## **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on April 13, 2021 at 10:00am, in the 2<sup>nd</sup> Floor Conference Room at Governor's Square.

## 08th Meeting of the Year

**CPA/08/21** 

Mr. A. L. Thompson (Chairman)

Mr. Robert Walter Jr. (Deputy Chairman)

Mr. Kris Bergstrom

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden

Mr. Roland Bodden

Mr. Ray Hydes

Mr. Trent McCoy

Mr. Jaron Leslie

Ms. Christina McTaggart-Pineda

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary) (apologies)

Mr. Ron Sanderson (Acting Executive Secretary)

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

## **List of Applications Presented at CPA/08/21**

1. 1	Confirmation of Minutes of CPA/07/21 held on March 31, 2021 4
1. 2	Declarations of Conflicts/Interests
2. 1	PATRICK ISLAND HOME ASSOC. (GMJ Home Plans Ltd.) Block 24E Parcel 473 and Block 25B Parcel 29 Rem.1 (P20-0322) (P20-0323) (\$45,000) (BES)
2.2	KARL LOPEZ (Island Drafting) Block 28B Parcel 121 (P20-0551) (\$660,269) (BES) 8
2.3	LOUCHRIS LTD. (Tony Lattie) Block 13D Parcel 220 (P20-1012) (\$325,000) (MW) 15
2.4	JOHN PARSONS SR. (AD Architecture Ltd) Block 2C Parcel 19 (P20-1107) (\$120,000) (JP)
2.5	SUNIL DHOWN (Tropical Architectural Group Ltd) Block 21C Parcel 121 (P20-1085 (\$1,566,000) (BES)
2.6	SIXTEES PROPERTIES DEVELOPMENTS LTD. (CCS Ltd) Block 20D Parcel 471 (P21-0163) (\$15.6M) (RS)
2.7	DONNA REID Block 25C Parcel 503 (P21-0229) (\$238,000) (AS)
2.8	EAMON MCERLEAN (Robert Towell Architect) Block 22C Parcel 22 (P20-1182) (\$2,300,000) (MW)
2.9	JOSEPH ANDERSON (Eric Cronier) Block 37E Parcel 208 (P21-0123) (\$6,500)
	(MW)
2.10	JOSEPH ANDERSON (Eric Cronier) Block 37E Parcel 204 (P21-0125) (\$6,500)
	(MW)
2.11	THE GROVE (5 Points Investment Ltd) (Johnson Design + Architecture) Block 11D Parcel 105 (P21-0204) (\$40,000) (JP)
2.12	CHERIE SEBASTIAN (Chalmers Gibbs Architects) Block 27C Parcel 378 (P21-0094) (\$12,500) (JP)
2.13	CHRIS JOHNSON (Johnson Design + Architecture) Block OPY Parcel 5 (P20-1013) (\$1200) (JP)
2.14	EDUARDO DIXON (GMJ Home Plans Ltd.) Block 1D Parcel 190 (P20-1145) (\$70,000.00) (BES)
2.15	GREGG WATKINS (MJM Design Studio) Block 12C Parcel 451 (P21-0120) (\$2.4M) (JP)
2.16	NATIONAL HOUSING DEVELOPMENT TRUST (Tropical Architectural Group Ltd) Block 43D Parcel 176 Rem2 –Lot 42 (P20-0980) (\$122,375.00) (BES)
2.17	MIKE & TINA WIND (Robert Towell Architect Ltd.) Block 17A Parcel 303 (P21-0141) (\$200,000) (MW)
2.18	JAMIE HUGHES (Oasis Pool & Spa) Block 5C Parcel 390 (P21-0195) (\$40,000)

	(MW)	64
2.19	DEPARTMENT OF AGRICULTURE (Public Works Department (PWD) Blo Parcel 270 (P20-0518) (\$400,000.00) (BES)	ock 32B 66
3.0	DEVELOPMENT PLAN MATTERS	69
4.0	PLANNING APPEAL MATTERS	69
5.0	MATTERS FROM THE DIRECTOR OF PLANNING	69
6.0	CPA MEMBERS INFORMATION/DISCUSSIONS	69

## APPLICANTS ATTENDING THE AUTHORITY'S MEETING VIA E-CONFERENCE

APPLICANT NAME	TIME	ITEM	PAGE
Patrick's Island Home Owners Assoc	10:30	2.1	5
Karl Lopez	11:00	2.2	8
Louchris Ltd.	11:30	2.3	15
John Parsons	1:00	2.4	21
Sunhil Dhown	2:00	2.5	24

## 1.1 Confirmation of Minutes of CPA/07/21 held on March 31, 2021.

## 1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER

# 2.0 APPLICATIONS APPEARANCES (Items 2.1 to 2.5)

# 2. 1 PATRICK ISLAND HOME ASSOC. (GMJ Home Plans Ltd.) Block 24E Parcel 473 and Block 25B Parcel 29 Rem.1 (P20-0322) (P20-0323) (\$45,000) (BES)

Application for two subdivision gates.

## Appearance at 10:30

## **FACTS**

Location Patrick's Island

Zoning LDR

Notification result Objectors

Height 7'-6"

## **BACKGROUND**

February (CPA/03/21; Item 5.11) - It was resolved to adjourn the application and require the applicant to notify the adjacent land owners only, including specifically the owners of 24E 285 and 24E 428.

December 9, 2020 (**CPA/21/20; Item 2.5**) - It was resolved to adjourn the application at the applicant's request and to require the applicant to notify owners with a 500' radius of the subject parcels.

September 16, 2020 (**CPA/15/20**; **Item 2.17**) – CPA adjourned the application and invite the applicant to appear before the Authority to discuss details of the application.

March 22, 2006 (**CPA/09/06**; **Item 2.3**) - CPA resolved to refuse the application, for the following reasons:

- 1. The proposed gates will result in a gated community which will negatively affect the cultural, social and general welfare of the Island's people, which is contrary to section 1.2 of The Development Plan 1997. More specifically, the gated community will:
  - a) Introduce elements of cultural and social isolation and segregation.
  - b) Restrict and/or hamper the ability of the public to access the existing parcels of Land for Public Purposes located within the subdivision.
  - c) Restrict and/or hamper the ability of emergency and service vehicles to access the subdivision.
  - d) Restrict and/or hamper the ability to use the subdivision roads as an alternative access route to or from George Town in the event of an emergency event (e.g. traffic collisions, tropical storms).
- 2. Gated communities reduce the ability of the public to share roads which can result in the duplication of road networks and inefficient use of land which is contrary to section 3.14 of The Development Plan 1997.
- 3. The reduction of road sharing and interconnectivity is not a prudent transportation

planning initiative as encouraged by section 1.3(f) of The Development Plan 1997.

4. The Authority was not convinced that the proposed gates would provide for the level of safety contended by the persons in appearance at the meeting. Further, any minimal safety benefit that might accrue from the proposed gates would not outweigh the negative social and cultural issues identified in item 1) above.

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

- 1) The objectors concerns
- 2) The applicant's additional information for consideration

## **AGENCY COMMENTS**

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

### **National Roads Authority**

As per your memo dated May 8th, 2020 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 electric gates, however, the applicant should keep in mind that by gating the community the NRA will no longer provide any maintenance service in terms of,

- 1. Bush cutting
- 2. Pothole patching and/or
- 3. Basic road repair

The NRA will also no longer be responsible for the eleven existing streetlights along Windswept Drive and Revere Road, which will be handed over to the Patrick's Island Home Owners Association to handle the monthly payment as well as basic maintenance with CUC.

In terms of the gate design, proposed Gate 3 – Amity Street, the gate should swing the other way into the private section of road and not onto public road.

### **Chief Fire Officer**

*Propose gate should have S.O.S* . See attached for reference.

### Technical Specifications Basic Concept

The Siren-Operated Sensor (SOS) is designed to respond swiftly to the "YELP" mode of all standard sirens. A reminder decal is provided to be placed on each entry gate. Responders already own their siren. This device represents Public Safety without spending Public Funds.

The SOS is the nation's most widely used Uniform Emergency Gate Access.

### Installation and Testing

Since all gate operators use 9 to 30 Volts AC or DC for their electronic controls, this source can easily be used to power the mini requirements of the SOS. A demonstration "YELP audio

CD is provided, along with instructions, with each SOS sold.

### **Technical Specifications**

The Frequency response of the Siren-Operated Sensor is from 900Hz to 6Khz. The SOS relies on a time-varying frequency input in this range. This, plus proprietary techniques, allows the microprocessor to respond to the siren's "YELP" with a dry relay closure in 2.5 seconds.

- •The SOS uses an unidirectional microphone. Alignment is not necessary.
- •Range of the SOS is adjustable 5 to 50 feet or more. A potentiometer located on the PC Board provides this adjustability. The SOS is not affected by ambient light.
  - •*The PC board is mounted in a 3.5" x 4.7" x 2.4" weather-tight enclosure.*
  - •The unit weight is approximately 8 oz.
  - •The power requirements are 9-30 Volts AC or DC with approximately .1 mA Draw.
  - •Programmable to be momentary relay activation, 15 minute hold, or Latch.

### Warranty

The SOS has a five year warranty when installed according to the manufacturer's Specifications.

## **APPLICANT'S LETTER**

See Appendix D

### **OBJECTIONS**

See Appendices A, B, and C

## PLANNING DEPARTMENT ANALYSIS

### General

The application is for 2 metal gates system, 5'-6" rising to 7'-0" high and one 4' wide walk gate to be located on Poindexter Road & Amity Street.

The gates are made of aluminium swinging gates, motor and remote-controlled with concrete columns of over 7.3ft in height.

### **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

## 1) Previous decision

The Authority should take into consideration the previous decision to refuse gates in this subdivision.

## **SUPPLEMENTARY ANALYSIS**

The applicant has submitted additional information as noted in appendix D for the Authority's consideration.

## 2.2 KARL LOPEZ (Island Drafting) Block 28B Parcel 121 (P20-0551) (\$660,269) (BES)

Application for 3-apartments.

## Appearance at 11:00

## **FACTS**

Meadowlark Road, off Spotts Newlands Rd
LDR
Objector
0.51 ac. (22,215.6 sq. ft.)
25,000 sq. ft.
Apartments
4,259.8 sq ft
2,226.3 sq ft
10%
7
3
12
6
5
12

## **BACKGROUND**

February 3, 2021 (**CPA/03/21; Item 2.1**) – CPA adjourned the application and re-invited the applicant and objector to appear before the Authority to discuss details regarding the application.

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

- 1) Suitability
- 2) Lot size (22,215.6 sq ft vs. 25,000 sq ft)
- 3) Lot Width (99.25' vs. 100')
- 4) Building design
- 5) Objector's letter

## AGENCY COMMENTS

Comments from the Water Authority, National Roads Authority, Department of Environmental Health, and CI Fire Service 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:

BUILDING UNITS/BLDG GPD/UNIT GPD/BLDG GPD

*Apartment Building* 3 x 2-Bed Units 225/2-Bed Unit 675 675

**TOTAL** 675

- 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 4'11" 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. Manholes extensions are permitted up to a maximum of 24" below finished grade.
- 4. Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.
- 5. A detailed profile cross-section of the wastewater system clearly showing the plumbing from building stub out to the effluent disposal well achieving the minimum invert connection specified above. (Alternatively details of proposed lift station shall be required)
- 6. The Water Authorities updated 2020 effluent disposal well specifications.
- 7. A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.

### Stormwater Management

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

### Water Supply

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

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

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

### **National Roads Authority**

As per your memo dated September 4<sup>th</sup>, 2020 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 a three (3) multifamily 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 Meadowlark Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
20	2	0	2	2	1	1

Based on these estimates, the impact of the proposed development onto Meadowlark 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.

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

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

### Stormwater Management Issues

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

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

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**

Please see the department's comments on the above application:

1. The departments has no objection to the proposed in principle.

### **CI Fire Service**

The CFO has approved the site layout.

### **APPLICANT'S LETTER**

We have submitted an application on behalf of Karl Lopez which will be located on the above mentioned block and parcel which she is seeking the approval to construct three apartments.

Not with standing regulation 8 (13) (b) (iii) that the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;

And not withstanding 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 0.51 Acreage which has an area of (22,216.00 Sq. Ft.). Which the proposed parcel/development will fall short of the required 25000.00 Sq. Ft. (L.D.R), by about (2,784.00 Sq. Ft.), with regards to the lot width being less than the required 100'-0" at the front (99'-3") and rear (99'-1") of the

property which is serviced by the access off Meadowlark Rd the width of the parcel which show a registered width which will fall short of the current regulation 2020 @ by approximately 0"-1" and 0"-7" respectively, taking into consideration that some of the parcels within the area are approximately the same width.

Having mentioned the above, we would like to request a variance which would allow the board of central planning authority the right to grant the requested planning approval for the variance of the lot width and the lot size.

Also of note there are already various existing apartments located adjacent to this proposal and within the immediate area.

We would appreciate the central planning authority board's favorable decision to this request to allow the proposed apartments to be approved as submitted.

### **OBJECTION LETTER**

Letter# 1

Please note that we have just received both notices of Karl Lopez late in the mail. We received the notices today, on December 29th, 2020, at 11:00 am.

The owner of Block 28B Parcel 69, Evalee Webb, is my mother. I want my objection to be recorded. I Manesa Webb, who lives at 34 Meadowlark Road Spotts Newlands, Block 28B Parcel 69, rejects Karl Lopez's planning permission request of a lot size variance and lot width variance block and parcel 28B/121.

We strongly do not want our million-dollar home to be sitting in between two sets of developments, which one would be for Mr. Karl Lopez.

Letter# 2

Please be advised I Evalee Hazel Webb is the owner of a million-dollar home at Block and Parcel 28B/69. My house will be significantly devalued if these Apartments are built.

My million-dollar home will be sitting between two sets of apartments. Mr. Karl Lopez will be the owner of set number two.

Therefore, I am strongly objecting to Mr. Karl Lopez, owner of Block and Parcel 28B/121 - Lot size variance and Lot width variance - to the building of these Apartments.

## PLANNING DEPARTMENT ANALYSIS

### General

The application is for 3-apartments at the above-captioned property. The site is located on Meadowlark Road.

### Zoning

The property is zoned Low Density Residential.

### **Specific Issues**

## 1) Suitability

Per Regulation 9(8), apartments are permissible in suitable locations. Based on Cayman Land Info Map, the surrounding area is single-family residential, duplexes (28B 70), apartments (28B 6) and vacant properties.

### 2) Lot Size

Per Regulation 9 (8)(f), the minimum lot size is 25,000 sq ft, whereas the proposed lot size is 22,215.6 sq. ft. or a shortfall of 2,784.4 sq ft. The Authority should ascertain whether or not the applicant has demonstrated there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2020 Revision) to warrant granting the lesser lot size variance.

### 3) Lot Width

Per Regulation 9(8)(g), the minimum lot width for apartments is 100', whereas the proposed lot width is 99.25'. The Authority should ascertain whether or not the applicant has demonstrated there is sufficient reason and exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2020 Revision) to warrant granting the lesser lot width variance.

### 4) Building design

The building design strongly indicates that there will be a phase two for this development. Essentially, the building appears as one half of the eventual building. The Authority should determine if this truncated appearance is acceptable.

## 2.3 LOUCHRIS LTD. (Tony Lattie) Block 13D Parcel 220 (P20-1012) (\$325,000) (MW)

Application for (4) unit apartment complex with attached laundry room.

## Appearance at 11:30

## **FACTS**

Location Greenwood Dr., George Town

Zoning High Density Residential

Notification result No Objectors

Parcel size proposed 0.15 ac. (6,534 sq. ft.)

Parcel size required 5,000 sq. ft.

Current use Vacant

Proposed building size 1,768.30 sq. ft.

*Total building site coverage* 27.1%

Allowable units 3.75 units

Proposed units 4 units

Allowable bedrooms 6.3 bedrooms

Proposed bedrooms 4 bedrooms

Required parking 6 spaces

Proposed parking 6 spaces

### **BACKGROUND**

January 20, 2021 (**CPA/02/21; Item 2.8**) - CPA Adjourned application to invite the applicant to appear before the Authority to discuss concerns regarding the number of units, parking functionality and bedrooms with external doors.

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

- 1) Suitability
- 2) Unit Density (4 vs 3.75)
- 3) Parking functionality
- 4) Lot Width (61'-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 **(1,250) US gallons** for the proposed, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Apartment Building	4 x 1-Bed Units	150gpd/1-Bed Unit	600gpd	600gpd
			TOTAL	600gpd

- 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.

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

The drawings indicate that 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.

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

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

## Lint Interceptor Required at commercial, institutional & coin-op laundries.

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

### Water Supply

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: <a href="http://www.waterauthority.ky/water-infrastructure">http://www.waterauthority.ky/water-infrastructure</a>.

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: <a href="mailto:development.control@waterauthority.ky">development.control@waterauthority.ky</a>

## **National Roads Authority**

None received at this time.

## **Department of Environmental Health**

- 1. DEH has no objections to the proposed in principle.
- 2. This development requires (4) 33 gallon garbage bins.
  - a. The enclosure should be located as closed 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.

## **Department of Environment (NCC)**

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 objection to the proposed apartments at this time as the site is man-modified and of limited ecological value. However, we recommend 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.

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

### **Fire Department**

Approved for Planning Permit Only 4 December 2020

## **APPLICANT'S LETTER**

We write on behalf of our client for the above application.

With the counting growth of the surrounding area and the growing demand for more accommodation the land owner has invested into the proposed property to meet some of the growing demands of the area and community.

The proposed single storey development includes five (4) one bedroom units, communal laundry with ample parking, and green areas.

We are seeking approval from the Central planning Authority for a four unit apartment development, laundry, with lot width and unit density variance.

## Lot width and unit density variance

The proposed development is located in a High Density Residential zone; the subject parcel is surrounding by some residential homes, apartments and commercial developments the proposed development complies with all required setbacks for a HDR zoned development.

We are seeking a lot width and unit density variance under **regulation 8(13) (b) & (d)** of 62'-10 vs 100'-0'', 4 units under the following conditions

- 1. The characteristics of the proposed development are consistent with the character of the surrounding area.
- 2. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
- 3. Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.
- 4. **No objection** has been received from the surrounding property owners affected by the lesser lt size condition during the notification period.
- 5. In regards to the unit density based on the size of the lot the allowable number of units would be 3.75 units, based on common calculation practices of rounding up brings us to 4 units
- 6. The proposed development is located near to other apartment developments with similar or the same lot size conditions along the same access road, (see appendix 1)

In general the overall development meets or exceeds the required setback conditions, given that this is the only variance being requested of the CPA.

We are proposing that the proposed development in question is viewed by the CPA members that it meets all other planning requirements except for the lot width, it should be noted that there are other approved apartment developments with the same lot size along the same roadway that have been approved with a higher number of units. (see Block 13D arcel 230 (F17-0104) (P17-0478) CPA meeting held on Aug 16<sup>th</sup> 2017 item 2.2)

We are seeking that a similar consideration be extended to this application.

We thank you for your consideration of this matter and look forward to the decision on this application.

*Please don't hesitate to contact me with any queries.* 

## PLANNING DEPARTMENT ANALYSIS

### General

The application is for a (4) unit apartment complex with attached Laundry Room with lot width & unit density variances to be located on Greenwood Dr., George Town.

## Zoning

The property is zoned High Density Residential and the Department would offer the following comments regarding the specific issue noted below.

### **Specific Issues**

### 1) Suitability

Section 9(6) states that in locations considered as suitable by the Authority apartments may be permitted.

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

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

## 2) Unit Density

Regulation 9(6)(c) states "the maximum number of apartments is twenty-five per acre." The current proposed lot size (0.15 Ac / 6,534 sq. ft.) would allow for a maximum of  $(0.15 \text{ ac. } \times 25 = 3.75 \text{ Units})$ . The applicant has proposed 4 Units a difference of 0.25 units respectively.

## 3) Parking functionality

Parking spaces 3 and 4 are adjacent to the building with no room for vehicles to reverse out of the spaces. If these spaces are deleted, then the number of remaining spaces would not comply with the Regulations.

### 4) Lot Width

Regulation 9(6)(f) states "the minimum lot width for guest houses and apartments is 100". The proposed lot would be 61'-0" a difference of 39'-0".

### SUPPLEMENTAL ANALYSIS

The Authority should note that the applicant has submitted revised plans addressing the parking functionality and bedrooms with external doors.

# 2.4 JOHN PARSONS SR. (AD Architecture Ltd) Block 2C Parcel 19 (P20-1107) (\$120,000) (JP)

Application for addition to house and replacement of shed.

### Appearance at 1:00

## **FACTS**

Location North West Point Road, West Bay

**Zoning LDR** 

Notification result No objectors

Parcel size proposed 0.10 ac. (4356 sq. ft.)

Parcel size required 10,000 sq. ft.

Current use Residential

*Proposed building size* 1270 sq. ft.

Total building site coverage 52.50%

Required parking 1
Proposed parking 1

### **BACKGROUND**

March 3, 2021 (**CPA/05/21; Item 2.11**) – It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concern regarding the proposed site coverage and setbacks.

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

- 1) Site coverage (52.5% v 30%)
- 2) Side setback variance (1' 6" v 10')
- 3) Rear setback variance (2' 4" v 20')

### **AGENCY COMMENTS**

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

### **Department of Environment (NCC)**

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.

### APPLICANT LETTER

I am writing you this letter to request specific variance on my application to build the additions on my property.

I have outlined my needs and noted your requirements as shown below:

Garage \ Car Port: Currently my neighbor has various fruit trees around that hang over into my property. These trees are creating issues for me as they are roosting areas for chickens, they have wood lice and also the droppings from the animals and the dead leaves\fruit. The wood lice has damaged my boat weakening the floor and causing a nest to be found inside my engine's cover and the interior panels of my boat. I need to have this area covered to prevent this from happening further as this is causing me to incur higher repair costs. Pictures are included to show the various damages.

We have asked the adjacent household to spray or cut the trees, neither has been done to date. The wood lice was so bad that on recent inspection it has eaten away parts of my door frame at the rear of the house.

Patio: I would like to build a small area where I can spend time with my grandchildren or where I can sit outside my home to relax. The issue being that the same trees have brought insects and other pests that I may not always see so it is not a safe area to allow my grandchildren to run around my yard where they may be bitten or stung. I would like to have this area screened in at the rear of my home. I was advised on this to have the area tied into my main household structure in order to minimize difficulty with same plans.

Storage Shed: This was previously located on the property, made from wood and I would like to rebuild it out of concrete. Hurricane Ivan damaged the previous structure and I lost many items including my washer and dryer. I also have items that need to be stored somewhere and I cannot afford to store the items at a different location.

Site setback: The property was built in the 1970s which did not have such setbacks placed on the planning code at that time. As such we were not aware until notified in late 2020. BCQS had done a previous evaluation on the house in 2008 which I have included some extracts.

Site Area Coverage: I was unaware of the restriction of this matter until submission of my plans, there were no such restrictions when the house was constructed and nothing was mentioned when I last visited the Planning Department information desk to inquire about the process for doing my renovations\additions. As it stands, I was only instructed to made such additions (Carport & Patio) and have them tied into my main household structure to not afford myself an inconvenience when submitting my plans. (this information was presented by the Planning Department rep I spoke with)

If you need further information please feel free to contact me, I can also provide pictures of the damages and current state.

### PLANNING DEPARTMENT ANALYSIS

### **General**

The application site is located on north of North West Point Road in West Bay occupying a corner lot with Maliwinas Way forming the western boundary. To the north and east existing residential properties bound the site.

The application seeks Planning Permission for the construction of an addition to the house and a replacement shed.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

### 1) Site coverage (52.5% v 30%)

Regulation 9(8)(h) sets a maximum site coverage of 30%.

The proposed development would result in a total site coverage of 52.5%.

Members are invited to reflect upon the variance letter in determining the acceptability of the scheme.

### 2) Side setback variance (1' 6" v 10')

Regulation 9(8)(j) requires a 10' side setback.

The proposed carport addition would be sited at 1' 6" from the side boundary.

Members are invited to reflect upon the variance letter in determining the acceptability of the scheme.

### 3) Rear setback variance (2' 4" v 20')

Regulation 9(8)(i) requires a 20' rear setback.

The proposed car port would be sited 2' 4" from the rear boundary.

Members are invited to reflect upon the variance letter in determining the acceptability of the scheme.

### 4) Front setback variance (3' 2" v 20')

The nature of the site occupying a corner lot results in 3 boundaries having the 20' setback application.

Regulation 9(8)(i) requires a 20' setback.

The proposed replacement outbuilding would be sited 3' 2" from the road side boundary with Maliwinas Way.

Members are invited to reflect upon the variance letter in determining the acceptability of the scheme.

### SUPPLEMENTARY ANALYSIS

There have been no changes to the plans as the applicant was invited to discuss the application with the Authority.

# 2.5 SUNIL DHOWN (Tropical Architectural Group Ltd) Block 21C Parcel 121 (P20-1085 (\$1,566,000) (BES)

Application for two duplexes, 4-pools, sign and wall/fence with gates.

## Appearance at 2:00

## **FACTS**

Location South Sound Road

Zoning LDR

Notice results No Objectors

Parcel Size 0.67 ac (29,185.2-sq ft)

Building Size 22,066 sq. ft.

Buildings Footprint 8,886 Site Coverage 30.4%

Parking proposed 4
Parking required 4

### **BACKGROUND**

March 3, 2021 (**CPA/05/21; Item 2.8**) – CPA adjourned the application and invite the applicant to appear before the Authority to discuss concerns regarding building height and retaining wall height.

June 5, 2019 (**CPA/11/19**; **Item 2.5**) – CPA granted planning permission for a 3-storey building with ten (10) apartments, gym, pool, sign and 5' perimeter fence.

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

- 1) Building height/storeys
- 2) Wall/Fence Height on the Adjoining Properties Sides
- 3) Site Coverage

### **AGENCY COMMENTS**

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

### DOE/NCC

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.

It is recommended that native vegetation be incorporated into the landscaping scheme for the development. 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.

### **DEH**

Please see the department's comments on the above application: The department has no objections to the proposed in principal.

- 1. This development will require (4) 33 gallon bins with an enclosure that meets DEH 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.
- 2. Plans and specifications for the swimming pool must be submitted for review and approval.

### **Fire Service**

The CFO approved the site layout.

### WAC

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, based on the following calculations:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Duplex Type (A)	2 x 4-Bedroom units	375gpd/4-Bedroom unit	750gpd	750gpd
Duplex Type (B)	2 x 4-Bedroom units	375gpd/4-Bedroom unit	750gpd	750gpd
TOTAL				1,500gpd

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

## Water Supply

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

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

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

### APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for the following variance requests; building height of 49'8",4-storey & site coverage excess of 130sqft (0.45%) per Planning Regulation 9 (6)(ea); in a Low Density Residential Zone.

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

- (1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area:
  - a. While we exceed the 40' maximum height, the excess was the height of the stair tower only. We have 38'-8" from FGL to top of roof deck and 40'-2" from FFL to top of parapet.
  - b. The project exceeds the requirement of 3-story for a residential building. This was only for the back duplex. the livable spaces were on the 2nd & 3rd level, the ground level was for parking space only, and the "4th level" was the roof deck. The front duplex met the building height and story requirement.
  - c. The Site coverage excess was only 0.45%, the requirement was 30% and we have 30.45%, it is 130sqft.
  - d. All other Planning regulations such as site setback, and density are met.

We look forward to the CPA board's favorable consideration to this request for variances.

## PLANNING DEPARTMENT ANALYSIS

### General

The application is for two duplexes, 4-pools on roof tops, sign (30 sq ft) attached on wall/fence and wall/fence with gates at the above captioned property. The site is located on South Sound Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

### 1) Building Height/Storeys

Proposed duplex "A" includes the following features on the roof:

- 2-swimming pools.
- Lounge area for each unit.
- Full bathrooms.
- Kitchen areas and eating areas.

## • Trellis over the pools.

Regulation 8(2)(c) allows a maximum height of 3 storeys/40 feet. It would appear the roof area should be considered a fourth floor, which would not comply with the Regulation 8(2)(c). Further, if the roof area is considered a storey, then the height would be 49' 8" would also not comply with the stated regulation.

## 2) Wall/Fence Height on the Adjoining Properties Sides

The applicant is requesting a 5' perimeter wall/gates. Any wall greater than 4' requires CPA consideration. From a planning perspective, the Department has concerns that the actual wall height would be approximately 13'-10" on the adjoining properties sides from their existing grades. The Authority is to determine whether or not this is acceptable for the area (see building section A).

## 3) Site Coverage

The proposed site coverage is 30.4%, whereas the maximum allowable is 30% in accordance with regulation 9(8)(h) of the Development and Planning Regulations (2020 Revision).

### **SUPPLEMENTARY ANALYSIS**

There have been no changes to the plans as the applicant was invited to discuss the application with the Authority.

## 2.0 APPLICATIONS REGULAR AGENDA (Items 2.6 to 2.19)

# 2.6 SIXTEES PROPERTIES DEVELOPMENTS LTD. (CCS Ltd) Block 20D Parcel 471 (P21-0163) (\$15.6M) (RS)

Application for 97 apartments, 1 gym, 1 cabana and 1 pool.

### **FACTS**

Location off Linford Pierson Hwy

**Zoning LDR** 

Notification result no objectors

Parcel Size 6.4 acres

Proposed Use residential

Building Size 82,684 sq. ft.

Footprint 44,956 sq .ft.

Site Coverage 16.1%

Allowable units 96 (Phase 3) 160 (overall)

Proposed units 97

Allowable bedrooms 153

Proposed bedrooms 141

Proposed Parking 161

Required Parking 146

## **BACKGROUND**

This is Phase 3 of the overall development. Phases 1 and 2 are under construction.

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

- 1) Zoning/Phasing
- 2) Additional apartment unit
- 3) Access through Bel Air Dr.

### **AGENCY COMMENTS**

Comments from the Water Authority, Department of Environment/NCC and Fire Service are noted below. Department of Environmental Health and the National Roads Authority were circulated the plans for review but have not provided comments.

## **Water Authority**

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

## Wastewater Treatment and Disposal

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

• The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 8,750 US gallons per day (gpd), based on the following calculations.

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Building 1	28	150/225	4,350	4,350
Building 2	8	150/225	1,350	1,350
Building 3	8	150/225	1,350	1,350
Building 4	8	150/300	1,500	1,500
Cabana	2 WC	100	200	200
			TOTAL	8,750 GPD

- 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 6'0" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

### Elevator Installation:

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

### Water Supply:

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

• The developer is required to notify the Cayman Water Company without delay, to be

- advised of the site-specific requirements for connection.
- The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision.

### **Department of Environment**

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.

The application site consists of primary habitat, classified as seasonally flooded mangrove forest and woodland, as shown on Figure 1. Mangroves are listed as Schedule 1, Part 2 protected species under the National Conservation Law (NCL) (2013) and there is a Mangrove Conservation Plan which came into effect in April 2020.



Figure 1: Google Map screenshot showing application site location outline in blue in 2021

Mangrove loss over recent decades has been so extensive that it triggers local RedListing criteria. In 2008, the Cayman Islands national IUCN Red List status of Black

Mangrove was assessed as Endangered, White Mangrove and Buttonwood both as

Vulnerable, and Red Mangrove as Near-Threatened.

The Ramsar Convention (1971) has been extended to the Cayman Islands, requiring a commitment to work towards the wise use of our mangrove and other wetlands through national plans, policies and legislation, management actions and public education. All of the four mangrove species are protected species under Part 2 of Schedule 1 of the NCL.

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

Another important function of mangrove forests is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks/stores. Mangrove roots trap carbon-rich plant material in their water-logged soil sealing it off from the atmosphere. This storage of carbon can remain secure for as long as the mangroves remain in-tact. Removing significant tracts of mangrove habitat not only reduces the island's natural carbon sequestration potential but the physical act of removing the mature mangroves and de-mucking the site releases captured carbon back into the atmosphere adding to ever-increasing greenhouse gas emissions. Primary mangrove habitat is particularly useful as it is mature habitat in its natural state, otherwise uninfluenced by human activity. These habitats are often very old and for generations their ecological processes have not been significantly disturbed.

The site is located within the South Sound drainage basin (see Figures 1 & 2). The South Sound basin functions as a water catchment and storage basin which provides flood controls and storm- water retention. Surface water is stored in the wetlands, which provides a natural mechanism for reducing flow velocity and flooding. This basin also contributes to the maintenance of water quality in the South Sound Lagoon.

Unfortunately, the South Sound drainage basin has become severely fragmented by current and future developments (see Figure 3) impacting the overall capacity of the remaining wetland area to accommodate drainage for the whole basin. Therefore, we reiterate our concerns, and the need for a regional stormwater management plan is now even more critical given how much of the basin is slated for development as shown in Figure 3.

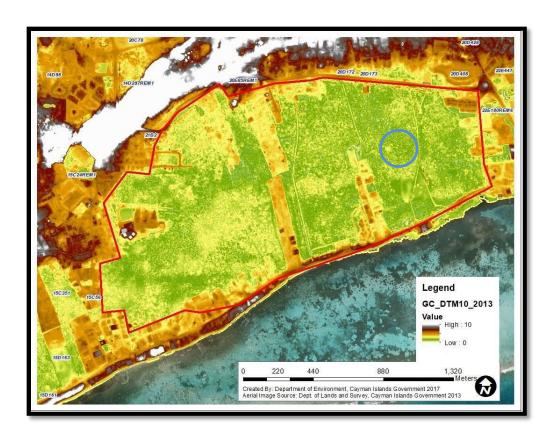


Figure 2: Elevation model showing the South Sound drainage basin (outlined in red) and the approximate location of the application site within the blue outline.



Figure 3: LIS 2018 aerial imagery showing the South Sound Drainage Basin and areas approved for development

The area of the South Sound drainage basin delineated in red in Figure 3 is approximately 620 acres. Of this, approximately 500 acres has been granted approval

for development or is already developed. Therefore, over 80% of the mangrove wetland area has been lost to development.

The DoE has consistently raised concerns about the lack of a comprehensive stormwater management strategy and the relevant studies for the South Sound drainage basin over the years. These concerns has been highlighted in the attached Memo dated 30 January 2015 from the DoE, Water Authority and National Roads Authority, to the Ministry of PLAHI.

In conclusion, even though the application site has been slated for development, the above should be taken into consideration when considering this application for approval. Therefore if the CPA is minded to grant further approval for the following conditions should be included at a minimum as part of planning permission

- Only the development footprint should be cleared and fill.
- Land clearing should not take place until commencement of each phase of development is imminent.
- A stormwater management plan for the development should be designed in a way that all site dervived run-off is handled on site and does not impact the surrounding area.
- Retain as much native mangrove vegetation as possible as well as incorporating it along with other native vegetation species into the landscaping and stormwater management plan.

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

### **Fire Service**

Site plan approved for fire access

## PLANNING DEPARTMENT ANALYSIS

### General

The application is for 97 apartments, 1 gym, 1 cabana and 1 pool.

### **Zoning**

The property is zoned Low Density Residential (LDR).

## **Specific Issues**

## 1) Zoning/Phasing

The site is currently zoned LDR. The applicant has submitted an application to rezone the lands to High Density Residential (HDR) and this was supported by the Authority. The rezone application has not yet been presented to Cabinet for consideration.

The applicant initially submitted an application for Phases 3 and 4 of the overall development with a total of 160 apartments which would be the maximum allowable number of apartments if the site were zoned HDR. The applicant was advised that the rezoning has not been finalized therefore the site is still zoned LDR. As a result, the applicant is only going forward with Phase 3 at this time based on the existing LDR zoning.

### 2) Density

As LDR, the maximum allowable number of apartments for the Phase 3 area is 96, the applicant is proposing 97. The applicant is proposing 141 bedrooms in Phase 3 while 153 are allowable. The applicant seeks a variance for 1 additional apartment unit in Phase 3.

### 3) Access

The applicant is proposing access to the apartments through the internal subdivision roads which leads to Linford Pierson Hwy. The applicant is also showing access to the development at the southern portion of the site through Bel Air Dr., a public road. It should be noted that this access will be gated such that persons living in the Downtown Reach development will be able to use Bel Air Dr., but the reverse direction for the general public will not be available. The Authority should determine if this access scenario is acceptable.

## 2.7 DONNA REID Block 25C Parcel 503 (P21-0229) (\$238,000) (AS)

Applications for an addition to a house to create a duplex, an after-the-fact carport & after-the-fact shed.

### **FACTS**

Location Cloudscape Ct.

Zoning LDR

Parcel Size Proposed .3135 acres (13,656 sq ft)

Parcel Size Required 12,500 sq ft

Current Use House
Proposed Use Duplex

Building size (existing) 984 sq ft house, 100 sq ft shed, 290 sq ft carport

Proposed Addition 1,192 sq ft

Building Coverage 14%

Allowable Units 2

Proposed Units 1 additional unit

Proposed Parking 2
Required Parking 2

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

1) Definition of a duplex

2) Lot size

## PLANNING DEPARTMENT ANALYSIS

### **General**

The application is for a 1,192 sq ft, two (2) storey addition to an after the fact carport. The after the fact carport is attached to an existing house. The application also includes an after the fact shed.

## **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

## 1) Definition of a Duplex

Regulations define a duplex as "two dwelling units one above the other or side by side having a common wall and being on one lot." The CPA needs to decide if the after the fact carport constitutes a common wall shared by the dwelling units.

### 2) Minimum Lot Size

Regulation 9 (8) (d) states that the minimum lot size for each detached and semi-detached house is 10,000 sq. ft in a low density residential area. The subject parcel is 13, 656 sq ft. in size. If the structures are considered two houses, the applicant will be required to request a minimum lot size variance and notify the adjacent land owners.

# 2.8 EAMON MCERLEAN (Robert Towell Architect) Block 22C Parcel 22 (P20-1182) (\$2,300,000) (MW)

Application for a house, pool, cabana, generator, 4' high fence & 4' seawall.

# **FACTS**

Location Off Spinnaker Rd., George Town

Zoning Low Density Residential

Notification result No objections

Parcel size proposed 0.8789 ac. (38,284.884 sq. ft.)

Parcel size required 10,000 sq. ft.

Current use Vacant

*Proposed building size* 7,235 sq. ft.

Total building site coverage 10.3%

Required parking 1
Proposed parking 4

## **BACKGROUND**

February 25, 2002 – Land Clearing - the application was considered and it was resolved to grant planning permission.

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

- 1) HWM Setback 0'(Seawall)/9'-9"(Pool)/47'-9"(Cabana) vs 75'-0"
- 2) Garbage Enclosure Setback 1'-6" vs. 6'-0"

### **AGENCY COMMENTS**

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

#### **Department of Environment (NCC)**

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.

The application site is currently man-modified and is therefore of limited ecological value. A review of historic aerial imagery of the site confirms that it was formerly a mangrove coastline that was filled in recent years (see figures 1a & b). A site visit conducted on 19 January 2021 also confirmed that this coastline is not ironshore (as the

application submission suggests), but is comprised of consolidated, compacted fill material (see figure 2).





Figure 1: LIS Aerial Imagery showing application site in 1958 (1a) as part of a mangrove coastline and in 2018 as a man-modified site with fill and invasive vegetation (1b)



Figure 2: Photo Showing Application Site Coastline (source: Department of Environment, 19 January 2021)

The application plans show the proposed swimming pool being constructed up to the water's edge, as shown in Figure 3.

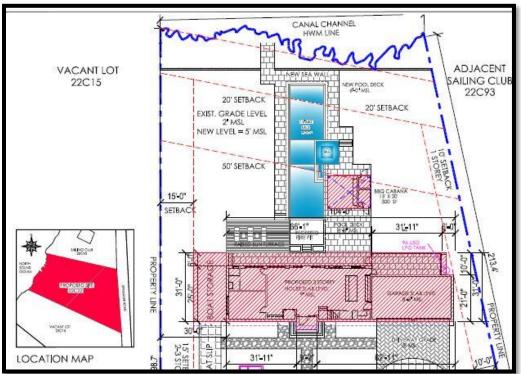


Figure 3: Plan Extract showing the proposed development (Source: Robert Towell Architect Ltd. Jan, 2021)

The Department does not support the request for a setback variance and recommends that the plan is redesigned to take into account the minimum prescribed setbacks for a mangrove coastline (75ft from the MHWM). It is imperative that minimum coastal setbacks are met for all structures including seawalls, pools and pool decks, particularly given climate change predictions for the region and the increasing prevalence of coastal erosion associated with inappropriately sited development too close to the sea. Figure 3 shows that the shoreline is eroding with freshly exposed areas of rock and broken pieces seen in the sea. This highlights the importance of ensuring that setbacks are followed. In order to improve the stability of this shoreline, the applicant could plant red mangroves along the shoreline which will help to bind and stabilise the sediment along the coastline. The DoE can provide further guidance on mangrove replanting.

Should the CPA be minded to grant planning approval for this application, the Department requests the inclusion of the following conditions on any grant of consent:

- Any stockpiled materials should be kept away from the edge of the North Sound to reduce the possibility of rainwater runoff washing material into the North Sound.
- The seawall construction area shall be fully enclosed with silt screens to contain any sedimentation or debris arising from construction of the seawall as depicted by the submitted site plan;

• The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.

#### APPLICANT'S LETTER

We are writing to request approval for a HWM setback variance from the Central Planning Board to construct a new swimming pool & pool deck @ grade level within the 5'-0" HWM setback outlined in the Planning Regulations. The existing shoreline has an irregular ironshore line and the water has been dredged to allow access to multiple channels in the Red Bay Sailing Club area.

While we understand the setback requirements, we recognize that the Planning Board has discretion to review and approve an application on an individual basis.

As per Planning Regulations 8(10)(ea) "all buildings, walls, and structures shall be setback from the physical edge of the water"

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

As per Section 8 (13d0, we have notified the adjacent land owners and there have been no objections to date to this side setback variance.

Thank you for your consideration to the above request. Should you require additional information to make an informed decision please contact us for further details.

#### PLANNING DEPARTMENT ANALYSIS

#### **General**

The application is for a 3 Story House (5) Bedrooms; 6,935 sq. ft. with Pool & Spa, Cabana; 300 sq. ft., LPG Tank; 96 gallons, Generator, 4' High Fence & 4' Seawall with a Rear HWM Setback Variance to be located off Spinnaker Rd., George Town.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

#### 1) HWM Setback

Regulation 8(10)(b) states "in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), all structures and buildings shall be setback a minimum of 75' from the high water mark". The proposed seawall would be 0'-0"to 1'-11", the proposed pool 6'-6" & the proposed cabana 47'-9" from the HWM a difference of 75'-0"/73'-1"(seawall), 68'-6" (pool) & 27'-3"(cabana) respectively.

#### 2) Garbage Enclosure Setback

Regulation 8 (7) states "solid waste storage areas shall be setback a minimum of 6' from the adjacent property boundaries." The proposed garbage enclosure would be 1'-6" from the adjacent property boundary a difference of 4'-6" respectively.

# 2.9 JOSEPH ANDERSON (Eric Cronier) Block 37E Parcel 208 (P21-0123) (\$6,500) (MW)

Application for (3) lot duplex subdivision.

#### **FACTS**

Location Royal Heights Dr., Bodden Town

Zoning Low Density Residential

Notification result No Objectors

Parcel size proposed 0.8457 ac. (36,838.692 sq. ft.)

Parcel size required 12,500 sq. ft.

Current use Vacant

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

1) Lot Size (12,250 sq. ft. / 12,300 sq. ft. vs. 12,500 sq. ft.)

2) Lot Width (51' vs. 80')

#### **AGENCY COMMENTS**

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

## **Department of Environment (NCC)**

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 at this time.

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

### APPLICANT'S LETTER

On behalf of our client, Joseph C. Anderson, who is the proprietor for the captioned parcel, we hereby apply for a variance to allow the proposed three-lot sub-division (for duplex lots) to be approved as submitted, with proposed lot sizes from 12,250 sq. ft. to 12,300 sq. ft. (as shown on the plan) instead of the minimum of 12,500 sq. ft. for LDR.

Even though the road width is 51 ft. for Lot B, the average lot width exceeds the minimum of 80 ft. Lot A and Lot C road widths are greater than 80 ft.

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

Should you have any questions or require additional information please call the office.

# PLANNING DEPARTMENT ANALYSIS

#### General

The application is for a (3) lot duplex subdivision with lot size & width variances to be located on Royal Heights Dr., Bodden Town.

#### **Zoning**

The property is zoned Low Density Residential.

# **Specific Issues**

### 1) Lot Size

Regulation 9(8)(e) states "the minimum lot size for each duplex is 12,500 square feet." The proposed Lots A (12,300 sq. ft.), Lot B & C (12,250 sq. ft.) are all undersized with a difference of 200 sq. ft. & 250 sq. ft. respectively.

It should be noted that there are existing duplexes across the street that are situated on lots about 13, 500 sq ft in size.

It should also be noted that the depth of Lot A is narrow for much of the lot, but it does appear that a building could be situated on the lot while complying with setbacks.

#### 2) Lot Width

Regulation 9(8)(g) states "the minimum lot width for detached and semi-detached houses and duplexes is 80 feet." The proposed Lot B would be 51' in width, a difference of 29' respectively.

# 2.10 JOSEPH ANDERSON (Eric Cronier) Block 37E Parcel 204 (P21-0125) (\$6,500) (MW)

Application for (4) lot subdivision.

# **FACTS**

Location Royal Heights Dr., Bodden Town

Zoning Low Density Residential

Notification result No Objectors

Parcel size proposed 0.8199 ac. (35,714.844 sq. ft.)

Parcel size required 10,000 sq. ft.

Current use Vacant

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

1) Lot size (8,650 sq. ft. Lot A / 9,040 sq. ft. Lot B/ 9,010 sq. ft. Lot C / 8,960 sq. ft. Lot D) vs. 10,000 sq. ft.

2) Lot width (79' Lot A / 15' Lot B / 15' Lot C) vs. 80'

#### AGENCY COMMENTS

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

# **Department of Environment (NCC)**

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) offers the following comments for your consideration.

The Department has no objections to the proposed subdivision. However, we note that there is some ecologically valuable secondary growth habitat on the subject parcel, which we would recommend is not cleared until development of the subdivided parcels is imminent. DOE recommends that any future development on the resulting lots should only clear the building footprint and retain as much native vegetation as possible and incorporate it into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making it a very cost-effective choice.

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

# APPLICANT'S LETTER

On behalf of our client, Joseph C. Anderson, who is the proprietor for the captioned parcel, we hereby apply for a variance to allow the proposed four-lot sub-division to be approved as submitted, with proposed lot sizes from 8,650 sq. ft. to 9,040 sq. ft. (as shown on the plan) instead of the minimum of 10,000 sq. ft. for LDR.

Even though the road widths are short, they are only short at the point of entrance at the road, however, the average lot width exceeds the minimum of 80 ft. for all proposed lots.

On our proposed plan, we have drafted the location of all the four houses, which clearly shows that all proposed houses will meet all the minimum setback requirements, although this is not a house application.

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

Should you have any questions or require additional information please call the office.

# PLANNING DEPARTMENT ANALYSIS

#### General

The application is for a (4) Lot Subdivision with lot size & width variances to be located on Royal Heights Dr., Bodden Town.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

#### 1) Lot Size

Regulation 9(8)(d) states "the minimum lot size for each detached and semi-detached house is 10,000 square feet" The proposed Lots A (8,650 sq. ft.), Lot B (9,040 sq. ft.), Lot C (9,010 sq. ft.) & Lot D (8,960 sq. ft.) are all undersized, however the applicant has shown on the proposed plan that residences can be built on each parcel and confirm with the required setback requirements for the zone. Each lot would have a difference of Lot A (1,350 sq. ft.), Lot B (960 sq. ft.), Lot C (990 sq. ft.) & Lot D (1,040 sq. ft.) respectively.

#### 2) Lot Width

Regulation 9(8)(g) states "the minimum lot width for detached and semi-detached houses and duplexes is 80 feet." The proposed width of Lot A (49'), Lot B (15') & Lot C (15') come with a difference of Lot A (31'), Lot B (65') & Lot C (65') respectively.

# 2.11 THE GROVE (5 Points Investment Ltd) (Johnson Design + Architecture) Block 11D Parcel 105 (P21-0204) (\$40,000) (JP)

Application for replacement of parking spaces with basement storage.

# **FACTS**

Location West Bay Road, West Bay Beach North

Zoning N/C

Notification result No objectors

Parcel size proposed 3.694 ac.

Current use Commercial/residential

Required parking 257
Proposed parking 235

#### **BACKGROUND**

Extensive history since 2017 to develop the mixed use site.

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

1) Loss of parking spaces (235 v 244)

### **APPLICANT'S LETTER**

Please accept this parking variance letter accommodating a planning application for proposed basement storage in an existing basement parking lot. The developer of the Grove (11D 105) would like to accommodate residential and commercial tenants requests for additional on-site storage. This planning application proposes removing 6 basement parking spaces to build 2,800 sf of partitioned storage.

As per the Development and Planning Regulations, 3 parking spaces are required for the proposed storage and 6 spaces are to be removed to build the actual storage space. Please consider this request for a parking variance of 9 parking spaces given the following points:

- 1. Section 8(13)(b)(i) states that the Authority may grant a variance if "the characteristics of the proposed development are consistent with the character of the surrounding area". Camana Bay uses a shared parking concept which has granted them similar parking variances in the past.
- 2. Section 8(13)(b)(iii) states that the Authority may grant a variance if "the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare". Parking at the Grove is shared between residential and commercial (retail and restaurant) tenants. Such an arrangement reduces the total load on parking because each use demands are heaviest at different hours. Commercial is busiest during the day, while residential and restaurants

are busiest in the evenings. If we consider a busy occupancy to require 100% parking and one that's not to require 50% occupancy, then during the day there will be 24 vacant parking spaces and 20 in the evening given that the development has a total of 236 built spaces. This allows for 9 parking spaces to be removed as per the request of this letter without impacting the Grove's total parking demand.

3. As required by Section 8(13)(d), notification letters regarding this variance request have been sent out to adjacent property owners of the development.

# **PLANNING DEPARTMENT ANALYSIS**

#### General

The application site is located off West Bay Road in the West Bay Beach North area. The site has been significantly developed as a mixed use site.

The application seeks Planning Permission to replacement basement parking spaces with storage areas.

# Zoning

The property is zoned Neighbourhood Commercial.

### **Specific Issues**

# 1) Loss of parking spaces (235 v 257)

The existing development was approved with 244 parking spaces.

The resultant works would provide 235 parking spaces, a loss of 9 spaces.

The application is supported by a variance letter which members are encouraged to consider.

# 2.12 CHERIE SEBASTIAN (Chalmers Gibbs Architects) Block 27C Parcel 378 (P21-0094) (\$12,500) (JP)

Application for land clearing, canal wall, dock, garbage enclosure and services.

#### **FACTS**

Location Water Street, Savannah

Zoning LDR

Notification result No objectors

Parcel size proposed 0.2870 ac. (12,501.72 sq. ft.)

Current use Vacant

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

- 1) Timing of land clearing
- 2) Mangrove removal

# **AGENCY COMMENTS**

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

# **Department of Environment (NCC)**

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment offers the following comments for your consideration.

The application site is man-modified and the main vegetation on the site is the invasive Casuarina Pine tree. The Department therefore does not object to the proposed clearing of the land. However, there are mangroves along the canal boundary of the property, which the Department does not support the wholescale clearing of (see Figure 1). Mangroves are protected under Schedule 1, Part 2 of the National Conservation Law (2013) and the Mangrove Species Conservation Plan (2020). The Mangrove Conservation Plan confirms that mangrove loss has been so extensive over recent decades that it triggers local Red-Listing criteria. In 2008 the Cayman Islands national IUCN Red List status of Black mangrove was assessed as Endangered, White mangrove and Buttonwood as vulnerable and Red Mangrove as Near-Threatened.



Figure 1: LIS 2018 Aerial Showin Salar Showin Significant State (outlined in red) (Source Department of Lands and Survey)

The mangroves along the boundary are mature, and well-established therefore it would be preferable for them to be retained (see Figure 2). Mangroves provide a natural buffer which helps intercept surface water (and any pollutants that it may contain) that may run off the land into the canal. This is important to help maintain good water quality, especially as there is limited water circulation in this canal. Therefore the applicant should be encouraged to incorporate the mangroves into the dock design. For example, the dock could be built around the mangroves with a walk way at the terminal ends and

in the middle (see Figure 3). If the applicant is seeking a canal vista the mangroves could be trimmed; detailed guidance on best practice for mangrove trimming can be found in the DOE's Mangrove Trimming Guidelines, appended to the Mangrove Conservation Plan, which can be viewed at the following link: <a href="https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf">https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf</a>



Figure 2: Photo showing Mangrove vegetation along the canal boundary (Source: DOE, Feb 2021)



Figure 3: LIS 2018 Aerial Imagery showing example of dock footprint (outlined in blue) incorporating mangroves along the canal boundary of site (outlined in red)

However, if the CPA is minded to grant planning permission, then it is recommended that best management practices should be adhered to during the construction of the canal wall and dock. These include but are not limited to:

- Stockpiling construction material and debris away from the canal edge.
- The wall and dock construction area should be fully enclosed with silt screens with a 4ft minimum skirt depth to contain any sediment or debris arising from construction of the dock and seawall.
- The silt screens should be left in place until the water contained inside the screens has cleared to the same appearance as the water immediately out the screen.

It is also recommend that the applicant should incorporate native vegetation when landscaping the site. 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**

I humbly ask for your permission to clear the mangroves present along the East property line of parcel 27C378. While I fully understand, and respect, the intentions of the Mangrove Conservation Plan of the Department of Environment (DoE); I ask for permission to be able to clear the mangroves as needed to obtain a level, and structurally sound, base for the construction of the proposed footing and canal wall of the planning application. As shown in the photos included (see Appendix 'A' next page), there is thick entanglement between fallen tree debris and mangrove encroachment along the water's edge of the parcel. It can also be seen that erosion of the land is still occurring through the existing mangroves which has resulted in an uneven boundary and fragmented encroachment of the mangroves onto the property. In conclusion, the existing conditions cannot successfully accommodate the proposed construction, so I am therefore requesting that permission be granted to clear all mangroves as necessary to construct a structurally sound canal wall along the East edge of the property.

I am requesting permission to fully clear the parcel to serve construction access; clean up garbage and debris; and provide fill to a level more appropriate to seawall height con struction and road elevation. As Department of Environment has specified; the main veg etation of the parcel is an invasive species - the Casuarina Pine tree. Our objective of cle aring the land is to create a space that our family can enjoy after a day of boating/fishing and the current uncleared conditions are not a safe environment for our young child to be able to walk/play on. The low lying, wet, and debris filled conditions currently present are also highly populated by mosquitos which I believe clearing and proper filling of the site would alleviate.

- I further request permission for the proposed clearing and development, as per the drawings provided, based upon the following reasons:
- 1) Per section 8(12B) of the Planning Regulations, the owners of the adjacent properties were notified by registered mail.
- 2) Per section 8(13)(b)(i) The characteristics of the proposed development, and extent of proposed mangrove clearing, is consistent with the characteristics of the neighbouring properties and canal properties of the Newlands community.
- 3) Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
- 4) The application complies with all other relevant planning requirements.

Appendix 'A': Supplementary images of existing site conditions at East property line of parcel 27C378.



Figure 1: Continued erosion beyond property line with fragmented mangrove encroachment. End of existing canal wall on neighbouring property shown and is indicative of the line of proposed footing and canal wall for parcel 27C378.



Figure 2: Continued site erosion with encroachment of mangroves across the property line. Inconsistent, and unfavourable, site conditions at location of proposed footing/canal wall.



Figure 3: Thick entanglement of mangrove/fallen tree debris where construction of canal wall needs to occur.

# PLANNING DEPARTMENT ANALYSIS

### **General**

The application site is located in a subdivision of Savannah. Water Street forms the western boundary and provides access to the site with the canal forming the eastern perimeter. Vacant parcels form the north and south boundaries.

The application seeks Planning Permission to clear the land including mangroves, construct a canal wall, dock, garbage enclosure.

#### **Zoning**

The property is zoned Low Density Residential.

# **Specific Issues**

# 1) Land clearing

Members are invited to reflect upon the content of the applicant's letter to assess whether the proposed land clearing is appropriate given there is no application for the primary development of the site.

# 2) Mangrove removal

The applicant is proposing to remove all of the mangroves along the canal edge whereas the DOE is recommending an alternative design to construct the dock while preserving mangroves. The applicant has not responded to this recommendation.

The Authority will recall an application for apartments on 24B 116, 117 and 118 where there was a very similar situation with mangroves along the canal edge. There were objections from adjacent owners recommending that the dock be designed to allow for mangroves and the DOE/NCC provided similar comments to those received for the subject application. In that instance, the applicant did design the canal to allow for the retention of pockets of mangroves.

# 2.13 CHRIS JOHNSON (Johnson Design + Architecture) Block OPY Parcel 5 (P20-1013) (\$1200) (JP)

Application for removing concrete slab.

# **FACTS**

Location North Church Street, George Town

**Zoning** GC

Notification result No objectors

Parcel size proposed 0.09 ac. (3,920.4 sq. ft.)

Current use Commercial

# **BACKGROUND**

No Planning history

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

1) The decision of the Authority to allow the retention of an existing concrete slab on OPY 193 as it would cause more environmental damage to remove it rather than leave it in place.

### **AGENCY COMMENTS**

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

#### **Department of Environment (NCC)**

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) offers the following comments for your consideration.

The subject parcel is man-modified but located adjacent to a Marine Protected Area, namely George Town Marine Park. The Department notes the loss of access to the fishermen and recommends that the views of the affected stakeholders are taken into account. Should the Central Planning Authority be minded to approve the removal of the concrete slab, the applicant should be advised to ensure no debris enters the Marine Park.

### APPLICANT'S LETTER

I attach an application in respect of demolishing the large slab of concrete at Red Spot Bay in accordance with the drawing(A-001) which encompasses the proposed works.

Since 2008 fishmongers and other retailers have used this property without permission of the landlord. It is recognised that the public has a right to use the beach and it is accepted in olden days people would store their boats there and swim at their pleasure. Occasional fish would be brought in and sold.

Sometime around 2008 the fishmongers poured concrete on the beach without planning or the landowner's permission and erected tents by securing them in the concrete with metal rods, in itself a danger to the public. The situation was made worse three weeks ago when the fishmongers erected an additional tent which makes access to the beach almost impossible to the public.

As the CPA is aware Mr Johnson built the sidewalk and fence a few years ago, with no assistance from Government, as he was concerned about pedestrian safely. He is adamant that the public has access to the beach and that the fishmongers be relocated. Other fishmongers sell their product other than on the sea. Fosters is a fine example which adheres to all health and safety measures.

However Mr Johnson's greatest concern is personal liability. He has been advised by lawyers that should someone be poisoned or injured he is personally liable. Moreover an employee of his who tried to serve a legal notice on the fishmongers was threatened with violence.

We are acutely aware of the recent FIN debacle and intend to ensure that the concrete is carefully removed. Jackhammers will be used to break up the concrete which will be placed into a truck on the road. The exercise will utilize the use of a temporary fence between the demolition area and the sea to prevent material going into the sea.

Access to beach has fast become on ongoing problem and the residents of this island as well as visitors should not be precluded from utilizing the beach as indeed it always was. Notification letters have been sent to neighboring property owners as per planning's request.

#### PLANNING DEPARTMENT ANALYSIS

#### **General**

The application site is located in central George Town facing west towards the Caribbean Sea. North Church Street bounds the site to the east. A car park associated with Cayman Cabana is sited to the north with the rest of Balboa beach running to the south.

The application seeks Planning Permission to remove concrete from the beach in order to return the area to its natural state.

#### Zoning

General Commercial.

#### **Specific Issue**

#### 1) Previous decision on OPY 193

The Authority considered applications for several items on OPY 193 in 2020 that included an after-the-fact concrete slab on the shoreline. In that instance, the Authority allowed the concrete slab to remain as the Authority concurred with the comments from DOE/NCC at that time that removing the slab would cause more environmental damage than to leave it. The Authority should note that the DOE/NCC has not made similar comments regarding the subject application.

# 2.14 EDUARDO DIXON (GMJ Home Plans Ltd.) Block 1D Parcel 190 (P20-1145) (\$70,000.00) (BES)

Application for an addition to house to create a duplex and laundry (465-sq ft)

# **FACTS**

Location Watercourse Road, West Bay

**Zoning LDR** 

Notification result No Objectors

Parcel Size Proposed 0.15ac. (6,534 sq. ft.)

Parcel Size Required 12,500 sq. ft.

Current Use House

Proposed Use Same as above

Building Size 465 sq. ft.

Building Site Coverage 27.2%

Required Parking 2
Proposed Parking 3

Proposed Parking

# **BACKGROUND**

May 8, 2007 (**CPA/13/07**; **Item 2.23**) – CPA granted planning permission for an after the fact addition to a dwelling house.

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

- 1) Lot size (6,534 vs. 12,500 sq ft)
- 2) Lot width (45'-4" vs. 80')
- 3) Side setback (6'-10" vs. 10')

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

We write on behalf of our client, Mr. Eduardo Dixon with regards to the following variance:

- <u>A lot size variance</u> The addition to create the duplex is proposed on an existing an area of 6,534.0 sqft which is less than the required 10,000 sqft. in LDR zone,
- <u>A lot width variance</u> the existing lot width is 45.4 ft which is less than the required 10 ft in LDR zone.
- <u>A side setback variance</u> to allow the side door landing to remain as proposed with 79" setback which is less than the required 10 ft i

We request permission for the proposed development per the drawings provided and

humbly the following reasons:

- 1. Per section 8(l3)(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, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighborhood, or to the public welfare;
- 3. The application complies with all other relevant planning requirements.

# PLANNING DEPARTMENT ANALYSIS

# General

The application is for an addition to house to create a duplex and laundry (465-sq ft) at the above-captioned property. The site is located on Watercourse Road, West Bay.

# Zoning

The property is zoned Low Density Residential.

#### **Specific Issues**

# 1) Lot Size (Regulation 9(8)(e))

The proposed lot size is 6,534 sq ft whereas the required minimum required is 12,500 sq ft per Regulation 9(8)(e), a shortfall of 5,966 sq ft.

### 2) Lot Width (Regulation 9(8)(g) 80'

The proposed width is 45'-4" whereas the minimum required lot width is 80' per Regulation 9(8)(g), a shortfall of 34'-8",

### 3) Side Setback (Regulation 9(8)(j) 10'

The proposed side setback is 6'-10" whereas the minimum side setback is 10' per regulation 9(8)(j), a shortfall 3'-2".

# 2.15 GREGG WATKINS (MJM Design Studio) Block 12C Parcel 451 (P21-0120) (\$2.4M) (JP)

Application for duplex, guest house, cabana, dock and pool.

# **FACTS**

Location Ritz Carlton Drive, West Bay Beach South

Zoning H/T

Notification result No objectors

Parcel size proposed 0.497 ac. (21,689.58 sq. ft.)

Parcel size required 12,500 sq. ft.

Current use Vacant

*Proposed building size* 9179 sq. ft.

Total building site coverage 20%

Required parking 2

Proposed parking 2

# **BACKGROUND**

No Planning history

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

- 1) Road setback (16' 11" v 25')
- 2) Side setback (11' 6" v 20'
- 3) Canal rear setback (6' v 25')

### **AGENCY COMMENTS**

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

### **Department of Environment (NCC)**

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) offers the following comments for your consideration.

The application site is man-modified and of limited ecological value. However, best management practices should be adhered to during removal and construction of the dock areas. To prevent any impacts to the canal; these include but are not limited to:

• Any stockpiled materials should be kept away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal;

- The dock construction area shall be fully enclosed with silt screens with a 4-ft minimum skirt depth to contain any sedimentation or debris arising from construction of the dock as depicted by the submitted site plan;
- The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.
- All debris from the existing docks to be removed should be removed and be disposed of appropriately.

### **APPLICANT'S LETTER**

With respect to our January 22 2021 submission for a House, Pool, Guest cottage and Cabana on 12C 451/3 Lot 19. We hereby request a variance to allow the following:

- 1. Single story Guest house roadside setback is 16'-11"
- 2. Pool to be built 13'-10 1/2" from the roadside & pool deck steps are 7'-1" from the roadside boundary as illustrated on the site plan
- 3. Lot width on the north east boundary is 50'-10"

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

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

Please also take into to consideration the following:

- (iii) The unique circumstance surrounding the development. The parcel boundaries are inclusive of the canal and inlet, creating a significant reduction in the parcel depth. However, the main house and pool fall within the actual boundary setback lines.
- (iv) Unusual terrain characteristics and parcel geometry limit the site's development potential within traditional setback guidelines. The parcel is also surrounded by roads on 3 sides.

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

#### PLANNING DEPARTMENT ANALYSIS

#### General

The application site is located in West Bay Beach South off Ritz Carlton Drive at the entrance of a subdivision. The site occupies a corner lot with subdivision roads forming 3 of the boundaries. A canal is located to the north together with a vacant lot to the north.

The application seeks Planning Permission for a duplex (comprising of main house and nanny quarters), a guest house, pool, cabana and dock.

# **Zoning**

Hotel/Tourism.

# **Specific Issues**

1) Road setback (7' 1" v 25')

Regulation 10(g) requires a minimum setback of 25' from the road edge. Several points of the development are sited within the setback. The proposed pool deck steps are the closest feature at 7' 1". The main house/duplex is 21' 8" and the guest house is 16' 11".

The application is supported by a variance letter which members are encouraged to consider as part of their deliberations.

2) Side setback (11' 6" v 20')

Regulation 10(f) requires a minimum side setback of 20'.

The proposed guest house would be sited 11' 6" from the side boundary.

Members are invited to consider the variance letter.

3) Canal rear setback (6' v 25')

Regulation 8(10)(ea) require minimum setback from canals of 20'.

The proposed development contains several points whereby the minimum setback is not met. The proposed guest house is 5' 10" from the canal wall, the garage is 5' 8" and the cabana is 7'.

Members are invited to reflect upon the variance letter.

# 2.16 NATIONAL HOUSING DEVELOPMENT TRUST (Tropical Architectural Group Ltd) Block 43D Parcel 176 Rem2 –Lot 42 (P20-0980) (\$122,375.00) (BES)

Application for dwelling house (1,045 sq ft)

# **FACTS**

Lucky Way, Bodden Town

Zoning LDR

Notification result No Objectors

*Parcel size proposed* 0.1102 ac. (4,800.3sq. ft.)

Parcel size required 10,000 sq. ft.

Current use Vacant

*Proposed building size* 1,045 sq. ft.

Total building site coverage 21.8%

Required parking 1
Proposed parking 1

## **BACKGROUND**

September 14, 2011 (**CPA/19/11; Item 2.7**) - The Authority granted planning permission for a forty eight (48) lot Low Cost Housing subdivision and a 20' deep lake excavation.

June 20, 2012 (**CPA/14/12; Item 2.19**) - The Authority resolved to modify planning permission to allow an additional sixteen (16) residential lots and remove the previously approved lake excavation.

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

- 1) Front (road) setback (14'-2" vs. 20')
- 2) Garbage enclosure setback (2'-3" vs 6')

#### APPLICANT'S LETTER

Further to the application submitted to build Three (3) Bedroom- One Storey House on Block 43D Parcel 176 REM 2 Lot 42, we hereby request for a setback variance of which requires a 20 ft. Road Setback.

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

- A. Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We'd like to present the following points for consideration:
- (1) While we have complied with the minimum Road setback of 20 ft. on Front & Right Side of the Lot, we would like to request for a Right side Road setback variances of 14'-2". The request for variance is due to having the house on the corner lot which requires 20m setback on 2 sides of the lot. The proposed application complies with all other requirements for a Single-Family Dwelling.

### PLANNING DEPARTMENT ANALYSIS

#### General

The application is for a dwelling house (1,045-sq ft) at the above-captioned property. The site is located on Lucky Way, Bodden Town. This application is part of the National Housing scheme.

#### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### 1) Front setback

The front setback is 14'-2", whereas the minimum required setback is 20' per regulation 9(8)(i) of the Development and Planning Regulations (2020 Revision). The applicant has provided reasons for the variance in the letter above.

### 2) Garbage enclosure setback

The garbage enclosure is setback 2'-3" from the adjacent boundary, whereas the minimum setback is 6' per regulation 8(7) of the Development and Planning Regulation (2020 Revision). It would appear that the garbage enclosure can be repositioned to comply with the setback requirement.

# 2.17 MIKE & TINA WIND (Robert Towell Architect Ltd.) Block 17A Parcel 303 (P21-0141) (\$200,000) (MW)

Application for 1,018 sq. ft. second floor gym addition to existing garage.

# **FACTS**

Location Lalique Peninsula Quay, West Bay

Zoning Low Density Residential

Notification result No objections

Parcel size proposed 0.59 ac. (25,700.4 sq. ft.)

Parcel size required 10,000 sq. ft.

Current use Existing Residence (7,196 sq. ft.)

*Proposed building size* 1,018 sq. ft.

*Total building site coverage* 15.3%

# **BACKGROUND**

March 28, 2017 – Five Bedroom House & Trellis - the application was considered and it was resolved to grant planning permission.

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

1) Side Setback 6'-6"(Stairs) / 10'-0" (Garage) vs 15'-0"

### **AGENCY COMMENTS**

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

#### **Department of Environment (NCC)**

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) confirms that we have no objection to the proposed gym addition at this time. We recommend that construction materials are stockpiled away from the canal's edge to reduce the possibility of rainwater runoff washing material and debris into the canal causing turbidity and impacting water quality.

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

#### APPLICANT'S LETTER

We write to the Central Planning Authority to request Planning permission to build a proposed new gym & exterior staircase located above an existing 2 car garage requiring a 10'-0" gym setback & 6'-6" exterior stair setback, respectively.

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

As per Section 8(13d), we have notified the adjacent land owners and there have been no objections to this side setback variance request.

Should you require additional information please contact us for further details.

# PLANNING DEPARTMENT ANALYSIS

#### General

The application is for a 1,018 sq. ft. second floor gym addition to existing garage with a side setback variance to be located on Lalique Peninsula Quay, West Bay.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

#### 1) Side Setback

Regulation 9(8)(j) states "the minimum side setback is 15 feet for a building of more than one storey", the proposed stairs would encroach the side boundary at 6'-6" and the existing garage which will now be increased to 2 stories 10'-0" a difference of 8'-6" & 5'-0" respectively.

# 2.18 JAMIE HUGHES (Oasis Pool & Spa) Block 5C Parcel 390 (P21-0195) (\$40,000) (MW)

Application for pool & deck.

#### **FACTS**

Location Elnathan Rd., West Bay

Zoning Low Density Residential

Notification result No objections

Parcel size proposed 0.2991 ac. (13,028.796 sq. ft.)

Parcel size required 10,000 sq. ft.

Current use Existing Residence

#### **BACKGROUND**

March 20, 2015 – Three Bedroom House - the application was considered and it was resolved to grant planning permission.

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

1) Rear Setback (12'-8" vs 20'-0")

### APPLICANT'S LETTER

We write to request a variance for the construction of a swimming pool at the above – mentioned block and parcel.

The proposed pool location allows for a typical and functional pool at the rear of the property. The new proposed pool would have a 15' setback and patio 10' setback from the back boundary varied from the 20' required.

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

The proposed new swimming pool will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or the public welfare.

The adjacent property owners have been notified of the application and there have been no objections received.

# PLANNING DEPARTMENT ANALYSIS

#### General

The application is for a Pool & Deck with Rear Setback Variance to be located on Elnathan Rd., West Bay.

#### Zoning

The property is zoned Low Density Residential.

#### **Specific Issues**

### 1) Rear Setback

Regulation 9(8)(i) states "the minimum rear setback is 20 feet". The proposed pool & deck area would be 12'-9" & 8'-9" from the rear boundary a difference of 7'-3" & 11'-3" respectively.

# 2.19 DEPARTMENT OF AGRICULTURE (Public Works Department (PWD) Block 32B Parcel 270 (P20-0518) (\$400,000.00) (BES)

Application for warehouse addition

# **FACTS**

Location Agricola Drive

Zoning AR

Notification result No Objectors

Parcel size proposed 21 ac. (914,760 sq. ft.)

Proposed building size 2,203.3 sq. ft.

Building footprint 5,400 sq ft

Total building site coverage 0.6%

Required parking 6

Proposed parking 17

**Recommendation**: Grant planning permission

#### **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority and Department of Environmental Health 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:

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Warehouse	5,375sqft	0.1gpd/sqft	837.5gpd	837.5gpd
		& 100gpd / Toilet		
TOTAL				837.5gpd

• 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 5'6" 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.
- The Existing septic tank shall be decommissioned as per the Water Authority's Best management: practices:

http://www.waterauthority.ky/upimages/download/BMPs\_abandoned\_WW\_systems1\_142\_3220782.pdf

• All existing septic systems located on Block 32B / Parcel 270 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: <a href="https://bit.ly/2R08MBB">https://bit.ly/2R08MBB</a>. 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.

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

# **Water Supply**

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

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

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

# **Department of Environmental Health**

Please see department's comments on the above application:

1. The department has no objection to the proposed in principal.

### **National Roads Authority**

As per your memo dated September 9th, 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

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

### PLANNING DEPARTMENT ANALYSIS

#### General

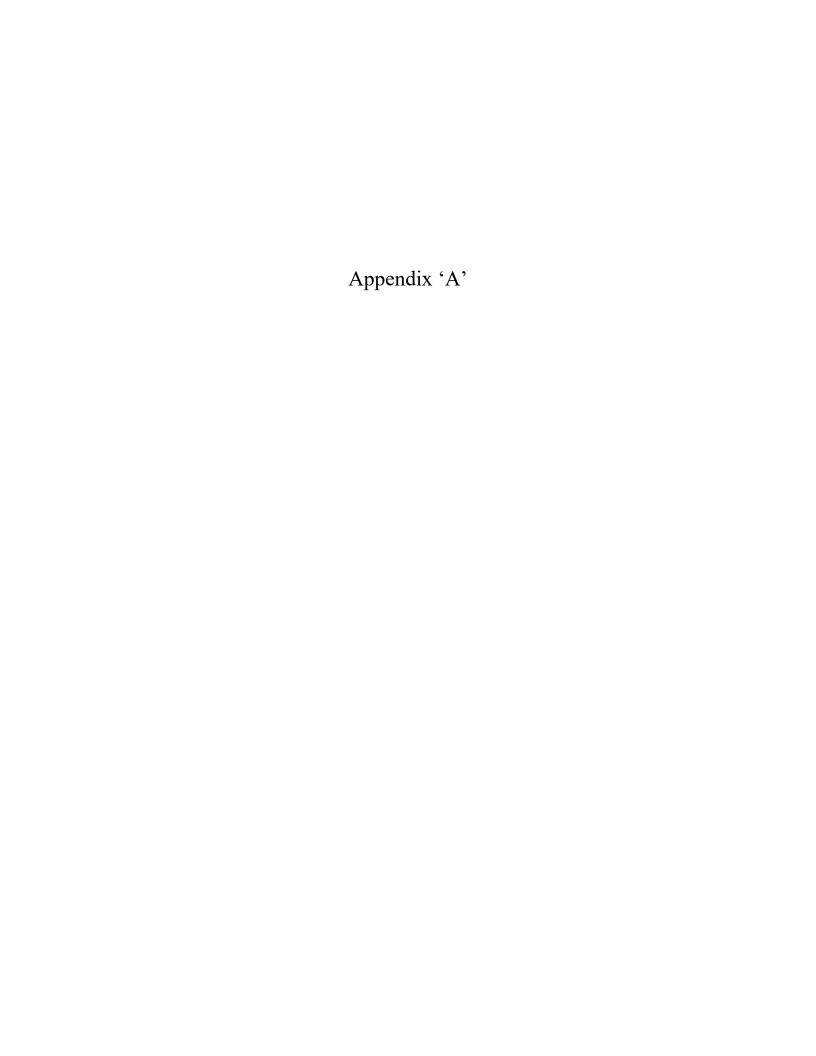
The application is for an addition (2,203.3-sq ft) to the Agriculture Feed Storage Building at the above-captioned property. The site is located on Agricola Drive, Agricultural Grounds Lower Valley.

The proposal would consist of customer store, customer sales clerk area, customer restroom, and warehouse office on the mezzanine area.

#### Zoning

The property is zoned Agricultural/Residential and the Department has no specific concerns with the application.

- 3.0 <u>DEVELOPMENT PLAN MATTERS</u>
- 4.0 PLANNING APPEAL MATTERS
- 5.0 MATTERS FROM THE DIRECTOR OF PLANNING
- 6.0 <u>CPA MEMBERS INFORMATION/DISCUSSIONS</u>



Alban and Cindy Ruiz P.O. Box 1018 Grand Cayman KY1-1503

Cayman Islands Government Department of Planning P.O. Box 113 Grand Cayman, KY1 – 9000

November 10, 2020

To the Director of Planning / Burton Schneider

Re: Easement - Right of way

Block 24E / Parcel 326

Ref: Patrick's Islands Homeowners Association-proposed gates at Poindexter guard house and the junction of Amity drive and Poindexter Rd.

We have been recently informed of an issue that potentially threatens to affect our legal easement.

Our property is 24E 326 (dominant tenament) and was purchased subject to an appurtenance, namely, a vehicular right of way that was obtained with the conveyance in 1990 (a copy of which you will find attached to support this claim).

Parcels 25B, 176/29, 24E 2B, 323 REM 1 are the servient tenements.

We have recently (in the last few days) been notified that the *Patrick's Island Homeowners Association*, submitted an application in March 2020, seeking planning permission to erect gates along/ within the servient tenements. If approved, it will negatively change the common practices we have adhered to for roughly the past 30 years.

For these reasons we have listed below the following objections:

- The right of way serves as a benefit which we rely on heavily for easy access to and from the
  eastern districts. Moreover, in recent years, due to the development and expansion of
  commerce in neighboring areas we frequently utilize this right of way due to its convenient
  location. In fact, we made the decision to have our mailbox changed to Savannah location
  because of our commercial dependence in the area. We travel back and forth through this
  right of way to check our post office box, to grocery shop, to travel to restaurants and for
  numerous other reasons.
- 2. We feel that if we were to sell, a gate would be a negative factor considering that easy access to commercial things will no longer be as easily accessible. That being so, it is reasonable to assume that any owner would consider having this access advantageous.
- 3. We have an express right of access for the benefit of routing of utilities and emergency services. A gate will most definitely hinder their access.

Having said this it is important to emphasize that the above reasons given amount to, far more than a personal advantage, but is in fact inextricably linked to the benefits we derive from our land and in turn stand to lose, as public access was made available later and runs one way in the opposite direction, away from most locations we frequent most.

Therefore, we stand opposed to a grant by Planning Department for the gates proposed by the *Patrick's Island Homeowners Association*.

www.

Attachments. (2)

### CAYMAN ISLANDS LAND REGISTER

Opened 17 MAR 2020 Edition 11

### A - PROPERTY SECTION

Nature of title CHOW-WPRIVATE

FIRST REGISTRATION MUTATION No.

Origin of title

M 4876

VRSOFATA BANKING ALL DISCHARGE TANKING TO SHOW THE STATE OF THE STATE

A 30 ft. wide vehicular Right of Way over 25B 176 as indicated on the Registry Map. (5537/91) JW

APPURTENANCES

Block and Parcel No. 25B 29REMI Registration Section SPOTTS

No. 25B 29REM1

Name of Parcel

Approx. area 1.1967 Acre (M 6415) AW

[See Survey Plan F/R 50/432]

# **B - PROPRIETORSHIP SECTION**

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Cayman KY1-1111, Cayman Islands.			
THE PATRICK'S ISLAND HOME OWNERS ASSOCIATION, P. O. Box 2681, Grand  A Kirchman	10/0/20	13/02/20	+
RHSSTRAR		17/17/71	
NAME AND ADDRESS OF PROPRIETORISI	INTERNITAL	DATE	No

## C - INCUMBRANCES SECTION

25B 29REM1

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	FURTHER PARTICULARS	A 30 ft, vehicular Right of Way in favour of 24E 324-327 &	323 REM 1 & 25B 494-498 & for the purpose of routing of	utilities and services & subsequent subdivisions as	indicated on the Registry Map.	A 30 ft wide vehicular Right of Way in favour of 24B	131-137, 24C 12-55, 24E 28, 89, 90, 380-388, 25B 494-498 and	any subsequent subdivisions thereof as indicated on the	Registry Map.	A 30-ft, vehicular Right of Way in favour of 24E 99 as	indicated on the Registry Map.	A 30-ft. vehicular Right of Way in favour of 24E 456 as	indicated on the Registry Map,	A vehicular Right of Way over the entire parcel in favour of	24D 61-63 & 59REM1 as indicated on the Registry Map.	A 30-ft. V.R.O.W. over this parcel in favour of 24E 91 and	all subsequent subdivisions for access and egress and the	routing of utilities and services as indicated on the	Registry Map.	and the state of t	KARD
	NATURE OF INCUMBRANCE	Easement				Easement				Easement		Easement		Easement		Easement					
*	INSTRUMENT No.	5495/89				5539/91				9122/98		9123/98		6164/99		1692/01					
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### CAYMAN ISLANDS

Opened 10 MAY 2005 Edition 5

-CHOWN-PRIVATE

### LAND REGISTER

### A - PROPERTY SECTION

# APPURTENANCES

Registrar of Lands

CERTIFIED TRUE COPY

A 30-ft. VROW over 25B 176,29,24E 28, 323 REM 1 & the benefit of routing of utilities & services as indicated on the Registry Map. (5495/89) JW

Block and Parcel No. 24E 326 Registration Section SPOTTS

No.

24E 326

Name of Parcel

Approx. area 0.5739 Acre

(See Survey Plan F/R (01/891)

# B - PROPRIETORSHIP SECTION

EVTRY No.

DATE

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04/04/97

FIRST REGISTRATION

Origin of title

Nature of title

ABSOLUTTE-PROVISIONAL

MUTATION No

M 4368

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100			Note: Not to transfer without consent of Chargee (RLL Sec. 68) MJ	CINDY RUIZ, P.O. Box 572, George Town, Grand Cayman.	NAME AND ADDRESS OF PROPRIETOR(S)
	 1	of other and processing board	1	MJERVIS	SIGNATURE OF

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C - INCUMBRANCES SECTION

24E 326

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		02/05/05				02/05/05		11/10/02				11/10/02	DATE
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		Proprietors				2nd Charge		Proprictors				Charge	NATURE OF INCUMBRANCE
	Town, Grand Cayman	Proprietors: THE ROYAL BANK OF CANADA, P.O. Box 245, George	Sccs. 81 & 82) BM	Note: Chargee has the right to tack & consolidate (RLL	date unspecified.	Principal Sum: CI\$15,000.00. Interest Rate and Repayment	Town, Grand Cayman	Proprietors: THE ROYAL BANK OF CANADA, P.O. Box 245, George	Sees. 81 & 82) MJ	Note: Chargee has the right to tack & consolidate (RLL	date unspecified.	Principal Sum: CI\$25,000.00. Interest Rate and Repayment	FURTHER PARTICULARS
SUBMETO		Box 245, George		late (RLL		Repayment		Box 245, George		ate (RLL		Repayment	
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### PATRICK'S ISLAND HOMEOWNERS ASSOCIATION

PO Box 2681 Grand Cayman, KY1-1111 Cayman Islands

Owner/Resident of Parcel 24E 326

October 28, 2020

To whom it may concern,

The Patrick's Island Homeowners Association is writing to you as your property was granted a vehicular Right of Way over Poindexter Road between the Patrick's Island guard gate (Poindexter entrance) and the top of Amity Drive some time ago. In March 2020, the HOA filed an application to put security gates on the Poindexter guard house as well as at the junction of Amity Drive and Poindexter Road.

Given the Right of Way afforded to your property, we are writing to confirm the following:

- 1. The existing Right of Way to your property will be honored via gate access.
- 2. The access provided to the residents of your property will be consistent with that provided to residents within the Patrick's Island development (a vehicle windshield sticker, a remote push button, or other as ultimately determined).
- 3. The cost of this access, if any, will be borne by the Patrick's Island HOA.

Should you have any questions, please do not hesitate to get in touch with

Kind regards.

Jumpler Firetalle

Jennifer Frizzelle (345) 516 4326

patricksislandhoa@gmail.com

On behalf of The Patrick's Island Homeowners Association

Received by	(print name) on	(date)
<u> </u>	Signed	

John and Caitlin Dunne P.O. Box 781 Grand Cayman, KY1-9006

Cayman Islands Government
Department of Planning
P.O. Box 113
Grand Cayman, KY1-9000

November 10th, 2020

To the Director of Planning/ Burton Schneider

Re: Easement -Right of way

Block 24E/Parcel 325

Ref: Patrick's Island Homeowners Association-proposed gates at Poindexter guard house and the junction of Amity drive and Poindexter Rd.

We have been recently informed of a proposed project that potentially threatens to affect our legal easement.

Our property is 24E 325 (dominant tenement) and was purchased with a vehicular right of way that was obtained with the conveyance in 1990.

As of October 28<sup>th</sup> 2020 we were informed that the Patrick's Island Homeowners Association submitted an application, in March of 2020, seeking planning permissions to erect gates along/within the servient tenements. If approved we are concerned it will negatively impact the neighborhood we eagerly purchased into in December of last year.

Our reasons for believing so are listed below:

1. We purchased our property with the express right of access through this easement, and while we have been told, on October 28<sup>th</sup>, that we would be given access to the easement through either a vehicle windshield sticker or a remote push button, we are concerned that as we are not officially a part of the *Patrick's Island Homeowners Association* we may not be privy to updates with regards to the gates themselves (ie: gate repairs, updates to systems, changes to codes or access systems) causing us to lose a vital access point for undetermined periods of time. The fact that our post box is accurately registered with lands & survey but we were not mailed a notification, and were only made aware of the gates through a foot survey on October

- 28<sup>th</sup> 2020 (months after the proposal was submitted to planning), should highlight our reason for a lack of confidence in the intent for inclusion/communication.
- 2. It has been made clear to us by the Association that the gates are being installed by the Association and therefore "free of charge" to us. We are concerned that this arrangement will be held against us in the future; should we need to bring up issues with the board or if/when we decide to sell our home. The fact that the Association is treating this as if they are doing us a favor of some kind, rather than respecting that the easement does not solely belong to them is an issue for us.
- 3. We have never been shown drawings of the intended gates. We are concerned that because of the width of the current road pedestrians will not be considered. Our young children have friends who live in the neighborhood of Coconut Village and we would like to be made certain that they could safely walk to their friend's homes without having to cross through a gate intended for vehicles.
- 4. Though we have no legal right to access Amity Drive, we are concerned that a private gate there will lower the value of our home. This is a nice, safe road with our homes having been built and well maintained for 30+ years; to place a gate at Amity signifies something to be closed off from. We personally purchased our home because of the well-established, friendly & peaceful road it was on. If the Association is applying to install a gate here to increase their property values, we ask the board to consider the impact that may have on the surrounding properties which have been here as long, or longer than many of the homes in Patrick's Island itself.

While we understand that the *Patrick's Island Homeowners Association* may very well have good intentions for these gates, it comes across to us as the first steps in an effort to close out the few homes built on Poindexter that are not included in the Patrick's Island Strata. This roadway is a useful access point to the East West Arterial & the commercial area it leads to, we are hesitant to agree to a gate without the above concerns being addressed.

Therefore, we stand opposed to a grant by the Planning Department for the gates proposed by the *Patrick's Island Homeowners Association*.

Sincerely:

John Dunne

Alban and Cindy Ruiz P.O. Box 1018 Grand Cayman KY1-1503

Cayman Islands Government Department of Planning P.O. Box 113 Grand Cayman, KY1 – 9000

November 10, 2020

To the Director of Planning / Burton Schneider

Re: Easement - Right of way

Block 24E / Parcel 326

Ref: Patrick's Islands Homeowners Association-proposed gates at Poindexter guard house and the junction of Amity drive and Poindexter Rd.

We have been recently informed of an issue that potentially threatens to affect our legal easement.

Our property is 24E 326 (dominant tenament) and was purchased subject to an appurtenance, namely, a vehicular right of way that was obtained with the conveyance in 1990 (a copy of which you will find attached to support this claim).

Parcels 25B, 176/29, 24E 2B, 323 REM 1 are the servient tenements.

We have recently (in the last few days) been notified that the *Patrick's Island Homeowners Association*, submitted an application in March 2020, seeking planning permission to erect gates along/ within the servient tenements. If approved, it will negatively change the common practices we have adhered to for roughly the past 30 years.

For these reasons we have listed below the following objections:

- The right of way serves as a benefit which we rely on heavily for easy access to and from the
  eastern districts. Moreover, in recent years, due to the development and expansion of
  commerce in neighboring areas we frequently utilize this right of way due to its convenient
  location. In fact, we made the decision to have our mailbox changed to Savannah location
  because of our commercial dependence in the area. We travel back and forth through this
  right of way to check our post office box, to grocery shop, to travel to restaurants and for
  numerous other reasons.
- 2. We feel that if we were to sell, a gate would be a negative factor considering that easy access to commercial things will no longer be as easily accessible. That being so, it is reasonable to assume that any owner would consider having this access advantageous.
- 3. We have an express right of access for the benefit of routing of utilities and emergency services. A gate will most definitely hinder their access.

Having said this it is important to emphasize that the above reasons given amount to, far more than a personal advantage, but is in fact inextricably linked to the benefits we derive from our land and in turn stand to lose, as public access was made available later and runs one way in the opposite direction, away from most locations we frequent most.

Therefore, we stand opposed to a grant by Planning Department for the gates proposed by the *Patrick's Island Homeowners Association*.

Attachments. (2)

### CAYMAN ISLANDS LAND REGISTER

Opened 17 MAR 2020 Edition 11

### A - PROPERTY SECTION

Nature of title CHOW-WPRIVATE

FIRST REGISTRATION MUTATION No.

Origin of title

M 4876

VRSOFATA BANKING ALL DISCHARGE TANKING TO SHOW THE STATE OF THE STATE

A 30 ft. wide vehicular Right of Way over 25B 176 as indicated on the Registry Map. (5537/91) JW

APPURTENANCES

Block and Parcel No. 25B 29REMI Registration Section SPOTTS

No. 25B 29REM1

Name of Parcel

Approx. area 1.1967 Acre (M 6415) AW

[See Survey Plan F/R 50/432]

# **B - PROPRIETORSHIP SECTION**

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Cayman KY1-1111, Cayman Islands.			
THE PATRICK'S ISLAND HOME OWNERS ASSOCIATION, P. O. Box 2681, Grand  A Kirchman	10/0/20	13/02/20	+
RHSSTRAR		17/17/71	
NAME AND ADDRESS OF PROPRIETORISI	INTERNITAL	DATE	No

## C - INCUMBRANCES SECTION

25B 29REM1

	SIGNATURE OF REGISTRAR	JWITTER				JWITTER				ALINE WOOD		ALINE WOOD		A Kırclıman		ALINE WOOD					
	FURTHER PARTICULARS	A 30 ft, vehicular Right of Way in favour of 24E 324-327 &	323 REM 1 & 25B 494-498 & for the purpose of routing of	utilities and services & subsequent subdivisions as	indicated on the Registry Map.	A 30 ft wide vehicular Right of Way in favour of 24B	131-137, 24C 12-55, 24E 28, 89, 90, 380-388, 25B 494-498 and	any subsequent subdivisions thereof as indicated on the	Registry Map.	A 30-ft, vehicular Right of Way in favour of 24E 99 as	indicated on the Registry Map.	A 30-ft. vehicular Right of Way in favour of 24E 456 as	indicated on the Registry Map,	A vehicular Right of Way over the entire parcel in favour of	24D 61-63 & 59REM1 as indicated on the Registry Map.	A 30-ft. V.R.O.W. over this parcel in favour of 24E 91 and	all subsequent subdivisions for access and egress and the	routing of utilities and services as indicated on the	Registry Map.	and the state of t	KARD
	NATURE OF INCUMBRANCE	Easement				Easement				Easement		Easement		Easement		Easement					
*	INSTRUMENT No.	5495/89				5539/91				9122/98		9123/98		6164/99		1692/01					
	DATE	13/10/89				23/09/91				15/10/98		15/10/98		08/02/99		10/50/60					
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### CAYMAN ISLANDS

Opened 10 MAY 2005 Edition 5

-CHOWN-PRIVATE

### LAND REGISTER

### A - PROPERTY SECTION

# APPURTENANCES

Registrar of Lands

CERTIFIED TRUE COPY

A 30-ft. VROW over 25B 176,29,24E 28, 323 REM 1 & the benefit of routing of utilities & services as indicated on the Registry Map. (5495/89) JW

Block and Parcel No. 24E 326 Registration Section SPOTTS

No.

24E 326

Name of Parcel

Approx. area 0.5739 Acre

(See Survey Plan F/R (01/891)

# B - PROPRIETORSHIP SECTION

EVTRY No.

DATE

(h

04/04/97

FIRST REGISTRATION

Origin of title

Nature of title

ABSOLUTTE-PROVISIONAL

MUTATION No

M 4368

	2 - 4 - 4 - 4 - 4 - 4 - 4 - 4 - 4 - 4 -		-	2599/97	INSTRUMENT No.
100			Note: Not to transfer without consent of Chargee (RLL Sec. 68) MJ	CINDY RUIZ, P.O. Box 572, George Town, Grand Cayman.	NAME AND ADDRESS OF PROPRIETOR(S)
	 1	of other and processing board	1	MJERVIS	SIGNATURE OF

# CERTIFIED TRUE COPY Many Stands Cost Registrar of Lands

C - INCUMBRANCES SECTION

24E 326

		=				10		9				20	ENTRY No.
		02/05/05				02/05/05		11/10/02				11/10/02	DATE
		15597/05				15597/05		6337/02				6337/02	INSTRUMENT Na.
		Proprietors				2nd Charge		Proprictors				Charge	NATURE OF INCUMBRANCE
	Town, Grand Cayman	Proprietors: THE ROYAL BANK OF CANADA, P.O. Box 245, George	Sccs. 81 & 82) BM	Note: Chargee has the right to tack & consolidate (RLL	date unspecified.	Principal Sum: CI\$15,000.00. Interest Rate and Repayment	Town, Grand Cayman	Proprietors: THE ROYAL BANK OF CANADA, P.O. Box 245, George	Sees. 81 & 82) MJ	Note: Chargee has the right to tack & consolidate (RLL	date unspecified.	Principal Sum: CI\$25,000.00. Interest Rate and Repayment	FURTHER PARTICULARS
SUBMETO		Box 245, George		late (RLL		Repayment		Box 245, George		ate (RLL		Repayment	
		B Mycrs				B Mycrs		MJERVIS				MJERVIS	SIGNATURE OF REGISTRAR

### PATRICK'S ISLAND HOMEOWNERS ASSOCIATION

PO Box 2681 Grand Cayman, KY1-1111 Cayman Islands

Owner/Resident of Parcel 24E 326

October 28, 2020

To whom it may concern,

The Patrick's Island Homeowners Association is writing to you as your property was granted a vehicular Right of Way over Poindexter Road between the Patrick's Island guard gate (Poindexter entrance) and the top of Amity Drive some time ago. In March 2020, the HOA filed an application to put security gates on the Poindexter guard house as well as at the junction of Amity Drive and Poindexter Road.

Given the Right of Way afforded to your property, we are writing to confirm the following:

- 1. The existing Right of Way to your property will be honored via gate access.
- 2. The access provided to the residents of your property will be consistent with that provided to residents within the Patrick's Island development (a vehicle windshield sticker, a remote push button, or other as ultimately determined).
- 3. The cost of this access, if any, will be borne by the Patrick's Island HOA.

Should you have any questions, please do not hesitate to get in touch with

Kind regards.

Jumpler Firetalle

Jennifer Frizzelle (345) 516 4326

patricksislandhoa@gmail.com

On behalf of The Patrick's Island Homeowners Association

Received by	(print name) on	(date)
<u> </u>	Signed	

John and Caitlin Dunne P.O. Box 781 Grand Cayman, KY1-9006

Cayman Islands Government
Department of Planning
P.O. Box 113
Grand Cayman, KY1-9000

November 10th, 2020

To the Director of Planning/Burton Schneider

Re: Easement -Right of way Block 24E/Parcel 325

Ref: Patrick's Island Homeowners Association-proposed gates at Poindexter guard house and the junction of Amity drive and Poindexter Rd.

We have been recently informed of a proposed project that potentially threatens to affect our legal easement.

Our property is 24E 325 (dominant tenement) and was purchased with a vehicular right of way that was obtained with the conveyance in 1990.

As of October 28<sup>th</sup> 2020 we were informed that the Patrick's Island Homeowners Association submitted an application, in March of 2020, seeking planning permissions to erect gates along/within the servient tenements. If approved we are concerned it will negatively impact the neighborhood we eagerly purchased into in December of last year.

Our reasons for believing so are listed below:

1. We purchased our property with the express right of access through this easement, and while we have been told, on October 28<sup>th</sup>, that we would be given access to the easement through either a vehicle windshield sticker or a remote push button, we are concerned that as we are not officially a part of the *Patrick's Island Homeowners Association* we may not be privy to updates with regards to the gates themselves (ie: gate repairs, updates to systems, changes to codes or access systems) causing us to lose a vital access point for undetermined periods of time. The fact that our post box is accurately registered with lands & survey but we were not mailed a notification, and were only made aware of the gates through a foot survey on October

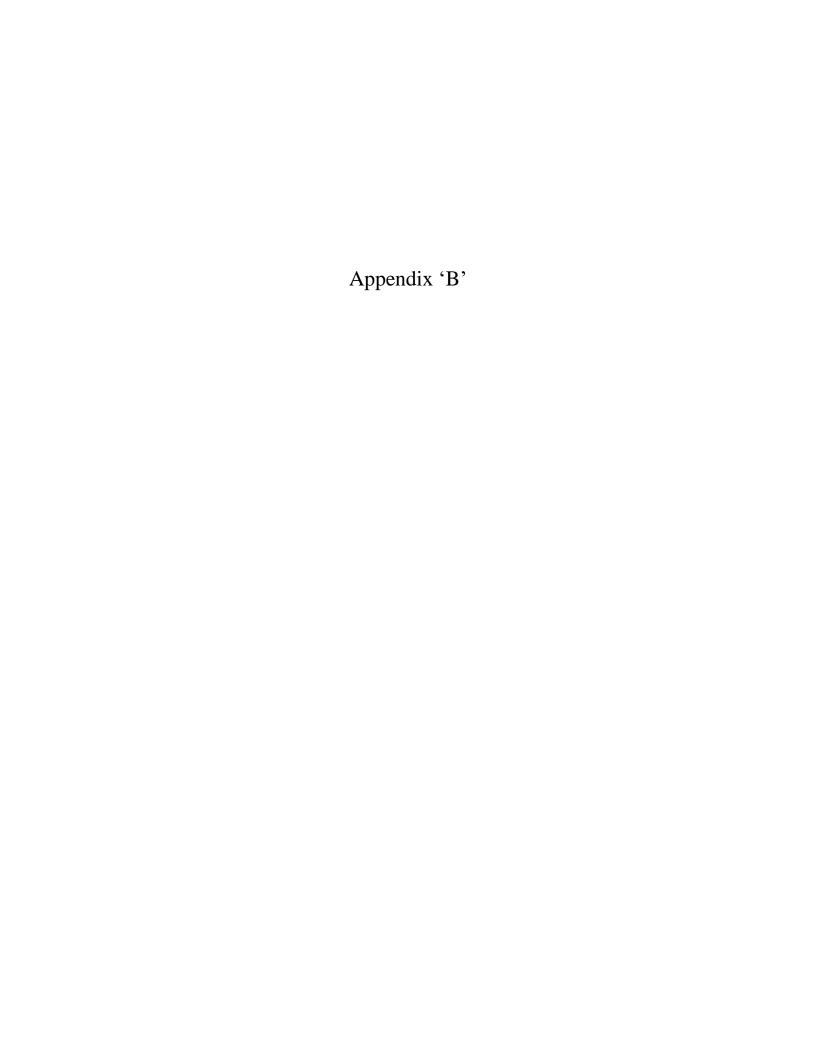
- 28<sup>th</sup> 2020 (months after the proposal was submitted to planning), should highlight our reason for a lack of confidence in the intent for inclusion/communication.
- 2. It has been made clear to us by the Association that the gates are being installed by the Association and therefore "free of charge" to us. We are concerned that this arrangement will be held against us in the future; should we need to bring up issues with the board or if/when we decide to sell our home. The fact that the Association is treating this as if they are doing us a favor of some kind, rather than respecting that the easement does not solely belong to them is an issue for us.
- 3. We have never been shown drawings of the intended gates. We are concerned that because of the width of the current road pedestrians will not be considered. Our young children have friends who live in the neighborhood of Coconut Village and we would like to be made certain that they could safely walk to their friend's homes without having to cross through a gate intended for vehicles.
- 4. Though we have no legal right to access Amity Drive, we are concerned that a private gate there will lower the value of our home. This is a nice, safe road with our homes having been built and well maintained for 30+ years; to place a gate at Amity signifies something to be closed off from. We personally purchased our home because of the well-established, friendly & peaceful road it was on. If the Association is applying to install a gate here to increase their property values, we ask the board to consider the impact that may have on the surrounding properties which have been here as long, or longer than many of the homes in Patrick's Island itself.

While we understand that the *Patrick's Island Homeowners Association* may very well have good intentions for these gates, it comes across to us as the first steps in an effort to close out the few homes built on Poindexter that are not included in the Patrick's Island Strata. This roadway is a useful access point to the East West Arterial & the commercial area it leads to, we are hesitant to agree to a gate without the above concerns being addressed.

Therefore, we stand opposed to a grant by the Planning Department for the gates proposed by the *Patrick's Island Homeowners Association*.

Sincerely,

John Dunne



Nov 23, 2020

Alban and Cindy Ruiz P.O. Box 1018 Grand Cayman KY1-1503

Cayman Islands Government Department of Planning P.O. Box 113 Grand Cayman, KY1 – 9000

To the Director of Planning / Burton Schneider
Re: Easement – Right of way
Block 24E / Parcel 326

Ref: Patrick's Islands Homeowners Association-proposed gates at Poindexter guard house and the junction of Amity drive and Poindexter Rd.

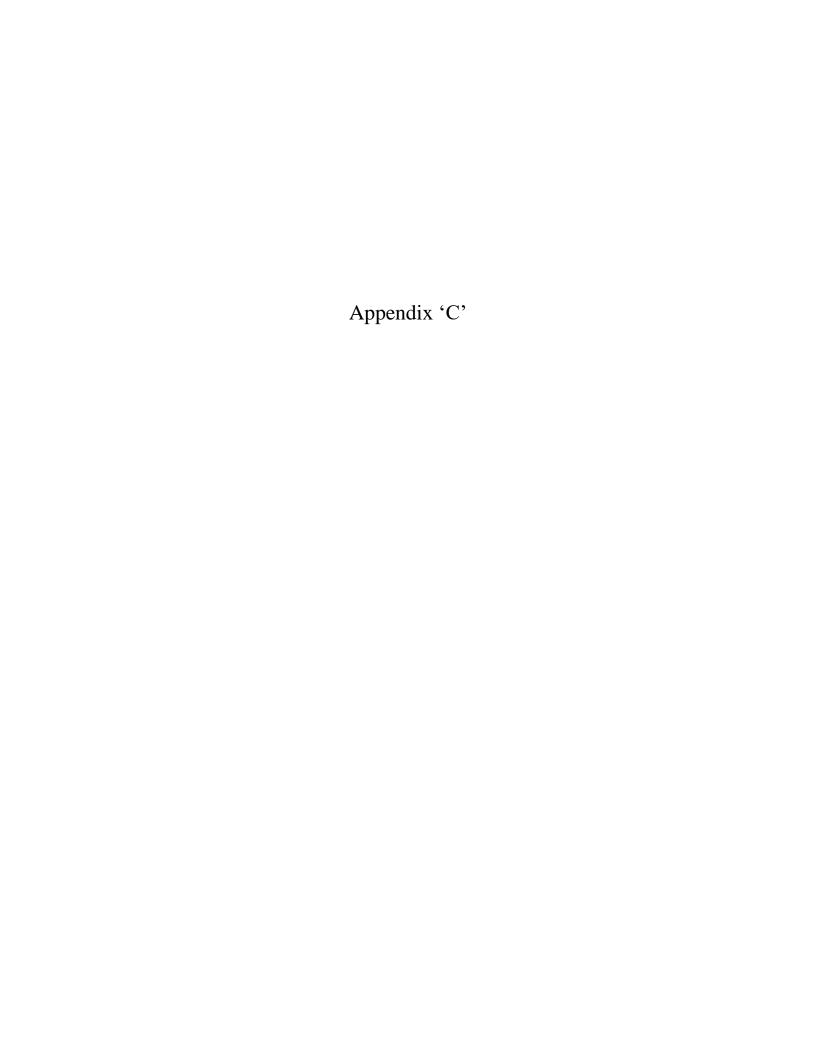
Further to our letter dated Nov 10, 2020 I learnt today Nov 23, 2020, 10 months after the original application was filed (Mar 2020) that there is an 80-foot notification radius (buffer area) established for this proposed project?

There are 4 properties (Block 24E- parcels 324-325-326-327) that extend over 400 feet that are DIRECTLY affected by this legal right of way established in 1989 and purchased, in our case in 1990 that fall outside the 80 feet radius and there was no intention of notifying us of such major project?

I am not able to comprehend how anyone knowing that we have a legal right away that would be DIRECTLY affected by this proposal could have thought that we do not need to be informed!!

Regards;

Alban Ruiz





### CAYMAN ISLANDS LAND REGISTER

### Edition 9

Opened 17 MAR 2020

### **A - PROPERTY SECTION**

Ownership Type	Crown / Private	APPURTENANCES		Block and Parcel No. 24E 473
Nature of Title	Absolute / Provisional	A 30-ft. vehicular Right of Way over 25B 176	Registration Section	SPOTTS
Origin of Title		as indicated on the Registry Map. (5537/91)	Name of Parcel	
First Registration		CG		
Mutation No.	М 5258	A 30-ft, vehicular Right of Way over 25B 29  REM1 as indicated on the Registry Map.		
		(5539/91) CG	Approximate Area	2.791 Acre (See Survey Plan FR 50/304)

### **B-PROPRIETORSHIP SECTION**

Entry No.	Date	Instrument No.	Name and Address of Proprietor(s)	Signature of Registrar
			Restriction: No dispositions until Certificate of Occupancy from	
			Planning. AK	
3	13/02/20	1675/20	THE PATRICK'S ISLAND HOME OWNERS ASSOCIATION, P. O. Box 2681, Grand	A Kirchman
			Cayman KY1-1111, Cayman Islands.	

### Block and Parcel No. 24E 473 Edition 9



Entry No.	Date	Instrument No.	Nature of Incumbrance	Further Particulars	Signature of Registrar
3	13/10/89	5495/89	Easement	A 30-ft. vehicular Right of Way in favour of 24E 323 REM1,	C. GEALEY
				324-327 and for the purpose of routing of utilities and	
				services & subsequent subdivisions as indicated on the	
				Registry Map.	
4	16/08/93	4226/93	Easement	A 30-ft. wide vehicular Right of Way over the estate road as	C. GEALEY
				indicated on the Registry Map.	
5	17/02/93	7011/93	Easement	A 30-ft. vehicular Right of Way in favour of 24E 323 REM1	C. GEALEY
				as indicated on the Registry Map and all subsequent	
				subdivisions.	
6	15/10/98	9120/98	Easement	A 30-ft. vehicular Right of Way in favour of 24E 99 as	ALINE WOOD
				indicated on the Registry Map.	
7	15/10/98	9121/98	Easement	A 30-ft. vehicular Right of Way in favour of 24E 456 as	ALINE WOOD
				indicated on the Registry Map.	
8	08/07/99	6165/99	Easement	A vehicular Right of Way over the entire parcel in favour of	A Kirchman
				24D 61-63 & 59 REM1 as indicated on the Registry Map.	
9	09/05/01	1691/01	Easement	A 30-ft. V.R.O.W. over this parcel in favour of 24E 91 and	ALINE WOOD
				all subsequent subdivisions for access and egress and the	
				routing of utilities and services as indicated on the	
				Registry Map.	



### CAYMAN ISLANDS LAND REGISTER

### Edition 11

Opened 17 MAR 2020

### A - PROPERTY SECTION

Ownership Type	Crown / Private	APPURTENANCES		Block and Parcel No. 25B 29REM1
Nature of Title	Absolute / <del>Provisional</del>	A 30 ft. wide vehicular Right of Way over 25B	Registration Section	SPOTTS
Origin of Title		176 as indicated on the Registry Map.	Name of Parcel	
First Registration		(5537/91) JW		
Mutation No.	M 4876			
			Approximate Area	1.1967 Acre (M 6415) AW [See Survey Plan F/R 50/432]

### **B-PROPRIETORSHIP SECTION**

Entry No.	Date	Instrument No.	Name and Address of Proprietor(s)	Signature of Registrar
4	13/02/20	1676/20	THE PATRICK'S ISLAND HOME OWNERS ASSOCIATION, P. O. Box 2681, Grand	A Kirchman
			Cayman KY1-1111, Cayman Islands.	
			×	

### Block and Parcel No. 25B 29REM1

Edition 11



### Signature of Registrar **Further Particulars** Nature of Incumbrance Date Instrument No. Entry No. **I WITTER** A 30 ft, vehicular Right of Way in favour of 24E 324-327 & 3 13/10/89 5495/89 Easement 323 REM 1 & 25B 494-498 & for the purpose of routing of utilities and services & subsequent subdivisions as indicated on the Registry Map. J WITTER A 30 ft. wide vehicular Right of Way in favour of 24B 4 23/09/91 5539/91 Easement 131-137, 24C 12-55, 24E 28, 89, 90, 380-388, 25B 494-498 and any subsequent subdivisions thereof as indicated on the Registry Map. ALINE WOOD A 30-ft, vehicular Right of Way in favour of 24E 99 as 5 15/10/98 9122/98 Easement indicated on the Registry Map. ALINE WOOD A 30-ft. vehicular Right of Way in favour of 24E 456 as 15/10/98 9123/98 Easement 6 indicated on the Registry Map. ∴ Virchman A vehicular Right of Way over the entire parcel in favour of 7 08/07/99 6164/99 Easement 24D 61-63 & 59REM1 as indicated on the Registry Map. ALINE WOOD A 30-ft. V.R.O.W. over this parcel in favour of 24E 91 and Easement 09/05/01 1692/01 8 all subsequent subdivisions for access and egress and the routing of utilities and services as indicated on the Registry Map.



### CAYMAN ISLANDS LAND REGISTER

### Edition 7

Opened 17 FEB 2020

### **A - PROPERTY SECTION**

Ownership Type	Crown / Private	APPURTENANCES		Block and Parcel No. 24E 325
Nature of Title	Absolute / <del>Provisional</del>	A 30-ft. VROW over 25B 176,29,24E 28, 323 REM	Registration Section	SPOTTS
Origin of Title		1 & the benefit of routing of utilities &	Name of Parcel	
First Registration		services as indicated on the Registry Map.		
Mutation No.	M 4368	(5495/89) JW		
		TO VOED IL LIVE WHITE	Approximate Area	0.2865 Acre (See Survey Plan F/R (01/891)

### **B-PROPRIETORSHIP SECTION**

Entry No.	Date	Instrument No.	Name and Address of Proprietor(s)	Signature of Registrar
7	03/02/20	1274/20	CAITLIN ELIZABETH DUNNE, JOHN VINCENT DUNNE, 10 Market Street #781,	S Williams
			Grand Cayman KY1-9006, Cayman Islands, as joint proprietors.	
			Note: Not to transfer without consent of Chargee (RLL Sec. 68) SW	

### Sheet 1 of 1

Block and Parcel No. 24E 325

Edition 7



Entry No.	Date	Instrument No.	Nature of Incumbrance	Further Particulars	Signature of Registrar
9	03/02/20	1275/20	Charge	Principal Sum: CI\$333,000.00 For Interest Rate & Repayment	S Williams
				Date see filed Schedule,	
				Note: Chargee has the right to tack & consolidate (RLL	
	•			Secs. 81 & 82) SW	
10	03/02/20	1275/20	Proprietors	Proprietors: FIDELITY BANK (CAYMAN) LTD., P.O. Box 914,	S Williams
				Grand Cayman KY1-1103 Cayman Islands.	



### CAYMAN ISLANDS LAND REGISTER

### Edition 10

Opened 24 AUG 2010

### A - PROPERTY SECTION

Ownership Type	Crown / Private	APPURTENANCES		Block and Parcel No. 24E 326
Nature of Title	Absolute / <del>Provisional</del>	A 30-ft. VROW over 25B 176,29,24E 28, 323 REM	Registration Section	SPOTTS
Origin of Title		1 & the benefit of routing of utilities &	Name of Parcel	
First Registration		services as indicated on the Registry Map.		
Mutation No.	M 4368	(5495/89) JW		
	୍ବର		Approximate Area	0.5739 Acre (See Survey Plan F/R (01/891)

### **B-PROPRIETORSHIP SECTION**

Entry No.	Date	Instrument No.	Name and Address of Proprietor(s)	Signature of Registrar
5	04/04/97	2599/97	CINDY RUIZ, P.O. Box 572, George Town, Grand Cayman.	M.JERVIS
			Note: Not to transfer without consent of Chargee (RLL Sec. 68) AS	
	_			

Block and Parcel No. 24E 326 Edition 10



Entry No.	Date	Instrument No.	Nature of Incumbrance	Further Particulars	Signature of Registrar
14	12/08/10	9297/10	Charge	Principal Sum CI\$9,000.00. Interest Rate & Repayment date	A Singh
				unspecified.	
				Note: Chargee has the right to tack & consolidate (RLL	
				Secs. 81 & 82) AS	
15	12/08/10	9297/10	Proprietors	Proprietors: ROYAL BANK OF CANADA, P.O. Box 245, Grand	A Singh
				Cayman KY1-1104 Cayman Islands	
	-				
	-				





The Chairman, C/O the Executive Secretary Central Planning Authority, Government Administration Building, Elgin Avenue, George Town Cayman Islands

BY EMAIL

19 March 2021

Dear Mr. Thompson,

### Re: The Patrick's Island Homeowners Association Application

We are instructed by and act and write on behalf of the Applicant, The Patrick's Island Homeowners Association (the "HOA"), in respect of the above-named matter.

Application is made by our client for three gates at the three entrance points into the Patrick's Island community as a means of vehicular traffic control and increased security for the properties within the community. The gates will be situated on three parcels wholly owned and insured by the HOA, namely Block 24C Parcel 10REM2, Block 24E Parcel 473 and Block 24E Parcel 326. The gates will be 5'6" rising to 7' with two 12' wide vehicle access gates and one 4' wide walk gate. It is intended that the 4' wide walk gate will remain accessible to the walking public for recreational use as the HOA recognize the social value therein. It should be noted that on Block and Parcel 23C10REM2 and Block and Parcel 24E473, our client is seeking to simply install gates on already approved and existing gates houses, which have been *in situ* since the mid 1990s.

### 2006 Application

As a matter of record, in 2006 an application in respect of gates for the Patrick's Island community was refused by the CPA. Since 2006, the HOA have acquired ownership of the roadways within the Patrick's Island subdivision from the original development company and have worked tirelessly to maintain the common property, including the roadways, and address various issues affecting the sub-division, in particular relating to the lack of gates.



The reasons for the 2006 refusal were:

- 1. Elements of cultural and social isolation:
- 2. Reduced ability of roadsharing;
- 3. Reduction of roadsharing incompatible with section 1.3(f) of the Development Plan 1997; and
- 4. Concerns the gates would not reduce crime.

We intend to address these reasons in respect of the current application as outlined herein.

### 1. Cultural and Social Isolation

It is submitted that this specious basis for refusal in 2006, being that the gates would create a sense of cultural or social isolation, is not and was never a valid material planning consideration and, in any event, could no longer be a valid concern, since today, some 14 years later, Grand Cayman has numerous gated communities and so it appears that society has become accustomed to the existence of the same as a social standard.

The CPA has recently approved a very similar application for the addition of gates at Webster's Estates in South Sound, where the issue of cultural and social isolation did not prove to be a barrier to the approval of the application. As regards the application for gates approved for Webster's Estates, the gates were 2' higher than the gates being applied for by the HOA and in that application the CPA determined that "the permission would be granted as the application complies with the Development and Planning Regulations (2018 Revision).

Other examples of approved gated communities in the immediate vicinity of Patrick's Island include Coconut Village, which is located off of Poindexter Road, mere meters away from Patrick's Island. Another example can be found at "The Lakes at Poindexter" which is also located on Poindexter Road. (Schedule 1)

Given the prevalence of gated subdivisions that now exists island-wide, and specifically directly within the immediate vicinity, the idea of the approval of this Application causing some newly undesirable sense of social isolation is not a relevant ground of refusal.



Furthermore, the intention of placing gates for the development has been obvious and clear to any reasonable person since the development of the subdivision given the existence of the gate/guardhouses and the existence of clearly visible signs denoting "Private Road" at each gatehouse entering into the Patrick's Island subdivision. It can therefore not be said to be a matter of "surprise" to the public that gates are placed at the guardhouses.

### 2. Reduced ability of roadsharing

Traffic through the Patrick's Island subdivision continues to be a concern for the residents. Block 24E Parcel 473 was from inception of the subdivision intended to be a private community road, not a public thoroughfare and it was only paved a number of years ago. Since the paving of that private roadway some drivers have used this private roadway in an attempt to bypass traffic on Shamrock Road and the East/West Arterial. However, this only increased traffic issues in the area and resulted in police presence and blockading of vehicles from this road in order to deter this behaviour which caused a nuisance to the wider Prospect area. The Deputy Commissioner of Police provided a written letter to the Department of Planning which states that the RCIPS foresee no issues with the flow of traffic based on the HOA's Application. (Schedule 2)

It is also understood that a significant factor in the CPA's refusal in 2006 was the lack of alternative routes for traffic from the Eastern districts if Shamrock Road was blocked. This situation has since been addressed with the construction of the East/West Arterial, so there would be no need to rely on the HOA's privately owned roadway as an alternate route in such an event.

Furthermore, the HOA has built a strong working relationship with the RCIPS through its Neighbourhood Watch Programme and if there was an urgent need for alternative traffic route due to matters affecting either of the other two established routes, the HOA would be more than willing and prepared to offer vehicular traffic access to the public on a temporary emergency basis.

### 3. Section 1.3(f), Development Plan 1997

Section 1.3(f) of the Development Plan 1997 provides that policies... are intended to achieve... "to maintain and improve the internal and external communications systems of the Islands".



It is not clear how the Application would impact on communications systems and it is therefore submitted that this previous ground for refusal is irrelevant to the Application.

### 4. Concerns the gates would not reduce crime

Security continues to be a concern for the residents of Patrick's Island, especially after a horrific home evasion in 2017, drug arrests in 2018 off Reverie Road, and other drug related and petty crimes. Since 2017, the HOA was formally established and a Neighbourhood Watch Program was put into effect. However, such measures can only be used to detect suspicious or criminal behaviour, whereas the installation of gates would prevent access to unauthorized vehicles, thereby preventing the opportunity for would-be burglars and drug traders to gain access. The installation of gates would therefore be a major step towards a safer and more secure neighbourhood and would help to improve the quality of life of the residents of the area as it would significantly reduce the opportunity for crime within Patrick's Island. This is especially critical since Patrick's Island still has a large number of undeveloped canal lots, many of which are secluded and/or overgrown with bush, which could readily be used for drug dropoff/delivery points and other nefarious activities, especially during the night. We are instructed that there have been innumerable instances where residents have had to call the police to report suspicious activity and include a written report from Mr. Ramon Angara of the Security Centre, who provides nightly security services to a home situated in Patrick's Islands, which letter confirms that even along a quiet culdesac, there is nightly non-resident traffic, often of a concerning nature. (Schedule 3) There have also been a number of burglaries and attempted burglaries and even occasions when suspects have been recorded on security cameras trying to break in or actually breaking into cars on the driveways of residents' homes.

### **Easements**

There are four parcels of land which fall outside of the Patrick's Island HOA subdivision which enjoy registered rights of way over some of the roadways owned by the HOA. It should be noted that only one of these parcels falls within the notification radius and that proprietor has not objected to the Application.

For the purposes of full disclosure, the HOA notified each of the relevant proprietors in writing of the Application and provided a written undertaking that the easements will be honoured and that the proprietors will be granted full access to the gates and will be held fully appraised of all matters pertaining to matters such as maintenance of the



gates or other special circumstances relating to the gates in common with all other owners of the Patrick's Island subdivision. (Schedule 4)

Two proprietors who are not members of Patrick's Island and, more importantly, fall outside of the legal notification radius in respect of this Application, have sent written objections in respect of the Application. Although it is our position that those objectors are not entitled to make objections, our client wishes to address the matters raised by the two "informal" objectors, namely the proprietors of Block 24E Parcel 325 ("Mr. and Mrs. Dunne") and the proprietors of Block 24E Parcel 326 ("Mr. and Mrs. Ruiz"). The objections put forward by the objectors are in respect of the effect of the gates on their registered vehicular rights of way.

The legal nature of a right of way is that it is a type of legal easement. The definition of "easement" is found at Section 2 of the Registered Land Act (2018 Revision), to wit:

"easement" means a right attached to a parcel of land which allows the proprietor of the parcel either to use the land of another in a particular manner or to restrict its use to a particular extent..."

The easements in question permit a vehicular right of way, i.e. the passage and repassage of vehicles from the benefactor parcel through the affected parcels belonging to the HOA.

It is therefore important to note that the gates will not form a legal impediment to the objectors' rights of way as they will be granted full access to the gates and are therefore able to practice their vehicular right of way over the relevant parcels. It is not, and has never been, the intention of the HOA not to honour the registered rights of way. Therefore, the gates will not constitute a legal breach of the objector's easements. It is further noted that enforcement of easements falls within the remit of the Grand Court, not the CPA but for the purposes of consideration of the easements in respect of this application it should be duly noted that the gates will not form a legal impediment of the easements.

It should also be noted that none of the other proprietors with easements have objected and furthermore, none of the proprietors within the notification radius have objected.



### Consultations

It is further submitted that the HOA have consulted with the following bodies, none of whom have posed any concerns of objections in respect of the Application:

- a. The National Roads Authority, who have no objections to the Application.
- b. The Royal Cayman Islands Police Service It should be noted that the RCIPS have indicated their support for the Application.
- c. The Department of Environmental Health.
- d. The Cayman Islands Fire Service.
- e. The Palms at Patrick's Island who are supportive of the Application and have provided a letter in support (Schedule 5).

In summary, it is submitted that none of the previous bases for refusal in respect of the 2006 application are any longer of relevance and it is further submitted that no valid grounds for refusal of the Application have been raised. Any potential concerns in respect of precedent or cultural separation must have been considered in respect of the recent approval of Webster Estate's application for the installation of gates. As in the Webster's Estates application, our client's Application complies with the Development and Planning Regulations and it is therefore respectfully requested that, on the basis of consistency, the subject Application should be approved, subject to any reasonable conditions that the Authority may deem appropriate.

We therefore intend to rely on the foregoing and to expand upon the same as necessary at the hearing of the application.

Respectfully Submitted,

JacksonLaw

### Schedule 1



Coconut Village



Coconut Village and Patrick's Island Gatehouse



The Lakes at Poindexter

Sent from Outlook Email App for Android

------ Forwarded Message ------ From: "Walton, Kurt" Kurt. Walton@rcips.ky To: Patricks Island Homeowners Association patricksislandhoa@gmail.com Cc: debbiemct@hotmail.com Date: Friday, 11 December 2020, 04:13PM -05:00 Subject: RE: [EXTERNAL] Re: Patrick's Island gate application

Good afternoon Ms. Frizzelle,

I am confirming that I sent an email this afternoon (11.Dec.20) at 4:08 pm to Director Haroon Pandohie and Dept. Director Ron Sanderson stating that we foresee no issues with the flow of traffic based on your proposal.

Regards,

Kurt G. Walton

Deputy Commissioner of Police

Tel: (345) 244 3001 (Ext)

P.O. Box 909

Grand Cayman KY1-1103

CAYMAN ISLANDS



Email: kurt.walton@rcips.ky

Web: www.rcips.ky

Stay connected, follow us on:

DISCI AIMER: The information in this e-mail is confidential and may be legally



### RE: Security Services at The Attorney General Residence

15th March 2021

Dear Mr. Thompson,

I write to share my experience as it relates to traffic of non-residents in the Windswept Drive area of Patricks' Island. I am a Security Officer employed by The Security Centre Limited. My duties include providing Executive Security Services at the residence of the Attorney General. This arrangement has been in place since September 2005 when there was an attempted/intended home invasion of the Attorney Generals' residence however, the perpetrators mistakenly entered the residence of the neighbour instead.

My shift is from 6pm - 6am Sunday to Friday. Another Officer works on Saturdays.

As part of my duties, I am required to observe any unusual traffic, vehicular and or human foot traffic along the Windswept Drive, which also intersects onto Reverie Road. I can confirm that during my tour of duties I have observed numerous vehicles traversing the Windswept and Reverie roads at all hours of the nights. These are invariably strange and sometimes suspicious vehicles.

I am familiar with the vehicles driven by the residents on Windswept Drive and Reverie Road and am therefore able to distinguish those vehicles.

Sometimes some of the registration plate numbers of some of the vehicles are not readable. I would always make a written note of the vehicles, and sometimes I would call to notify the RCIPS of my suspicions.

There is usually an average of three such suspicious or unusual vehicles per night which do often have very heavily tinted glass.

Please feel free to contact me or my Director of Security Services Maria McLean. mmclean@security.ky on 925-5295 should you require any further information.

Sincerely

Ramon Angara Security Officer Schedule 4

### PATRICK'S ISLAND HOMEOWNERS ASSOCIATION

PO Box 2681 Grand Cayman, KY1-1111 Cayman Islands

Owner/Resident of Parcel 24E 324

October 28,2020

To whom it may concern,

The Patrick's Island Homeowners Association is writing to you as your property was granted a vehicular Right of Way over Poindexter Road between the Patrick's Island guard gate (Poindexter entrance) and the top of Amity Drive some time ago. In March 2020, the HOA filed an application to put security gates on the Poindexter guard house as well as at the junction of Amity Drive and Poindexter Road.

Given the Right of Way afforded to your property, we are writing to confirm the following:

- 1. The existing Right of Way to your property will be honored via gate access.
- The access provided to the residents of your property will be consistent with that provided to residents within the Patrick's Island development (a vehicle windshield sticker, a remote push button, or other as ultimately determined).
- 3. The cost of this access, if any, will be borne by the Patrick's Island HOA.

Should you have any questions, please do not hesitate to get in touch with

(Note: HOA did not request "received by" verification as we spoke to the party in person)

### PATRICK'S ISLAND HOMEOWNERS ASSOCIATION

PO Box 2681 Grand Cayman, KY1-1111 Cayman Islands

Owner/Resident of Parcel 24E 325

October 28,2020

To whom it may concern,

The Patrick's Island Homeowners Association is writing to you as your property was granted a vehicular Right of Way over Poindexter Road between the Patrick's Island guard gate (Poindexter entrance) and the top of Amity Drive some time ago. In March 2020, the HOA filed an application to put security gates on the Poindexter guard house as well as at the junction of Amity Drive and Poindexter Road.

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3. The cost of this access, if any, will be borne by the Patrick's Island HOA. Should you have any questions, please do not hesitate to get in touch with Kind regards. Sumber Fridelle Jennifer Frizzelle Debbie McTaggart (345) 516 4326 patricksislandhoa@gmail.com On behalf of The Patrick's Island Homeowners Association Received by \_\_\_\_\_\_(print name) on \_\_\_\_\_ (date) Signed

Alban & Cindy Ruiz
PD Box 1018
GC X41863
PATRICK'S ISLAND HOMEOWNERS ASSOCIATION

PO Box 2681 Grand Cayman, KY1-1111 Cayman Islands

Owner/Resident of Parcel 24E 326

October 28,2020

To whom it may concern,

The Patrick's Island Homeowners Association is writing to you as your property was granted a vehicular Right of Way over Poindexter Road between the Patrick's Island guard gate (Poindexter entrance) and the top of Amity Drive some time ago. In March 2020, the HOA filed an application to put security gates on the Poindexter guard house as well as at the junction of Amity Drive and Poindexter Road.

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Should you have any questions, please do not hesitate to get in touch with

Kind regards.

Jennifer Frizzelle Debbie McTaggart
(345) 516 4326
patricksislandhoa@gmail.com
On behalf of The Patrick's Island Homeowners Association

Received by \_\_\_\_\_\_\_\_(print name) on \_\_\_\_\_\_\_(date)
\_\_\_\_\_\_\_\_Signed

(su note on page 1)

afrancis collins@gmail conur

### PATRICK'S ISLAND HOMEOWNERS ASSOCIATION

PO Box 2681 Grand Cayman, KY1-1111 Cayman Islands

Owner/Resident of Parcel 24E 327

October 28,2020

To whom it may concern,

The Patrick's Island Homeowners Association is writing to you as your property was granted a vehicular Right of Way over Poindexter Road between the Patrick's Island guard gate (Poindexter entrance) and the top of Amity Drive some time ago. In March 2020, the HOA filed an application to put security gates on the Poindexter guard house as well as at the junction of Amity Drive and Poindexter Road.

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(see note on page 1)

Schedule 5



30 September 2020

Department of Planning 133 Elgin Ave Government Administration Building Georgetown Grand Cayman

### RE: Patrick's Island Homeowners Association Gate Application

We act as managing agent on behalf of The Proprietor's Strata Plan #296, The Palm's at Patrick's Island and write on their behalf.

The executive committee of Strata #296, The Palms at Patrick's Island, understand that a gate application has been made for the installation of gates for the Patrick's Island community, these plans have been shared with the strata corporation.

The committee understands that the entrance and exit of The Palms at Patrick's Island, on Poindexter Road, falls within the Patrick's Island community and as such the strata corporation will become part of the Patrick's Island community.

The committee understands and accepts the intention of the Patrick's Island Homeowners Association gate installation will include the strata corporation's entrance and exit and that all owners and residents of The Palm's at Patrick's Island will be granted full access regarding ingress and egress of the gates, and as such are supportive of the gate application plan under these parameters.

Regards,

7 De

Richelle Woodcock | Director

Whitehall House 2<sup>nd</sup> Floor, PO Box 871, Grand Cayman, KY1-1103 Direct +1 345 949 9300 | Mobile +1 345 525 6784 | rrw@bcqs.com

238 North Church Street, 2<sup>nd</sup> Floor, Whitehall House Grand Cayman, Cayman Islands, P0 Box 871, KY1-1103 Tel +1 345 949 9300 Fax +1 345 949 7184