coverage: 26.9%
Required parking: 5
Proposed parking: 10

BACKGROUND

No Planning history

Recommendation: Discuss the application, for the following reason:
1) Lot size variance (35,000 sq ft v 27,878.4 sq ft)

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

- The developer shall provide a septic tank with a capacity of at least 2,250 US gallons for the proposed, based on the following calculations:

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Duplex 1</td>
<td>2 x 3-Bed Units</td>
<td></td>
<td>600</td>
</tr>
<tr>
<td>Duplex 2</td>
<td>2 x 3-Bed Units</td>
<td>300 gpd/3-Bed</td>
<td>600</td>
</tr>
<tr>
<td>House</td>
<td>1 x 3-Bed House</td>
<td></td>
<td>300</td>
</tr>
</tbody>
</table>
The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.

**Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

**To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 5’4” above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

**Stormwater Management**

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

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

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

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

**National Roads Authority**

No comments received.

**Department of Environmental Health**

Solid Waste Facility:

This application is approved with the following conditions:

1. The site plan must be revised to show the required bins as stated above as this development cannot utilize 12 garbage bins.

2. This development requires (6) thirty three (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.

**Department of Environment**

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

The proposed development site is man-modified and of low ecological value. We recommend the planting of native species in the landscaping scheme. Native species are best suited for the habitat conditions of the site, requiring less maintenance and making them a very cost-effective choice.
Fire Department
Stamped approved plans.

APPLICANT’S LETTER

We are applying for lot size variances to construct two 2800 sq ft duplex and 3070 sq ft three (3) bedroom house which have a square foot of 27,007 sq ft.

Based on the requirements we need an additional 7,993 sq ft to meet regulation, The design is compliant with all other requirements.

The applicant is Caymanian looking forward to retire.

This will help with her retirement income and will also help to meet housing shortage in the area.

Based on our research of developments in the area with similar issues, indicate that this development would not change the aesthetics of the area.

With respect Section 9(13) of The Development and Planning Regulations (2018 Revision).

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

(iii) The proposal will not materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

We trust that the Department will grant the requested variances for this development.

PLANNING DEPARTMENT ANALYSIS

General
The application site is located within the Lower Valley area within a developing subdivision which is characterised by residential properties and horticultural land. Vacant land is located to the east with existing residential properties sited to the north and south. To the west Carmen Boulevard provides access to the site.

The application seeks Planning Permission for two-duplexes and a detached house.

Zoning
The property is zoned Low Density Residential.

Specific Issues

1) Lot size variance

Regulation 9(8) specifies 10,000 sf for houses and 12,500 sf per duplex.

A total lot of 35,000 sf is required to support the proposed development.

The proposed development site measures 27,878 sf.

Members are invited to consider whether the variance letter adequate justifies a variance.
2.20 HSA (CGMJ) Block 14E Parcel 675 (P21-1375) ($500,000) (NP)

Application for a proposed morgue and laboratory addition.

**FACTS**

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
<td>George Town Hospital</td>
</tr>
<tr>
<td><strong>Zoning</strong></td>
<td><strong>Institutional</strong></td>
</tr>
<tr>
<td><strong>Notification</strong></td>
<td>No objectors</td>
</tr>
<tr>
<td><strong>Parcel Area</strong></td>
<td>10.4 acres</td>
</tr>
<tr>
<td><strong>Proposed Building Area</strong></td>
<td>2,113 sq ft</td>
</tr>
<tr>
<td><strong>Existing Building Area</strong></td>
<td>242,113 sq ft</td>
</tr>
<tr>
<td><strong>Existing Parking</strong></td>
<td>249 on-site</td>
</tr>
<tr>
<td></td>
<td>67 off-site</td>
</tr>
<tr>
<td></td>
<td>316 Total</td>
</tr>
<tr>
<td><strong>Required Parking</strong></td>
<td>CPA Discretion</td>
</tr>
</tbody>
</table>

**Recommendation:** Discuss Planning Permission for the following reason:

1) Parking (316 provided vs 611 required).

**AGENCY COMMENTS**

The following Agency comments have been received to date.

**Department of Environmental Health**

DEH has no objections to the proposed in principle.

1. The applicant must note the following:
   a. Sharps/biohazard bins must be installed in the labs and autopsy rooms.
   b. The specifications for the fume hood, including the ventilation drawing must be submitted to DEH for review and approval.

**Fire Department**

The Fire Department has stamped approved the drawings.

**Water Authority Cayman**

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

**Wastewater Treatment:**

The existing hospital is served by two (2) Klargester onsite aerobic wastewater treatment systems with a combined design treatment capacity of 50,000 gpd.
The design capacity of the existing wastewater treatment system can accommodate the wastewater flows from the proposed, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority’s discharge limits.

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](http://www.waterauthority.ky/water-infrastructure).

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

Department of Environment

This review is provided by the Director of the Department of Environment 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 proposal is for a 2,116 square foot morgue and laboratory addition on the east side of the George Town Hospital. The proposed addition would expand both existing areas of the hospital.

Zoning

The property is zoned Institutional.

Specific Issues

1) Parking

   The proposed addition will eliminate nine existing parking spaces, resulting in a total of 316 parking spaces both on and off site (Smith Road).
There is no specific requirement for hospital parking in the Regulations. Staff have referred to the Institute of Traffic Engineers (ITE) parking guidebook for a parking estimate. The ITE standards suggest that a suburban hospital should provide 2.5 spaces per 1,000 square feet of building area. This results in a total 611 parking spaces being required.

Regulation 14(6) states that parking requirements shall be at the discretion of the Authority in an Institutional zone.

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

2.21 DANIEL C. WOOD (Daniel Wood) Block 28C Parcel 609 (P22-0161) ($30,000) (EJ)

Application for clearing and filling of land.

FACTS
Location Jim Wood Drive of Ranch Road, Newlands
Zoning LDR
Notification result No objectors
Parcel size proposed 0.3537 ac. (15,407 sq. ft.)
Parcel size required 10,000 sq. ft.
Current use Vacant

BACKGROUND
CPA/14/20 and CPA/16/20 – the Authority allowed the transfer of several lots in the subdivision, including this parcel, with the fill requirement being passed on to the new owners.

Recommendation: Discuss the application, for the following reason:

1) Background of the parcel being allowed to be transferred with the new owner being responsible to fill the parcel.

AGENCY COMMENTS
Comments from the Department of Environment are provided below.

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

The application site is low-lying, given the area is a converted wetland habitat. Based on the 2018 aerial imagery, the application site at that time consisted of a mixture of man-modified areas, a regrowth of wetland vegetation and water as shown in Figure 1. It is
noted that the application site forms a part of a wider subdivision that was approved on 17 December 2014 (Meeting CPA/31/14; Item 2.4. Planning ref: P14-0779/F14-0172). Condition 2(b) of this approval required the lots to be filled to 4 feet above mean sea level.

Nonetheless, it is the DoE’s preference for applicants to submit proposals for land clearing and filling along with their proposals for development as there may be varying recommendations for vegetation retention depending on the form and nature of the development being proposed. For example, we often recommend the retention of any wetland vegetation located outside of the development footprint to assist with on-site drainage.

The DoE also recommends that land clearing and filling not take place until the construction of the approved development is imminent to allow for the site to continue to provide ecological services such as a habitat for native fauna and migratory bird life and serving as a natural catchment basin and contributing to the stormwater drainage capacity of the wider wetland area.

![Figure 1: LIS 2018 aerial imagery showing application site outlined in red.](image)

*If the Central Planning Authority or Planning Department is minded to grant planning permission for the land clearing, we recommend the areas within the side and rear setbacks remain unfilled and that any regrowth of wetland vegetation within these areas be retained.*
to act as natural swales and assist with on-site drainage. We also recommend that
stormwater be managed on-site to avoid run-off and prevent the flooding of adjacent
surrounding parcels and the road.

APPLICANT’S LETTER

This letter serves to explain the reason for my submitted application to have property
Cleared and Filled (Block 28C, Parcel 609).

I have recently completed purchase of the said property, however, I am a First Time
Purchaser, and I was not aware, nor did the vendor inform me that the property was
required to be filled to 4ft Above Sea Level, as per the current Planning Regulations, in
order to have the property transferred to me as the owner. I am now trying to complete the
application process, then complete the task of clearing and filling the property to the
required level, so that I am able to obtain the Removal of Restriction, in order to complete
the land transfer.

I am not currently seeking any other permissions, as I have no intentions in the near future
to begin any form of construction. My only intention at this time, is to be able to have the
property transferred to me as the owner.

PLANNING DEPARTMENT ANALYSIS

General

The proposed clearing of land to fill land per CPA condition of approval at subdivision
stage.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Filling of the subdivision lots

December 17, 2014 (CPA/31/14; Item 2.4) - the Authority granted planning
permission for a twenty-four 24 lot subdivision with conditions.

And on November 8, 2017 (CPA/23/17; Item 2.6) - the CPA adhere planning condition
2(b) of CPA/31/14; item 2.4 so that the lots could be filled to 4’; given the reason for
the decision is that the condition of approval requiring the lots to be filled is a standard
condition applicable to all such subdivisions and it is the responsibility of the applicant
to ensure compliance with that condition, not the responsibility of the future owners of
the lots….now here we have a future owner being held responsible for filling and
clearing the land. Therefore, the Authority is asked to carefully consider this
application and potential future application for this subdivision.

At CPA/14/20 and CPA/16/20, the Authority considered requests from prospective
purchasers of several lots allow the transfer of the lots knowing that they would be
responsible for filling the property, not the original developer.
2.22 CROWN SQUARE LTD (Roland Bodden) Block 14CFParcel 205 (P22-0151) ($4,800) (NP)
Application for a 2 lot subdivision & right-of-way

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Eastern Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>General Commercial &amp; Neighbourhood Commercial</td>
</tr>
<tr>
<td>Notification Results</td>
<td>No objectors</td>
</tr>
<tr>
<td>Proposed Parcel size</td>
<td>1,742.4 sq ft</td>
</tr>
<tr>
<td>Parcel size required</td>
<td>20,000 sq. ft.</td>
</tr>
<tr>
<td>Current use</td>
<td>Cell Phone Tower and Plaza</td>
</tr>
</tbody>
</table>

Recommendation: Discuss Planning Permission for the following reason:
1) Lot Size (1,742.4 sq ft vs 20,000 sq ft).

APPLICANT’S LETTER

On behalf of our client, Crown Square Ltd., we are kindly requesting a variation on the minimum lot size for Lot 2 of the above planning application, as it relates to Planning Regulation 8(13).

The proposed lot in question encloses a cellphone tower which is operated by Digicel. They are currently in a lease agreement with Crown Square Ltd. in relation to the usage of the tower. The subject block and parcel is governed by the strata corporation of Strata Plan No. 324 and Crown Square Ltd. would like to formally separate the area allocated to the tower from the common property. This will allow for this area to be an entity on its own with a block and parcel assigned.

We are kindly requesting a favorable review into this proposal. Your approval for the variation would be greatly appreciated.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Eastern Avenue.

The property is currently the site of a plaza and office building as well as a cell phone tower.

The proposal is to separate the cell phone tower site from the plaza site, resulting in two parcels instead of one parcel.

The proposed width of the right-of-way is 22 feet and would be for pedestrians as well as vehicles.
**Zoning**
The property is zoned General Commercial & Neighbourhood Commercial.

**Specific Issues**

1) **Lot Size**
   Regulation 8(9) requires a minimum lot size of 20,000 square feet in a Commercial zone.
   The proposed parcel would have an area of 1,742.4 square feet.
   The applicant’s agent has submitted a variance letter and the Authority should discuss whether a variance is warranted in this instance.

2.23 **LIFESTYLE HOLDINGS LTD. (John Doak Architecture) Block 48C Parcels 121 (P22-0006) ($250,000) (MW)**
Application for a house addition, modification of the floor plan and & pool extension.

**FACTS**

- **Location**: Bodden Town Rd., Bodden Town
- **Zoning**: Beach Resort Residential
- **Notification result**: No Objectors
- **Parcel size proposed**: 0.52 ac. (22,651.2 sq. ft.)
- **Parcel size required**: 10,000 sq. ft.
- **Current use**: Existing Residence w. Detached Garage & Pool.
- **Proposed building size**: 746 sq. ft.
- **Total building site coverage**: 15.9%

**BACKGROUND**
Extensive history of applications but none specific to this current application

**Recommendation**: Discuss the application, **for the following reason**:
1) side setbacks

**AGENCY COMMENTS**
Comments from the Department of Environment are noted below.

**Department of Environment**

*This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*
The application site is already developed and of limited ecological value. However, best management practices should be adhered to during construction to prevent any impacts to the marine environment. Conditions of approval should include but are not limited to:

- Any stockpiled materials should be kept away from the sea and landward of the existing seawall to reduce the possibility of rainwater runoff washing material into the canal; and
- There should be no works undertaken seaward of the seawall.

Please do not hesitate to contact the Department should you require further assistance.

APPLICANT’S LETTER

The applicant’s agent was requested to submit a letter, but none has been forthcoming.

PLANNING DEPARTMENT ANALYSIS

General

The application for a house addition, modification of the floor plan and & pool extension located on Bodden Town Rd., Bodden Town.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) Side Setback

Regulation 15(4)(b)(i) states “the minimum side setbacks shall be 20’-0.” The existing ATF gazebo & deck were approved by CPA on July 22, 2015 (CPA/15/15; Item 2.14) with a side setback of 7’-4”. The applicant now wishes to enclose the gazebo while retaining the same setback. The pool was approved with an 11’ 3” side setback and the pool deck with a 7’ 1” side setback. The extension of the pool retains the same side setback, but the new pool deck will reduce the side setback to 3’ setback.
APPLICATION FOR A DUPLEX.

FACTS

Location: Broadleaf Close in East End
Zoning: MDR
Notification result: No objectors
Parcel size proposed: 0.30 ac. (13,068 sq. ft.)
Parcel size required: 7,500 sq. ft.
Current use: House
Proposed building size: 2,655 sq. ft.
Total building site coverage: 20.32%
Required parking: 2
Proposed parking: 4

BACKGROUND

March 04, 2003 - after-the-fact temporary shed approved

Recommendation: Discuss the application, for the following reason:

1) Rear setback (10’ & 11’ vs 20’).

APPLICANT’S LETTER

Please accept this letter as a formal request for a site Variance for my existing originally approved temporary house to remain onsite during construction for my family and I to live into because we have nowhere to go and are ready to build our dream new duplex in place of the temporary house until one unit (phase) of the new duplex is completed. As per Planning regulations 8. (13): (b) (ii) unusual terrain characteristics limit the site’s development potential; and 8 (13) (b) (i) the characteristics of the proposed development are consistent with the character of the surrounding area.

We seek a temporary variance to retain the existing temporary wooden house until one side of the duplex is completed and apply for a SPECIAL PERMISSION TO OCCUPY (SPO) for 120 days that we could get electrical connection to remove the existing temporary house to complete the duplex.

Formal plans for a new duplex were submined indicating the removal of existing temporary wooden house at end of one side (phase) of duplex finish and move into; and we request a variance due to existing house location inside of the new duplex footprint of which would hamper finishing our duplex development. The Development and
Planning regulations 8. 8 (13) (b) (i) the characteristics of the proposed development are consistent with the character of the surrounding area; (13): (b) (ii) unusual terrain characteristics limit the site’s development potential.

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

I bought the property was from the late Mr. Joseph T. McFarlane to build a duplex or house for my family and do hereby request your kind consideration for a site setback variance of approx. 9ft at the duplex next to parcel 271 (submitted as side of duplex) and consider back of house from access road. This layout is the best way we could utilize our property with out removing the last few fruit trees onsite and provide proper gravel parking and comply with Planning regulations 8. 8 (13) (b) (ii) and 8 (13) (b) (i).

Plans were submitted for the proposed duplex constructed of concrete block to the Cayman Islands Building Codes standard.

Project name: proposed 3059 SQFT Duplex with temporary existing house to be remove at end of construction for Mr. Oswald Brown.

Registered mail notices were sent to Block 72C 220, 271, 306 & 324 to notify them of proposed duplex 9ft setback variance request for the back of building from road access Road (which actually 11ft on side of the building next to parcel 271). Along with two maps showing where variance is being requested.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The proposed duplex do not meet the required setback and is proposed of Broadleaf Close in East End.

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

1) **Rear setback**

The proposed duplex and septic tank is setback 11’ and 10’ vs 20’ from the rear boundary; therefore, the applicant is seeking a rear setback variance from the Authority. Additionally, the applicant proposes to build around / incorporate the existing one-bedroom house into the duplex until one side is complete.

It would appear if the proposed duplex was turned 90 degrees, with the front door facing the road (East), then there would be no need for any setback variance for the duplex or septic tank and potentially creating more open yard space.
FACTS

Location: Jim Wood Drive, Savannah

Zoning: LDR

Notification result: No objectors

Parcel size proposed: 0.2762 ac. (12,031.27 sq. ft.)

Parcel size required: 12,500 sq. ft.

Current use: Vacant

Proposed building size: 2573 sq. ft.

Total building site coverage: 21.4%

Required parking: 2

Proposed parking: 4

BACKGROUND

No Planning history

Recommendation: Discuss the application, for the following reasons:

1) Lot size variance (12,031.27 sf v 12,500 sf)

AGENCY COMMENTS

Department of Environment

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

The subject parcel is low-lying with some mangrove vegetation. With the conversion of the mangrove habitat to hardstanding, drainage must be properly assessed. We recommend the retention of wetland vegetation outside of the development footprint to assist with on-site drainage.

We also recommend that stormwater be managed on-site to avoid run-off and prevent the flooding of adjacent properties and the road. Lastly, we recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.
APPLICANT’S LETTER

With respect to our submission for a duplex on block 28C parcel 612 located on Ranch Road, Newlands, Bodden Town Grand Cayman, we hereby request variances as follows:

1. Land square footage variance for proposed duplex to be on a property of 12,055.24 square feet.

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 neighbouring public welfare.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within an undeveloped subdivision, surrounded by vacant lots with the access road forming the western boundary.

The application seeks Planning Permission for a duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot size variance (12,031.27 sf v 12,500 sf)

Regulation 9(8)(e) requires a minimum lot size of 12,500 sq ft for a duplex.

The application site measures 12,031.27 sf.

Members are invited to consider whether adequate justification has been provide to vary the Regulations.
Application for storage shed and outdoor kitchen.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Grand Estates Quay in Grand Harbour</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>LDR</td>
</tr>
<tr>
<td>Notification result</td>
<td>No objectors</td>
</tr>
<tr>
<td>Parcel size proposed</td>
<td>0.3658 ac. (15,934 sq. ft.)</td>
</tr>
<tr>
<td>Parcel size required</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Current use</td>
<td>House &amp; Pool</td>
</tr>
<tr>
<td>Proposed building size</td>
<td>192 &amp; 143 sq. ft.</td>
</tr>
<tr>
<td>Total building site coverage</td>
<td>17.65 %</td>
</tr>
</tbody>
</table>

BACKGROUND

May 07, 2012 - The Department granted permission for a three-bedroom house and pool.

Recommendation: Discuss the application, for the following reason:

1) canal setback (15’ vs 20’)

AGENCY COMMENTS

Comments from the Department of Environment (NCC) are provided below.

Department of Environment

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

The application is man-modified with limited ecological value. However, it is noted that the proposed shed does not meet the minimum 20-foot canal setback required in the Development and Planning Regulations (2022). Given the climate change predictions for the region which include but are not limited to sea-level rise, increased storm intensity and storm surge, we can expect regular overtopping of seawalls in some of the canal developments. During instances of King Tides, some canals and coastal areas currently experience wave-overtopping and seawater inundation. For this reason, the DoE recommends that setbacks are maintained and that all ancillary structures meet the minimum 20-foot canal setback as required in the Development & Planning Regulations. As the proposed garden shed is a non-habitable structure, should the applicant wish to
retain the currently proposed shed location, the DoE would recommend the applicant elevates the structure; possibly placing the structure on stilts/pilings to improve climate-resiliency.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed shed and outdoor kitchen, the following condition should be included in the approval:

- All construction materials shall be stockpiled away from the canal edge to prevent run-off and debris from entering the marine environment causing turbidity and impacting water quality.

**APPLICANT’S LETTER**

We write on behalf of our client Mr. Eric Anderson, with regards to the following variance; 
- A side setback variance — to allow the proposed to be built with a reduced side setback of 10’ which would be less than the required 15’. 
- A rear setback variance — to allow the proposed to be built with a reduced rear setback of 15’ which would be less than the required 20’.

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

1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail.
2. Per section 8(13)(b)(iii) of the Planning Regulations, granting the variances will not be detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;
3. Although the existing house is a multi-storey structure, the proposed detached shed will be single storey, therefore, in our opinion the 10’ side setback would be suitable for this case.
4. The reduce rear setback is needed to provide sufficient separation between the proposed shed and the existing pool deck to allow the current setting to continue to enjoy the existing scenic view, therefore, applying the strict application of the law, in this instance, would deprive the applicant of reasonable and beneficial use of this area of the property rear.
5. The application complies with all other relevant planning requirements.

**PLANNING DEPARTMENT ANALYSIS**

General

The proposed storage shed with setback variance and outdoor kitchen located on Grand Estates Quay in Grand Harbour.

Zoning

The property is zoned Low Density Residential.
Specific Issues

As proposed, the storage shed does not meet the required setbacks from the canal.

1) Canal setback

The proposed storage shed does not meet the required canal setback per Regulation 8(10)(ea), proposed at 15’ vs 20’ from the canal. The applicant has addressed the issue in their letter above.

2.27 TREVOR WATKINS (Eric Cronier Limited) Block 22E Parcel 539 (P22-0078) ($5,000) (NP)

Application for a 3 lot subdivision.

FACTS

Location Grand Harbour, George Town
Zoning LDR, Mangrove Buffer, Marine Commercial
Notification Results No objectors
Parcel size 61 acres
Parcel size required 10,000 sq. ft. for dwellings
25,000 sq. ft. for apartments
Parcel width required 80 feet for dwellings
100 feet for apartments
Proposed lot sizes 1.55 acres to 57 acres
Current use Road & Undeveloped

BACKGROUND

October 23, 2019 (CPA/22/19; Item 2.16) – The Authority resolved to modify planning permission to combine two lots into one and revise the canal design subject to the applicant submitting a revised plan showing all aspects of the canal and lot 62 outside of the mangrove buffer area.

January 23, 2019 (CPA/02/19; Item 2.1) – The Authority resolved to modify planning permission to allow the revised subdivision layout subject to the applicant submitting a revised plan showing the northerly edge of the proposed canal in line with the northerly edge of the dyke conveyance system.

October 31, 2018 (CPA/24/18; Item 2.3) – The Authority resolved to modify planning permission to allow minor revisions to the previously approved lot sizes and to add an additional 22 residential lots and 1 road parcel.

Recommendation: Discuss Planning Permission for the following reasons:

1) Lot width
2) DOE comments

AGENCY COMMENTS

Comments were received from the following agencies:

**Water Authority Cayman**

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

**Water Supply:**

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

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

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

**Wastewater Treatment:**

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

**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 reiterates its previous recommendations that plans should be revised to remove the area of road and fill shown within the existing Mangrove Buffer Zone on the North Sound coastline (as shown in figure 1 below) as was required in the previous planning application for this area (P19-0914). Additionally the area of fill material placed within the Mangrove Buffer Zone without permission should be removed and the area graded to the elevation of the original natural landscape to allow mangroves to regrow and to reinstate the buffer area as required in Planning Regulations. The DOE notes that the excavated canal area also encroaches into the Mangrove Buffer Zone as shown in figure 1 below. Mangroves are protected under the National Conservation Act (2013) through the provisions of the Species Conservation Plan for Mangroves (2020).
Figure 1: DOE Aerial Imagery showing the Mangrove Buffer Zone (outlined in green) and the filled road section and cleared area encroaching into it (DOE 2021).

Please do not hesitate to contact the Department should you require further assistance.

PLANNING DEPARTMENT ANALYSIS

General
The subject property is located in Grand Harbour, George Town.
The property contains a road and undeveloped lands.
Proposed parcel A ranges from a minimum of 20 feet in width to approximately 100 feet in width.
Proposed parcel B is a road parcel that would have a maximum width of 30 feet.
Proposed parcel C is the canal system to the east.
It is the understanding of staff that none of the proposed lots are intended to be developed for building purposes.

Zoning
Proposed parcel A is zoned both Low Density Residential and Mangrove Buffer.
Proposed parcel B is a road parcel that is zoned Low Density Residential.
Proposed parcel C is the canal system to the east and is not zoned.
Specific Issues

1) Lot width
   Regulation 9(g) requires a minimum lot width of 80 feet for houses and duplexes.
   Proposed parcels A (20 feet) and B (30 feet) would not satisfy this requirement.

2.28 J. LAURENSON (Shedwerx) Block 27C Parcel 662 (P22-0155) ($45,000) (NP)
Application for a cabana.

FACTS

<table>
<thead>
<tr>
<th>Location</th>
<th>Tarpon Island Drive in Prospect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>Low Density Residential</td>
</tr>
<tr>
<td>Parcel size</td>
<td>26,275 sq. ft.</td>
</tr>
<tr>
<td>Parcel size required</td>
<td>10,000 sq. ft.</td>
</tr>
<tr>
<td>Current use</td>
<td>Dock</td>
</tr>
<tr>
<td>Proposed use</td>
<td>Cabana</td>
</tr>
<tr>
<td>Building size</td>
<td>581 sq. ft.</td>
</tr>
</tbody>
</table>

Recommendation: Discuss the application for the following reason:

1) Lack of primary development of the site

AGENCY COMMENTS

Comments from the Department of Environment (NCC) are provided below:

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

The application is man-modified with limited ecological value. The applicant should be advised to stockpile construction materials away from the canal edge to prevent run-off and debris from entering the marine environment causing turbidity and impacting water quality.

PLANNING DEPARTMENT ANALYSIS

General
The subject property is located on Tarpon Island Drive in Prospect.
The property is developed with a dock.
The proposal is to construct a free standing cabana (581 square feet) with a bar, bbq, and bathroom located under the roof of the cabana.
**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

1) **Lack of primary development on the site**

   The proposed cabana would be the only building on the site. It would not be ancillary to a primary use. The Authority needs to determine if the proposal is acceptable in a residential area.

---

**2.29  JASON M. BROWN (CCS LTD.) Block 19E Parcel 33 (P22-0100) ($1,750,000) (MW)**

Application for a warehouse/workshop building with ancillary offices.

**FACTS**

- **Location**: Off Sparky’s Dr., George Town
- **Zoning**: **Heavy Industrial**
- **Notification result**: No Objectors
- **Parcel size proposed**: 1.5 ac. (65,340 sq. ft.)
- **Parcel size required**: 20,000 sq. ft.
- **Current use**: Industrial
- **Proposed building size**: 8,800 sq. ft.
- **Total building site coverage**: 22.03%
- **Required parking**: 4 spaces
- **Proposed parking**: 8 spaces

**BACKGROUND**

- **December 6, 2006** – ATF Fence, Containers, Ancillary Building & Temporary Building – the application was seen and it was resolved to grant planning permission (CPA/38/06; Item 2.23).

- **January 22, 2014** – Industrial Building 3,300 sq. ft. – the application was seen and it was resolved to grant planning permission (CPA/02/14; Item 2.8).

**Recommendation**: Grant Planning Permission.

**AGENCY COMMENTS**

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

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

Wastewater Treatment & Disposal

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

<table>
<thead>
<tr>
<th>BUILDING</th>
<th>UNITS/BLDG</th>
<th>GPD/UNIT</th>
<th>GPD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Warehouse</td>
<td>7,533 sq. ft.</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Reception</td>
<td>214 sq. ft.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Storage</td>
<td>335 sq. ft.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Kitchen/Training Room</td>
<td>669 sq. ft.</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Offices</td>
<td>882 sq. ft.</td>
<td>882 x 0.15 (office factor)</td>
<td>132.3</td>
</tr>
</tbody>
</table>

| TOTAL | 132.3 GPD |

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

- Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority’s standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’5” above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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


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 continue utilizing the existing septic tank and/or disposal well, serving the existing buildings, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority’s website via the following link: [https://bit.ly/2RO8MBB](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.

**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](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**

None received at this time.

**Department of Environmental Health**

None received at this time.

**Department of Environment**

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

**Fire Department**

Approved for Planning Permit Only (25 March 22)

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a Workshop / Office Building; 8,800 sq. ft. to be located off Sparky’s Dr., George Town.

**Zoning**

The property is zoned Heavy Industrial.

**2.30 HARRY LALLI (Abernethy & Associates Ltd) Block 22D Parcel 141 REM12 (P22-0159) ($3469) (JP)**

Application for a 2 lot subdivision.

**FACTS**

- **Location:** Spinnaker Road, Red Bay
- **Zoning:** LDR
- **Notification result:** No objectors
- **Parcel size proposed:** 0.21 ac. (9180 sq. ft.)
- **Parcel size required:** 10,000 sq. ft.
- **Current use:** Road

**BACKGROUND**

Extensive history, but none with direct relevance

**Recommendation:** Grant Planning Permission

**AGENCY COMMENTS**

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

**Water Authority**

**Water Supply:**

*The proposed development site is located within the Water Authority’s piped water supply area.*
• The developer shall contact Water Authority’s Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.

• The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.

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

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

Wastewater Treatment:

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

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

National Roads Authority

No comments received.

Department of Environment (NCC)

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

The Department has no concerns with the proposed subdivision. However, as there are mangroves located on the site, the Applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (2013) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting of planning permission or a National Conservation Council Section 20 permit. 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

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

1. As mangroves are protected under the National Conservation Act (2013), all mangrove vegetation shall be retained in accordance with the National Conservation Council’s Species Conservation Plan for Mangroves (2020).
2. There shall be no land clearing, excavation, filling or development of the resulting subdivided/combined parcels without planning permission for such works being granted.

3. Any future development, clearing, filling or excavation of the resulting subdivided/combined parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.

4. Should there be any trimming of the mangroves which fall within the applicant’s parcel boundary, it shall be done in accordance with the DoE’s Mangrove Trimming Guidelines available from the DoE’s website here: https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/.

PLANNING DEPARTMENT ANALYSIS

General
The application site consists of Spinnaker Road and two unmade accesses located at the North Sound end of Red Bay.

The application seeks to subdivide to section off the access which is sited south.

Lot 1 will be combined with 22D 253, 266 and 22C 36.

Lot 2 will remain as a part of the existing road network.

Zoning
The property is zoned Low Density Residential.

2.31 CAYMAN SHORES (Decco Ltd) Block 12D Parcel 95 Block 2 (P22-0310) ($25,000) (NP)
Application for proposed digital sign.

FACTS
Location: Solaris Drive & Market Streets
Zoning: General Commercial
Current use: Parking Structure
Sign Area: 25 sq ft

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General
The proposed sign location is the corner parking structure situated at the corner of Solaris Drive and Market Streets in Camana Bay.
The size of the proposed digital sign is 25 square feet and would be used to illustrate the number of vacant parking spaces on each level of the parking structure. Notification was not required because the applicant owns the surrounding lands.

**Zoning**

The property is zoned General Commercial.

3.0 **DEVELOPMENT PLAN MATTERS**

4.0 **PLANNING APPEAL MATTERS**

5.0 **MATTERS FROM THE DIRECTOR OF PLANNING**

6.0 **CPA MEMBERS INFORMATION/DISCUSSION**
Appendix A
11th May 2020

The Executive Committee (the "ExCom")
Strata Plan No. 317 (Rosedale Gardens)
765 Crewe Road
George Town, Grand Cayman
Cayman Islands

Dear Sirs

STRATA PLAN NO. 317 (ROSEDALE GARDENS)

As you know, Rosedale Gardens was initially designed by HAB Developers Ltd ("HAB") in 1998, and shortly thereafter the existing residential blocks (Tiffany, Piccadilly, Eden and Damask) (together, the "Existing Buildings") were built. HAB is now in a position to proceed with the development of Rosedale Gardens by adding further residential townhouses and various amenities such as the much-desired residents' clubhouse and an additional pool. Please find enclosed, for your perusal, promotional material for the proposed development of Rosedale Gardens and a draft site plan dated 19 December 2019 (the "Site Plan").

As industry and planning standards have moved on considerably since the Rosedale Gardens Proposed Strata Lot Development plan that is currently registered with the Land Registry (the "Original Plan"), HAB is required to submit an amended proposed strata development plan (the "New Plan") to the Department of Lands and Survey ("Lands").

ExCom Concerns

We understand from our discussions with you and the recent correspondence sent to Harilyn Bodden on the 16th January 2020 via e-mail from Ms. Lisa Terry, the Property Manager of Charterland that the members of the ExCom have certain concerns about the development proposed by HAB and the changes contemplated by the New Plan. We seek to address each of these concerns below.

1. Too many buildings in the development area.

The Original Plan contemplated that there would be 19 buildings, comprising 152 residential units, built in the development once completed. Under the Original Plan, Rosedale Gardens would be spread across 5 phases. A copy of the Original Plan is enclosed for ease of reference.

On the New Plan the complex will be spread across 4 phases, consisting of 18 buildings (including the Existing Buildings, but not including the clubhouse) and the total number of

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residential units will be reduced to 116 (thirty-six fewer units). The 14 additional buildings are described herein as the "New Buildings".

Importantly, Phase 5, the lot directly adjacent to the main road, has been removed from the New Plan. We considered that removing the 3 buildings in Phase 5 would allow us to concentrate our resources on providing a quality development with much sought after amenities for the Rosedale Gardens residents to enjoy.

2. Not enough parking spaces for units or guests. We suggest one space per bedroom (not including guest parking) should be the minimum for a quality development.

The New Plan is compliant with the requirements in the Development and Planning Regulations (2020 Revision) ("Planning Regulations") as they relate to parking. The Planning Regulations do not require that there be a minimum of one parking space per bedroom for each residential unit.

3. Not enough green space, and there needs to be more emphasis on landscaping with flowering plants, not just grass and a few palms.

As will be evident from the enclosed promotional materials and the Site Plan, under the New Plan, Rosedale Gardens will benefit from a beautiful array of landscaping with an abundance of flowering plants as well as palm trees. The landscaping proposed by the New Plan meets the requirements set out in the Planning Regulations as they relate to landscaping.

4. Style of buildings not in keeping with the present buildings – ExCom does not approve of new building design.

HAB has made every effort to blend the designs of the Existing Buildings with that of the New Buildings. Naturally, as it has been over 20 years since the Existing Buildings were built, the New Buildings feature a more contemporary style. As mentioned previously, what is considered acceptable or desirable in the housing market, as well as standards set by the authorities responsible for planning and development in the Cayman Islands, has changed. As such, it would be impractical for the New Buildings to be identical to the Existing Buildings.

One key difference between the Existing Buildings and the New Buildings is the positioning of the parking blocks assigned to each of the residential units in the New Buildings. The parking spaces for the New Buildings have been positioned to allow owners to have more direct access from their cars to their units and vice versa. This is especially important when transporting children and offloading groceries and will reduce any inconveniences or safety hazards that might arise when residents are moving to and from their vehicles in inclement weather.

5. Lack of amenities. Proposed amenities to be included in the development plan.

Under the New Plan, the residential units of Rosedale Gardens surround a modern communal recreational garden. One of the central features of this recreational space will be a clubhouse that will be available for the exclusive use of Rosedale Gardens’ residents and their guests. The clubhouse will contain a gym, bathroom facilities and an open balcony looking out onto the existing Olympic sized swimming pool.

In addition to the existing pool, the recreational garden features a lounge-style pool and deck for adults and with an adjoining splashing pool for children. Residents will be able to access

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this beautifully landscaped, shaded space by using paved sidewalks positioned strategically for easy maneuvering around the complex.

6. Only one pool proposed for the entire development, which is not enough.

As explained in the response to 5 above, under the New Plan there will be two pools and a children's swimming pool in the Rosedale Gardens complex.

7. Private gardens for proposed new buildings not acceptable.

It is not clear to us why ExCom finds the provision of private gardens under the New Plan unacceptable.

Private back yard space is a good selling point in today's market that will add to the value of the residential units in the New Buildings. Residents will have the option to enjoy the outdoors in their own personal space in addition to having access to the communal amenities.

8. The entire property to be fenced and also gated. This should be included in the development plan.

The New Plan does contemplate the construction of a fence along the borders of the development and an electronic gate at the entrance.

9. What is cost of units going to be, i.e. value of units?

The estimated [pre-construction] starting price of the units in the New Buildings is CI$299,000 but we expect the sale price to increase to somewhere in the region of CI$495,000 for the larger units.

Should you wish to consider purchasing one of the units in the New Buildings, we would be happy to discuss this further.

10. How does HAB plan to manage the construction? What is the proposed timeline for completion? This will need to be agreed so residents are not living in a construction zone for an indefinite period of time.

Once the necessary approvals have been obtained, we would be happy to provide a detailed construction timeline. However, we anticipate that construction will be completed in its entirety within approximately 2 years from breaking ground. This estimate is of course subject to commercial considerations including any delays arising out of compliance with any law, regulation, ruling or other governmental action or arising out of natural disasters, sabotage, accidents, labor disputes, shortages or failure to supply materials or equipment, interruption of or delay in transportation or any other similar circumstance beyond HAB's control.

11. An amount (to be decided on) should be held in escrow, in the event the project proceeds and is then not completed, so there will be funds available to ensure the property does not remain in a state of disrepair.

While we understand the concern prompting this request, we confirm that the project is fully financed by Cayman Islands Class A Banks. As such, it is not necessary for funds to be held on escrow at this stage.

Error! Unknown document property name.
12. The parking lot at the end of Damask needs to be completed.

We are happy to survey the relevant area and, subject to the requisite planning approvals, arrange to allocate additional parking spaces to the Damask building.

13. The sidewalk in front of Damask needs to be finished.

We are happy to survey the relevant area and, subject to the requisite planning approvals, arrange to complete the sidewalk next to the Damask building.

Further changes to the Proposed Development Plan

In summary, the key differences between the Original Plan are as follows:

- There is one less building and 36 fewer residential units in the New Plan;
- The clubhouse is included in the New Plan;
- There is an additional swimming area including an adult swimming pool and children's splashing area in the New Plan; and
- The Original Plan has been restructured such that Phase 5 and its strata lot no longer appear on the New Plan.

Consent

We trust the information contained herein is helpful. Should you have any questions please do not hesitate to contact Harilyn Bodden at harilyn.b@habodenrealty.com or 345-916-3065, otherwise we should be grateful if you would each sign a copy of the enclosed consent letter ("Consent Letter") to allow for the filing of the submissions of the New Plan with the Lands.

Please deliver the completed Consent Letter to the Rosedale Gardens administration office and/or via email to harilyn.b@habodenrealty.com no later than 5:00pm on Tuesday 26th May 2020.

Yours sincerely

Encl.

Error! Unknown document property name.
Appendix B
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as our formal objection to the above referenced planning application.

The Executive committee of Strata 317 (Rosedale Gardens) (the “Executive”) objects to the planning application by HAB Developers LTD on Block and Parcel 20D428 on the following grounds:

1) **Too many additional units to the current development** – the Executive is concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of todays resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Executive or a majority of Owners to amend the strata plan - further to the consent letter HAB sent to the property manager on 11 May 2020 seeking consent by 26 May 2020, and HAB were advised by the property manager, that the Executive could not comment until they consulted an attorney, which they could not do at the time, given the Covid 19 crisis. As far as the Executive are aware, HAB, requires 51% owner approval under the law to alter the original development plan, which they have not received.

7) Insufficient notice of planning application was given – Only 1 member of the Exec has received this planning permission notice so far supposedly sent on July 15, 2020 but not received until July 29, 2020). In addition, a survey of owners has revealed that most of them have NOT received this notice. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and I am very concerned that the developer would again abandon the project, leaving a further mess.
Strata Plan 317 (Rosedale Gardens)
765 Crewe Road, George Town
P.O. Box 32319
Grand Cayman KY10-1209
Cayman Islands

Strata 317, its Executive and its owners reserve the right to submit further objections either directly or through our appointed attorney.

Kind Regards,

The Executive Committee, Strata 317

Andrea Bodden
Amaris Coe
Kyle Farrington
Ricky Handal
Tanya Meyerhoff
Joni Steffen
Hanna Trewern
Stefan Twinn
Subject: Fw: Objection to Application for planning permission
Date: Monday, 3 August 2020 at 9:45:55 AM Eastern Standard Time
From: Tanya Meyerhoff
To: Tanya Meyerhoff
Attachments: Executive Objection to HAD Developers re Rosedale.pdf

[EMAIL FROM EXTERNAL]

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From: Stefan Twinn <stefan.twinn@gmail.com>
Sent: Sunday, August 2, 2020 8:37 PM
To: planning.dept@gov.ky <planning.dept@gov.ky>
Cc: Amaris Coe <acoe@candw.ky>; Andrea Bodden <andrea@candw.ky>; Lisa Terry <l'terry@charterland.ky>; Hannah Trewern <hannah.trewern@gmail.com>; Ricky Handal <ricky@ebl.com.ky>; Joni Steffen <steffen.joni@gmail.com>; Kyle Farrington <kyle_farrington@live.com>; Tanya Meyerhoff <tanyameyerhoff@hotmail.com>
Subject: Objection to Application for planning permission

Good Morning,

Please find attached formal objection to "HAB Developers, Rosedale Phase, 14 apartment blocks" on Block and Parcel 20D428

This objection is on behalf of Strata 317 (Rosedale) and presented by the Executive committee of Strata 317.

August 2, 2020
Director of Planning
P.O. Box 113,
Grand Cayman
Cayman Islands
KY1-9000

Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments …”

Please accept this written notice as our formal objection to the above referenced planning application.

The Executive committee of Strata 317 (Rosedale Gardens) (the “Executive”) objects to the planning application by HAB Developers LTD on Block and Parcel 20D428 on the following grounds:
appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and I am very concerned that the developer would again abandon the project, leaving a further mess.

Strata 317, it's Executive and its owners reserve the right to submit further objections either directly or through our appointed attorney.

Kind Regards,

The Executive Committee,
Strata Plan 317 (Rosedale Gardens)
765 Crewe Road, George Town
P.O. Box 32319
Grand Cayman KY10-1209
Cayman Islands
Andrea Bodden
Amaris Coe
Kyle Farrington
Ricky Handal
Tanya Meyerhoff
Joni Steffen
Hanna Trewern
Stefan Twinn
Hi Jessica,

Please see attached objection letter.

Kind regards,

Hannah Trewern

On Wed, Aug 5, 2020, 2:59 PM Peacey, Jessica <Jessica.Peacey@gov.ky> wrote:

Hi Hannah

Thank you for your email.

Unfortunately the forwarding function resulted in your objection disappearing from the thread. Could you please send to me direct? I am the Planner dealing with the file.

Many thanks

Jess Peacey MRTP

Department of Planning | Cayman Islands Government

+1 345 244-6501 (Main) +1 345 244-6526 (Direct) +1 345 936-6550 (Mobile)

* jessica.peacey@gov.ky | www.planning.ky
The Department of Planning has issued an update regarding service delivery as a result of COVID-19 – please refer to our website by clicking the following link:  https://www.planning.ky/announcements

From: Department of Planning  
Sent: Wednesday, August 5, 2020 2:56 PM  
To: Peacey, Jessica  
Subject: FW: [EXTERNAL] Objection to planning application 20D/428


From: Hannah Trewern [mailto:hannahhtrewern@gmail.com]  
Sent: Wednesday, August 5, 2020 8:27 AM  
To: Department of Planning  
Subject: [EXTERNAL] Objection to planning application 20D/428

Dear Planning dept,

Please find attached my objection to planning application.

Kind regards,

Hannah Trewern

| objection HT |
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blacks which comprise 84 apartments ...”

Please accept this written notice as my **formal objection** to the above referenced planning application.

I, Hannah Trewern object to the planning application by HAB Developers LTD on Block and Parcel 20D428 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
   
   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required **minimum** number of parking spaces, this is insufficient for the current needs of todays resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development

7) Insufficient notice of planning application was given – I was the only member of the executive committee to receive my “planning application” notice. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Hannah Trewern
Dear Director of Planning,

Kindly see attached my objection to the subject application by HAB Developers Ltd.

Kind regards,
Andrea Bodden
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blacks which comprise 84 apartments ...”

Please accept this written notice as my formal objection to the above referenced planning application.

I, Andrea Bodden, of the above address, object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) Too many additional units to the current development – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents and ultimately decrease the value of our property.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) Not enough parking spaces for residents and visitors - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of todays resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road and in addition is very unsightly.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents for a period of two years (which is the approximate timeframe given by HAB for the project to be completed), in addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan– I have not consented to the changes proposed to the development.

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days from the date of the notice being posted, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application, thus, in effect, not allowing them their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Andrea Bodden
August 2, 2020
Director of Planning
P.O. Box 113,
Grand Cayman
Cayman Islands
KY1-9000

Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments …”

Please accept this written notice as my formal objection to the above referenced planning application.

I object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming
From: Department of Planning
Sent: Wednesday, August 5, 2020 2:55 PM
To: Peacey, Jessica
Subject: FW: [EXTERNAL] objection to planning application
Attachments: ci.png; Scan_20200804 (2).png; ci2.png

Follow Up Flag: Follow up
Flag Status: Flagged

From: tom, maria dahlstrom [mailto:gardencourtlttd@gmail.com]
Sent: Tuesday, August 4, 2020 5:05 PM
To: Department of Planning
Subject: [EXTERNAL] objection to planning application

Hello,
Please see attachment for my Objection
Regards,
Tom Dahlstrom
traffic to pedestrians crossing the road. In addition to it being *unsightly.*

3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development

7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of
Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

[Signature]
From: tom, maria dahlstrom [mailto:gardencourtltd@gmail.com]
Sent: Tuesday, August 4, 2020 4:47 PM
To: Department of Planning
Subject: [EXTERNAL] Objection to planning application

Hello,
Please find my letter of objection attached.

regards,

Maria Dahlstrom
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D248” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments …”

Please accept this written notice as my **formal objection** to the above referenced planning application.

I Maria Dahlstrom object to the planning application by HAB Developers Ltd on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

a) Congestion within the strata property
b) Increased traffic within the Strata property
c) Insufficient visitor parking
d) Additional noise pollution
e) Decrease of current “Green Space”
f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “**minimum**” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming
traffic to pedestrians crossing the road. In addition to it being unsightly.

3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of
Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Maria Dahlstrom
From: Stefan Twinn [mailto:stefan.twinn@gmail.com]
Sent: Tuesday, August 4, 2020 4:46 PM
To: Department of Planning
Subject: [EXTERNAL] Objection to planning application

Good Afternoon,

Please find attached formal objection to "HAB Developers, Rosedale Phase, 14 apartment blocks" on Block and Parcel 20D428.

Kind Regards,

Stefan Twinn
516-1924
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my formal objection to the above referenced planning application.

I “Stefan Twinn” owner of “GTE 20D 428H9” object to the planning application by HAB Developers LTD on Block and Parcel 20D428 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
   
   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.
3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development

7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) **The developer has an unfortunate history of being unable to complete the development**. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Stefan Twinn
Owner
GTE 20D428H9
Good morning,

Please see attached my formal objection to the proposed development citing concerns of inconsistency of the visual appearance of proposed and existing developments, along with concerns relating to a reduction in value of existing property as a result of the new development.

Kindest Regards

Casey Goff
Food Division Manager

Jacques Scott Group Ltd
PO Box 488 Grand Cayman KY1-1106 Cayman Islands
T 345 949 7600 C 345 916 5502 F 345 949 2316

CaseyGoff@JacquesScott.com

www.jacquesscott.com
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my **formal objection** to the above referenced planning application.

I, **Casey Goff**, object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

3) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale - Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

4) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
5) **Insufficient notice of planning application was given** – I have not received my "planning application" notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

6) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Casey Goff
TO THE PLANNING DEPARTMENT.

SEE ATTACHED, MY FORMAL OBJECTION TO HAB DEVELOPERS PLANNING APPLICATION.

Thanks,

Lucy Muyanga
929 2799
August 2, 2020
Director of Planning
P.O. Box 113,
Grand Cayman
Cayman Islands
KY1-9000

Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my formal objection to the above referenced planning application.

I LUCY MUYANGA object to the planning application by HAB Developers Ltd on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

LUCY MUYANGA
Good morning,

Please find attached my formal objection to HAB Developers, Rosedale Phase, 14 apartment blocks on Block and Parcel 20D428.

Please feel free to contact me if you have any questions.

Kind regards,
Joni Steffen
Owner and resident
#106 Rosedale Gardens
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "20D428" – "Rosedale Phase, 14 apartment blocks which comprise 84 apartments ..."

Please accept this written notice as my formal objection to the above referenced planning application.

I, Joni Steffen, object to the planning application by HAB Developers Ltd on Block and Parcel 20D428 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Elimination of effectively all of the current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned visitor parking spaces. There is also overflow parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and quite likely, given the proposed design of the new units, devalue their property. Further, the proposed building density is much too high, leaving nearly no green space to be enjoyed by a much larger number of residents.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property, the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale to Jose’s gas station (corner of Crewe Road and Agnes Way) in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development.

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 3.17 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and I am very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Joni Steffen
Owner and Resident
Good morning,

Please accept the below letter as my continued concerns related to the proposed development of Rosedale (referred to as project P19-1436 on the Department of Planning website).

As an existing resident, if this further development is approved, I'm very concerned about how the developer plans to mitigate the disruption to our daily lives living in construction zone for an undetermined amount of time.

Kind regards,
Joni

---------- Forwarded message ---------
From: Joni Steffen <steffen.joni@gmail.com>
Date: Tue, Aug 4, 2020, 10:01
Subject: Objection to application Block and Parcel 20D428
To: <planning.dept@gov.ky>
Cc: Joseph Steffen <jsteffen@gmail.com>

Good morning,

Please find attached my formal objection to HAB Developers, Rosedale Phase, 14 apartment blocks on Block and Parcel 20D428.

Please feel free to contact me if you have any questions.

Kind regards,
Joni Steffen
Owner and resident
#106 Rosedale Gardens
Dear Sirs

Please find attached to this email my written objection to the planned development at Rosedale Gardens on block 20D parcel 428.

Should you require anything further, please do not hesitate to contact me.

Kind regards
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my formal objection to the above referenced planning application.

I, Chad M. Evans, object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the roadside. In addition to it being unsightly, roadside parking causes a dangerous hazard to the residents, especially children, as it obscures the view of oncoming traffic to pedestrians crossing the road.
3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance, it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.

4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale Gardens to Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale Gardens. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development

7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) **The developer has an unfortunate history of being unable to complete the development**. For over 18 years, the residents of Rosedale Gardens have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Chad M. Evans
From: Borislav Djordjic [mailto:boka2000@hotmail.com]
Sent: Monday, August 3, 2020 7:07 PM
To: Department of Planning
Subject: [EXTERNAL] Objection to planning Application by HAB Developers on Block and Parcel 20D428 - Rosedale Phase

Good day,

To whom it may concern please note that I would like to file official Objection to Planning Application by HAB Developers Ltd (HAB)on Block and Parcel 20d428 - Rosedale Phase, 14 apartment blacks which comprise 84 apartments.

Kindly see attachment as my official objection to the development.
Please let me know if you have received this email or should I come and bring it in physical format.

Thank you in advance for your time and consideration.

Truly yours,
Borislav Dordic
August 3, 2020
Director of Planning
P.O. Box 113,
Grand Cayman
Cayman Islands
KY1-9000

Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my formal objection to the above referenced planning application.

I Borislav Dordic object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) Too many additional units to the current development – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) Not enough parking spaces for residents and visitors - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a "modern" design which does NOT fit in with the current "southern contemporary" look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose's gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Borislav Dordic
Good afternoon Mr. Pandohie,

Please find attached my formal written objection to "HAB Developers, Rosedale Phase, 14 apartment blocks" on Block and Parcel 20D428.

This objection is on my behalf as owner the of Block and Parcel, 20D 428H14 (206 Rosedale).

Kind regards,

Amaris Coe
August 2, 2020

Mr. Haroon Pandohie  
Director of Planning  
Department of Planning  
Cayman Islands Government  
P.O. Box 113  
Grand Cayman, KY1-9000  
Cayman Islands

Dear Mr. Pandohie,

Re: Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D 428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my formal objection to the above referenced planning application.

I, Amaris Coe, object to the planning application by HAB Developers LTD on Block and Parcel 20D 248 on the following grounds:

1) Too many additional units to the current development – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) Not enough parking spaces for residents and visitors - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a "modern" design which does NOT fit in with the current "southern contemporary" look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe Road cannot accommodate this many additional units/residents – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose's gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the Strata Plan – I have not consented to the changes proposed to the development.

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising us of our lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Yours sincerely,

Amaris Coe
THE DEVELOPMENT AND PLANNING LAW
SECTION 15(4)
THE DEVELOPMENT AND PLANNING REGULATIONS
REGULATIONS 8(12A), 8(12B), 8(12C) AND 8(13)(d)

NOTICE OF APPLICATION FOR PLANNING PERMISSION

TO: NAME & ADDRESS

1 [Redacted] owner of Block and Parcel 200408
   Single Proprietor
   
   P.O. Box [Redacted] APO Grand Cayman

FROM: HAB DEVELOPERS LTD P.O. Box: P.O. Box 10615 APO Grand Cay

(Name of applicant - Please Print)

I hereby certify that a copy of this notice was served by Registered Mail on all the above registered properties on the [Redacted] Date

Signed: [Redacted] Date: [Redacted]

You are hereby notified that an application for planning permission for the purpose of - Riverdale Place: 14 apartment blocks, which comprise 84 apartments, one two, and three-bedroom. The application includes a swimming pool, clubhouse, fence, and signs.

on Block and Parcel 200420

and owned by HAB DEVELOPERS LTD

has been submitted to the Central Planning Authority (CPA), Grand Cayman.
The application can be inspected at the Planning Department, located at the Government Admin. Building, 133 Elgin Avenue, George Town, Grand Cayman. If you wish to object or support the application you should do so in writing stating your precise grounds within 21 CALENDAR DAYS of the DATE OF POSTING. Your comments should be addressed to the Director of Planning, P.O. Box 113, Grand Cayman KY1-9000, Cayman Islands, or via fax to (345) 769-2922, or e-mail to planning.dept@gov.ky. Please include your return address (typically a PO Box number).
NOTE: The notice must be sent not more than three days prior to the date upon which the application is submitted to the Department of Planning.
Hi Jessica

Yes, this was a template provided by the executive committee of Rosedale however it is very well written hitting all of the points which are of concern to me (and most other owners). I have added my Block and Parcel Number and a couple of corrections and signed the document.

I hope this is sufficient.

Regards,
Louisa Gibson

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From: Peacey, Jessica <Jessica.Peacey@gov.ky>
Sent: 11 August 2020 14:20
To: Louisa Gibson <louisa_g@hotmail.co.uk>
Subject: RE: Rosedale - Owner objection to HAB developers Planning Application

Can you please send across the corrected objection.

Thanks

Jess Peacey MRTPI  
Department of Planning | Cayman Islands Government
+1 345 244-6501 (Main) +1 345 244-6526 (Direct) +1 345 936-6550 (Mobile)
* jessica.peacey@gov.ky | [www.planning.ky](http://www.planning.ky)

The Department of Planning has issued an update regarding service delivery as a result of COVID-19 – please refer to our website by clicking the following link:  [https://www.planning.ky/announcements](https://www.planning.ky/announcements)
Yes I do. Thanks. I will work on it tomorrow.

Sent from my iPhone

On 6 Aug 2020, at 6:36 PM, Peacey, Jessica <Jessica.Peacey@gov.ky > wrote:

Louisa

Reviewing your objection it appears to be a template that you need to amend/complete. Do you wish to do this?

Thanks

---

Jess Peacey MRTP
Department of Planning | Cayman Islands Government
+1 345 244-6501 (Main) +1 345 244-6526 (Direct) +1 345 936-6550 (Mobile)
* jessica.peacey@gov.ky | www.planning.ky

<image001.png>
The Department of Planning has issued an update regarding service delivery as a result of COVID-19 – please refer to our website by clicking the following link: https://www.planning.ky/announcements

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From: Department of Planning
Sent: Wednesday, August 5, 2020 2:53 PM
To: Peacey, Jessica
Subject: FW: Rosedale - Owner objection to HAB developers Planning Application

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From: Louisa Gibson [mailto:louisa_g@hotmail.co.uk]
Sent: Monday, August 3, 2020 2:42 PM
To: Department of Planning
Subject: [EXTERNAL] Rosedale - Owner objection to HAB developers Planning Application

To whom it may concern,

Please see my attached objections as the owner of 110 Rosedale Gardens.

Please confirm receipt.

Thanks,

Louisa Gibson

<Individual objection to HAB re Rosedale.docx>
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blacks which comprise 84 apartments, one, two and three bedroom. The application includes a swimming pool, clubhouse, fence and signs.”

Please accept this written notice as my formal objection to the above referenced planning application.

I Louisa Gibson object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
   
   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.
3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development.

7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

[Signature]

Louisa Gibson
From: Tanya Meyerhoff [mailto:tanyameyerhoff@hotmail.com]
Sent: Monday, August 3, 2020 10:11 AM
To: Department of Planning
Subject: Owner objection to HAB developers - Rosedale

Dear Sir/Madam,

Please find enclosed letter of objection in relation to the captioned matter.

Kind Regards,
Tanya Meyerhoff
August 2, 2020
Director of Planning
P.O. Box 113,
Grand Cayman
Cayman Islands
KY1-9000

Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosendale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my **formal objection** to the above referenced planning application.

I **Tanya Meyerhoff** object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.
3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development.

7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) **The developer has an unfortunate history of being unable to complete the development**. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

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**Kind Regards,**

Tanya Meyerhoff
From: Kyle Farrington [mailto:Kyle_Farrington@live.com]
Sent: Monday, August 3, 2020 8:57 AM
To: Department of Planning
Subject: Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428”

Good day,

Please see the attached objection to the Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428”
I have not yet received the Planning letter in the mail but one of the executive committee members for Rosedale have.
Does my attached objection letter need to be signed or does the attached suffice?

Regards,
Kyle Farrington
Owner - 112B Rosedale Gardens
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blacks which comprise 84 apartments …”

Please accept this written notice as my formal objection to the above referenced planning application.

I Kyle Farrington object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of todays resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Kyle Farrington
From: Marcello C [mailto:cmarcello69@gmail.com]
Sent: Thursday, August 6, 2020 1:53 PM
To: Department of Planning
Cc: Franco Piona; Jennifer Andres
Subject: [EXTERNAL] Objection to planning (HAB) Rosedale

To whom it may concern,

Please find attached my signed objection letter for the planning application by HAB developers LTD.

Kind regards

Marcello Carbini
August 6, 2020
Director of Planning
P.O. Box 113,
Grand Cayman
Cayman Islands
KY1-9000

Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” — “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my **formal objection** to the above referenced planning application.

I, Marcello Carbini, object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
   
   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is
insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.

3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose's gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development.

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or
delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

[Signature]

Marcello Carbini
Subject: FW: FW: Re Objection to : Application for Permission from HAB Developers LTD of Block and Parcel #20D428 (Please see my objection below)

The Department of Planning has issued an update regarding service delivery as a result of COVID-19 – please refer to our website by clicking the following link: https://www.planning.ky/announcements

From: Sharon Wyckoff <sharonwyckoff@hotmail.com>
Sent: Wednesday, August 19, 2020 2:25 PM
To: Peacey, Jessica <Jessica.Peacey@gov.ky>
Subject: Re: Revised Objection to : Application for Permission from HAB Developers LTD of Block and Parcel #20D428

Objection: I strongly object to the proposed development on the following ground • Increased traffic • Even though there are numerous apartment buildings at the beginning of Tropical Gardens Road, we do not wish that a precedent be set by allowing apartments into the interior of Tropical Gardens/Palmdale, etc. Especially in view of still so many vacant lots still being available. The area in question should remain for single family unit dwellings to be consistent with the vast majority of properties in the surrounding area as can be seen on enclosed marked up registry plan. Not to do so would result in loss of privacy for existing properties, not to mention the detrimental socioeconomic impact of the increased population density of people, cars and traffic. • A development of the proposed kind will, due to its nature and size, interfere with the present tranquil and peaceful atmosphere of the area, where crime is presently virtually non existent. • Tropical Gardens/Palmdale is an extremely quiet area, where children can still ride bikes without far, which would lose its character by nature of traffic from such a large development. • Our concerns on access issues are as follows: a) The proposed exit of the development into Tropicana Crescent would create a major intersection with the main thoroughfare of Tropical Gardens. b) There are already serious concerns regarding the dangerousness of the Tropical gardens corner on Crewe Road. Multiple accidents already occur along this section of road. To add an intersection to an already dangerous location does not make sense. It is not a question of just ensuring a steady flow of traffic as this corner will be made even more dangerous. This stretch of Crewe Road already suffers from a very high volume of steady traffic from 5:30am to 1:00am with periods of congestion at peak commuting times. An additional 200 to 400 residents’ cars requiring access on an already congested corner will only add to the potential for a serious accident. For instance, making a right turn to George Town out of the proposed entrance will be made difficult and confusing as you attempt to join the flow of 20 traffic, made even more difficult at night. Should there be two or more cars waiting in the right turn lane to turn into the proposed complex a driver exiting from the complex, having been beckoned, is likely to collide with through traffic heading to George Town as his vision would be obscured. This will be a major accident blackspot. c) An entrance to the complex on parcel 229 from Tropical gardens Road is too close to the exit onto Crewe Road.
This would make the Tropical Gardens Road very congested and also pose many safety concerns for drivers and pedestrians. • The proposed project is the largest apartment development of its kind that Cayman has seen that is located within, and virtually in the middle of, an existing and established residential area. • There is no indication how property owners, whose property will be devalued as a result of the proposed development will be compensated. • An extremely large project of this kind can very easily have a maintenance problem, especially when rentals are involved, and the development of a slum, or similar conditions, is feasible. • There appears to be no covenants. • With a development of this magnitude there is no guarantee that once the development has been started it will ever be completed or in which fashion it will be finished. • The properties in question area presently a nature habitat with parrots and owls and a multitude of bird life. • There is no guarantee that the developer will respect mature trees nor is there any guarantee that matters will proceed once the area has been leveled. • There is no indication that public works has been considered in regard to such a major development with respect to all aspects of the socioeconomic impact and all traffic access issues. • The proposed on-site sewerage treatment plant raises the following points: i. How can a major industrial works such as a sewerage plant (and a sewerage plant for numerous hundred people is major) be permitted next to a family residence. ii. A sewerage plant if constructed will make adjacent residences absolutely valueless and significantly reduce the value of empty plots. iii. What guarantee is there that the sewerage plant is totally noiseless? iv. Is the proposed sewerage plant below ground or above ground and will the structure esthetically fit into the neighbourhood? v. How will seepage be controlled and most im
-----Original Message-----
From: Veronica Evans [mailto:vero@candw.ky]
Sent: Wednesday, September 29, 2021 2:34 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Re application for planning permission on Block and Parcel 20D/ 428 owned byHAB Developers

My concern is with road entry and exit. If these will be on Crew Rd it is ok, but using the entrance and exit through Tropical Gardens will only increase the traffic problem.
Veronica Evans
P.O Box 2294
Grand Cayman Ky1-1107

Sent from my iPhone
Dear Ms. Peacey,

Please see attached.

Regards
Allison Bodden

Sent from my Galaxy
October 11, 2021

Director of Planning
Government Administration Building
Grand Cayman KY1-9000
Cayman Islands

Dear Sir

Objection to Application by HAB Developers Ltd (”HAB”) on 20D428 – Project P19-1436

Please accept this written notice as our formal objection to the above referenced planning application.

We, Allison Boddin and Ryan Ebanks, owners of Unit 101 at Strata 317, Rosedale Gardens apartments, object to the planning application by HAB on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** - We are concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required minimum number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has 1.5 assigned parking spaces to each unit and additional unassigned visitor parking spaces. There is also, overflow parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. In addition to it being unsightly, road-side parking causes a dangerous hazard to the residents, especially children, as it obscures the view of oncoming traffic to pedestrians crossing the road.
3) Facade / Style of proposed buildings does not fit with the current style of buildings – The proposed buildings will be of a "modern" design which does NOT fit in with the current "southern contemporary" look of the existing buildings. As this will be a single stratum with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe Road cannot accommodate this many additional units/residents – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale to Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already two large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – We have not consented to the changes proposed to the development.

7) Insufficient notice of planning application was given – We have not received a Planning Application notice nor, we understand, was the Strata Executive Committee notified. It was only by chance that we happened to find the application on the Planning Department's website. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or lack of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application, thus disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish; incomplete parking; lack of common property lighting; and defective irrigation. The ruins are unsightly and dangerous, and we are very concerned that the developer would again abandon the project, leaving a further mess.

Yours sincerely,

Allison Rodden

Ryan Ebanks
Dear Jessica

Please see attached.

Kind Regards

Faith A. Wright | Chief Financial Officer | Public Service Pensions Board

133 Elgin Avenue | Government Administration Building | P.O. Box 912
Grand Cayman KY1-1103 | Cayman Islands
Direct (345) 244-7141 | Main (345) 945-8175 | Fax (345) 949-3573
Email: faith.wright@pspb.ky | Website: https://www.pspb.ky

Disclaimer

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This email has been scanned for viruses and malware, and may have been automatically archived by Mimecast Ltd.
Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel “20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments ...”

Please accept this written notice as my **formal objection** to the above referenced planning application.

I, Faith Amaryllis Ebanks object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “minimum” number of parking spaces, this is insufficient for the current needs of todays resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.
3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.

4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) Crewe road cannot accommodate this many additional units/residents – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) HAB did not receive approval from the Owners to amend the strata plan – I have not consented to the changes proposed to the development

7) Insufficient notice of planning application was given – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

8) The developer has an unfortunate history of being unable to complete the development. For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Faith A. Ebanks, CPA
Owner Unit #102
Dear Ms Peacey

Please find attached written formal objection regarding the subject matter.

Should you require anything further, please do not hesitate to contact me.

Kind regards

Chad
October 11, 2021

Director of Planning
Government Administration Building
Grand Cayman KY1-9000
Cayman Islands

Dear Sir,

Objection to Application by HAB Developers Ltd ("HAB") on 20D428 – Project P19-1436

Please accept this written notice as our formal objection to the above referenced planning application.

I, Chad Evans, owner of Unit 124 at Strata 317, Rosedale Gardens apartments, object to the planning application by HAB on Block and Parcel 20D248 on the following grounds:

1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.

   a) Congestion within the strata property
   b) Increased traffic within the Strata property
   c) Insufficient visitor parking
   d) Additional noise pollution
   e) Decrease of current “Green Space”
   f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
   g) Only one (1) entrance/exit to property

2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required minimum number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has 1.5 assigned parking spaces to each unit and additional unassigned visitor parking spaces. There is also, overflow parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. In addition to it being unsightly, road-side parking causes a dangerous hazard to the residents, especially children, as it obscures the view of oncoming traffic to pedestrians crossing the road.
3) **Facade / Style of proposed buildings does not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single stratum with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.

4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.

5) **Crewe Road cannot accommodate this many additional units/residents** – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale to Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already two large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.

6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development.

7) **Insufficient notice of planning application was given** – I have not received a Planning Application notice nor, I understand, was the Strata Executive Committee notified. It was only by chance that another owner happened to find the application on the Planning Department’s website and sent it to me. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application, thus disenfranchising them of their lawful right to appeal.

8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish; incomplete parking; lack of common property lighting; and defective irrigation. The ruins are unsightly and dangerous, and I am very concerned that the developer would again abandon the project, leaving a further mess.

Yours sincerely

[Signature]

Chad Evans
Appendix C
23 February 2022

To: Ms. Jessica Peacey  
       Planning Assistant  
       Department of Planning

RE: Application for a Removal of Condition – CPA/17/21; Item 2.3  
    Application for Two Warehouse Buildings on Block 19E Parcels 149 and 153

Dear Ms. Peacey,

Greetings.

We are submitting this letter to apply for a removal of condition of approval under conditions listed no.2 stating that the applicant must provide a copy of the submission made to the Registrar of Lands to combine Block 19E Parcels 149 and 153 for the reason of;

That a Combination would result in the loss of all the access Easements, and Lands & Survey would refuse to register the Combination Survey without new Easements being granted, either separately or included within our Survey Report for Registration. Attached a copy of letter from our Registered Surveyor, Cayman Survey Associates Ltd. for reference.

The site planning will require both access Easements for the flow of traffic within the two parcels and the vicinity.

In addition to this, land owners made an Agreement for lease of parking of both parcels. See attached copy.

Thank you and we are hoping that the Central Planning Authority will consider our request in order for us to proceed with the application of building permit.

Sincerely,

Jonathan Diocero  
For Kozaily Designs Ltd. 1 ARCHITECTURE
Conditions of approval

Conditions (1-8) listed below shall be met before permit drawings can be submitted to the Department of Planning.

1) The applicant shall submit a revised site plan showing:
   a) the security gate setback a minimum of 20’ from the property line and if is not a sliding gate, it must swing inward; and
   b) parking space #11 relocated such that it does not encroach the drive aisle.

2) The applicant must provide a copy of the submission made to the Registrar of Lands to combine Block 19E Parcels 149 and 153.

3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and size of the wastewater treatment system (including the disposal system).

4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.

5) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. The applicant should liaise directly with the NRA in submitting the stormwater management plan. Please note that the plan must include a drainage hump and trench drain at the entry/exit on Caterpillar Ln.
January 13, 2022

Kozaily Designs
P.O. Box 10647
Grand Cayman
KY1-1006

Attn. Mr. Jonathan Dioscoro

Dear Jonathan,

**Proposed Combination of Block 19E, Parcels 149 & 153**

This letter confirms our previous email correspondence on this matter.

The Land Register for 19E 149 shows a 30’ VROW (Inst. No. 4784/88) over 19E 151 (now 19E 190) as its legal access route. However, the Land Register for 19E 153 shows that it has 2 x 20’ VROW’s as its legal accesses, firstly over Caterpillar Lane (Inst. No. 519/75) and then over 19E 152 (Inst. 4785/88).

As these 2 parcels are not “similar”, a Combination would result in the loss of all the access Easements, and Lands & Survey would refuse to Register the Combination Survey without new Easements being Granted, either separately or included within our Survey Report for Registration.

Also, if there are Charges on any of the parcels over which Easements are currently Registered then the Banks would have to consent to the Registration of any new Easement.

We trust this explains the situation.

Yours Sincerely,

C.R. Fawkes B.Sc. LLS
For Cayman Survey Associates Ltd.

Y:\Colin\Word Documents\letters\19E149_153.let.docx
CAYMAN ISLANDS

Registered Land Act (2018 Revision)
Registered Land Rules (2018 Revision)

THIRD SCHEDULE

LEASE

REGISTRATION SECTION  BLOCK  PARCEL
George Town East  19E  149 and 153

WE  ELIAS K. KOZAILY and JIHAD NAJAR

HEREBY LEASE to  HOME AND OUTDOOR LTD.

of  PO Box 10647, Grand Cayman, KY1-1006, Cayman Islands

a portion of the land comprised in the above mentioned title (as described in the attached Schedule) for a term of one hundred (100) years from 15 February 2022 at the rent of US$1.00 per annum payable yearly in advance, subject to sections 52 and 53 of the above law unless hereby negatived, modified or added to in the attached Schedule.

Dated this  day of  2022

Signed by the Lessor
Elias K. Kozaily  Jihad Najjar

in the presence of:-

HOME AND OUTDOOR LTD.

Signed by the Lessee
Jihad Najjar  Brent McComb

Director  Director

in the presence of:-

*Delete if not applicable

FOR OFFICIAL USE ONLY

I, the Registrar of Lands in the Cayman Islands hereby certify that this document was received by me for registration on the day of 20 and that stamp duty assessed/adjudicated by me/Treasury at C.I.$ and Land Registry fees at C.I.$ relating thereto have been paid.

REGISTERED this  day of  20

REGISTRAR OF LANDS
CAYMAN ISLANDS
CERTIFICATE OF IDENTIFICATION

Elias K. Kozaily and Jihad Najjar

Name:  

I HEREBY CERTIFY that the above namedpersons appeared before me on the 15th day of Feb. 2022 and being identified by* (or being known to me) acknowledged the above signature or mark to be his/hers/their and that he/she/they had freely and voluntarily executed this instrument and understood its contents.

Signature and designation of the person certifying

CERTIFICATE OF IDENTIFICATION

Name:  Jihad Najjar and Brent McComb

I HEREBY CERTIFY that the above namedpersons appeared before me on the 15th day of Feb. 2022 and being identified by* (or being known to me) acknowledged the above signature or mark to be his/hers/their and that he/she/they had freely and voluntarily executed this instrument and understood its contents.

Signature and designation of the person certifying

NOTE: Please ensure that the appropriate insertions and/or deletions are made so that the method of identification is clear.
THIS LEASE dated the 5th day of February 2022

BETWEEN:

[Party A: Name and address]

AND:

[Party B: Name and address]

NOW THIS DIED WITH THIS AGREEMENT

Definite and Interpretation

13. For the terms of the Lease, the following definitions apply:

For purposes of this Lease, the words "Party A" shall mean the person named as the "tenant" in this Lease.

Parking Spaces: means twenty-six (26) parking spaces located in the carpark on the premises described in the Lease Agreement.

Permitted Uses: working area.

Rent: Four hundred and thirty-three thousand (A$333,000).

Term: Ten years from and including 5th day of February 2022 and 4th day of February 2032

14. Otherwise, the Interpretation of this Lease.

15. A reference to a company shall include the company, corporation or other body corporate, whether dissolved or not.

16. Unless the context otherwise requires, words in the singular shall include the plural and the plural the singular.

17. Any reference in this Lease to a person not to do something includes an obligation to do something.

18. Any reference to a person to do something includes an obligation not to do something.

19. References to documents are to documents of the party.
2. Grant

2.1 The Landlord conveys the Lease to the Tenant for the Term

2.2 Understanding the terms and nature of the Lease, the Landlord shall be entitled to resign possession of the entire premises to the Tenant upon the death, retirement, or resignation of the Tenant or his permitted successors.

2.3 Sections 37, 38, 39 and 40 of the Registered Land Act 1996 may also apply to this Lease in whole or in part for the benefit of the Tenant.

3. Rights Reserved to Landlord

3.1 The following rights are reserved to the Landlord, but are not in any way exclusive of the other rights:

- The rights to enter the premises at any reasonable time during the term for the purpose of inspecting the property and for any other lawful purpose.
- The right to enforce the terms of the lease and to evict the Tenant if these terms are not met.
- The right to make alterations or improvements to the premises.

3.2 The Landlord is entitled to enter the premises in order to repair or maintain any part of the property in accordance with the terms of the lease.

4. The Tenant is responsible for the payment of rent and any other charges specified in the lease.

5. The Landlord may enter the premises in case of an emergency or to enforce the terms of the lease.

6. The Landlord is responsible for the maintenance of the premises as specified in the lease.

7. The Tenant is responsible for the proper use of the premises and for any damage caused.

8. The Tenant is responsible for the payment of taxes and other charges associated with the premises.

9. The Landlord reserves the right to terminate the lease if the terms are not met.
4. Tenants' Covenants

The tenant covenants with the landlord:

4.1 to keep the premises and the yard in a clean and neat condition and to repair and maintain in a good and serviceable condition all fixtures and other property on the premises;

4.2 to keep good order and manage the premises upon which the yard is:

4.3 to keep the Parking Spaces in good repair and condition, but in case of need of extensive repairs, the Tenant agrees to make good all damages, and to indemnify the Landlord for all expenses incurred by the Landlord in the maintenance of the Landlord's interests in the yard;

4.4 not to display any advertisements, signs, posters, notices, or any other signs or objects in the yard or on the premises in such a manner as to interfere with the use of the premises by the Landlord or by any other person authorized by the Landlord;

4.5 not to erect or permit to be done on the premises any improvements, extensions, additions, alterations or improvements, and not to interfere or obstruct the yard or other use of the premises by the Landlord or by any other person authorized by the Landlord;

4.6 to give the landlord and all persons authorized by the landlord notice of any defects or damage to the yard or any part of the premises and to repair the same at the earliest practicable time;

4.7 to use the premises in a manner and at all times after the Landlord for the purpose of the premises and the yard;

4.8 not to let, sublet, assign or transfer any part of the yard or any part of the premises to any other person or corporation without the written consent of the Landlord;

4.9 not to permit any person, firm, or corporation to use or occupy any part of the premises or the yard for any purpose not herein provided for;
4. It is mutually agreed that all押存期間の取得・使用・販売等の手順を厳守し、不正な使用や悪用を防ぐため、以下のような事項を遵守することに同意した。

4.2 事務所の監査を第三者に委託し、監査結果を定期的に報告する。

5. 偽物売買に関する取引が行われた場合、当社は一切の責任を負いません。

6. 本契約の変更及び解除については、双方の協議に基づいて決定します。

7. 紙面の許可なく、本契約の内容は秘密保証の対象となります。

8. 本契約書は、両当事者の親交を深め、相互の尊重を深めるために作成されたものである。
[Image 0x0 to 612x792]
In consideration,

1. This lease is to be interpreted as an entire agreement between the parties, and no oral agreements or representations made prior to the signing of this lease shall affect the rights and obligations of the parties.

2. Each party acknowledges that in entering into this lease, it has considered all factors that might influence the rent and terms of the lease, and agrees to be bound by the terms as outlined in this lease.

3. The parties agree that any repairs or alterations to the premises shall be made at the expense of the party responsible for the same.

4. Stamp Duty

TheLessee shall be responsible for the payment of all stamp duty charges in connection with the execution and registration of this lease.

5. Fixed Charges

Any repairs or alterations to the premises shall be made at the expense of the party responsible for the same.

6. Counterparts

This lease may be executed in counterparts and signed in separate counterparts, each of which shall be an original, and all counterparts shall be construed as one document.

7. Governing law and jurisdiction

This lease is subject to the laws of [insert jurisdiction] and shall be interpreted and enforced in accordance with those laws.

8. Notice of insolvency

The Lessee is hereby notified that the Lessor shall have the right to terminate the lease immediately upon notice of the Lessor's insolvency or bankruptcy.

9. Assignment

The Lessee shall be entitled to assign the lease to a third party with the prior written consent of the Lessor.
In witness whereof the parties hereto have entered into this Lease as a Joint or the day and year first above written.

Witness for the Landlord:

[Signature]

[Signature]

Wit: ...

Witness for the Tenant:

[Signature]

[Signature]

Signed for: Home and Outdoor Ltd and for good and valid consideration.

[Signature]

[Signature]

Jihad Yarr, Director

[Signature]

[Signature]