

## **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on **November 24, 2021 at 10:00am, in Conference Room 1038, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue.**

### **23<sup>rd</sup> Meeting of the Year**

**CPA/24/21**

**Mr. Ian Pairaudeau (Chair)**

**Mr. Handel Whittaker (Deputy Chair)**

**Mr. Joshua Bernard**

**Mr. Gillard McLaughlin**

**Mr. Charles Russell Jr.**

**Mr. Windel Scott**

**Mr. Peter Campbell**

**Mr. Kenneth Ebanks**

**Ms. Danette McLaughlin**

**Ms. Shakina Bush**

**Ms. Christine Maltman, MCIP, AICP**

**Ms. Celecia Bancroft**

**Mr. Ashton Bodden**

**Mr. Haroon Pandohie (Executive Secretary)**

**Mr. Nicholas Popovich (Deputy Director of Planning – Current Planning (Acting))**

- 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/24/21**

1. 1	Confirmation of Minutes of CPA/23/21 held on November 10, 2021 .....	4
1. 2	Declarations of Conflicts/Interests.....	4
2.1	JL INVESTMENT INC (BDCL Architects) Block 13B Parcel 219 (P21-0647) (\$300) (JP) .....	5
2.2	INVICTA CONSTRUCTION LIMITED (Abernethy & Associates Ltd.) Block 9A Parcel 733 to 738 (P21-0731) (\$10,446) (MW).....	8
2.3	POINT WEST APARTMENTS (Declan O'Brien) Block 2C Parcel 204 (P21-0968) (\$12,000,000) (NP) .....	18
2.4	ANTONIO MEDINA (JMP Construction) Block 25C Parcel 554 (P20-0680) (\$400,000) (MW) .....	28
2.5	HAB DEVELOPERS (ACE Engineering) Block 20D Parcel 428 (P19-1436) (\$2,516,800) (JP) .....	30
2.6	CHARLES LEROY RUSSELL (AD Architecture Ltd.) Block 14D Parcel 57 (P20-0790) (\$1,565,174) (BES).....	34
2.7	FOSTERS (Frederick & McRae) Block 5C Parcels 163,164 & 407 (P21-0801) (\$2.2 million) (NP).....	42
2.8	CARLOS EBANKS (Catt Construction 2018 Ltd.) Block 8A Parcel 140 (P21-0806) (\$145,000) (EJ) .....	62
2.9	JAMES CHAPMAN (Abernethy & Associates) Block 15C Parcel 351 (P21-0712) (BES) .....	64
2.10	NORTH SOUND WAY PROPERTY HOLDINGS LTD (Bennetts Designs) Block 19E Parcel 248 (P21-0736) (\$400,000) (NP).....	67
2.11	MICHAEL MURPHY (Declan O'Brien) Block 5C Parcel 335 (P21-0961) (\$750,000) (EJ) .....	70
2.12	PETER WALKLEY (MKS International) Block 22E Parcel 342 (P21-1063) (\$12,000) (BES).....	71
2.13	JASON GAUTREAU (MKS Design) Block 9A Parcel 339 (P21-1141) (\$5,000) (NP) 73	
2.14	JASON & TRESEA BROWN (Architectural Designs & Cayman Contemporary Style) Block 24E Parcel 67 (P21-0793) (\$570,000) (BES) .....	74
2.15	JUSTO LOPEZ (GMJ Home Plans Ltd) Block 4D Parcel 320 (P21-0978) (\$15,000) (JP) .....	75
2.16	SHANIKA BROWN (LSG Designs) Block 37E Parcel 118 (P21-1013) (\$420,000) (JP) 77	
2.17	PONGONIS (Kozaily Designs) Block 73A Parcel 72 (P21-0417) (\$100,000) (NP) 78	
2.18	BIANCA DOWNEY (Sean Evans) Block 22D Parcel 441 (P21-1111) (\$604,000) (BES) 82	

2.19	TENSON EDMONDS (TAG Ltd) Block 14D Parcel 406 (P21-1100) (FA81-0352) (\$68,770) (NP) .....	84
2.20	KIMPTON SEAFIRE & SPA (Apec Ltd) Block 11B Parcel 87 Rem 1 (P21-1054) (\$300,000) (NP) .....	85
2.21	ALDO GIANNE (Tropical Architectural Group Ltd.) Block 23B Parcel 81 (P21-0951) (BES) .....	86
2.22	ALDO GIANNE (Elegant Design Cayman Ltd) Block 14C Parcel 307 (P21-0901) (\$3,891,800) (JP) .....	87
2.23	SIAN WEINZWEIG (LFML) Block 12D Parcel 95 BLK 4 (P21-0881) (\$500,000) (JP) .....	92
2.24	CHINA BISTRO (Great Elegance Consulting) Block 14D Parcel 406 H2 (P21-0787) (\$90,000) (JP) .....	93
3.0	<u>DEVELOPMENT PLAN MATTERS</u> .....	95
4.0	<u>PLANNING APPEAL MATTERS</u> .....	95
5.0	<u>MATTERS FROM THE DIRECTOR OF PLANNING</u> .....	95
5.1	HPW INVESTMENTS LTD. (TRIO Architecture) Block 14BH Parcel 167 (P21-0363) (MW) .....	95
6.0	<u>CPA MEMBERS INFORMATION/DISCUSSIONS</u> .....	96

**APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

<b>APPLICANT NAME</b>	<b>TIME</b>	<b>ITEM</b>	<b>PAGE</b>
Marbel Drive	10:30	2.1	5
Invicta Construction Ltd	11:00	2.2	8
Point West Apts	1:00	2.3	18
Antonio Medina	1:30	2.4	28
Hab Developers	2:00	2.5	30
Charles Russell	2:30	2.6	34

**1. 1 Confirmation of Minutes of CPA/23/21 held on November 10, 2021.**

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

<b>ITEM</b>	<b>MEMBER</b>



## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.1 to 2.6)**

#### **2.1 JL INVESTMENT INC (BDCL Architects) Block 13B Parcel 219 (P21-0647) (\$300) (JP)**

After-the-fact conversion of duplex to guesthouse.

##### **Appearance at 10:30**

##### **FACTS**

<i>Location</i>	Marbel Drive, West Bay Beach South
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	0.37 ac. (15,908 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Guesthouse
<i>Proposed building size</i>	7,290 sq. ft.
<i>Total building site coverage</i>	18%
<i>Allowable bedrooms</i>	5.9
<i>Proposed bedrooms</i>	11
<i>Required parking</i>	6
<i>Proposed parking</i>	6

##### **BACKGROUND**

CE20-0140 – Site investigated following complaint of property being used as a guesthouse/Airbnb. Enforcement notice issued.

June 19, 2019 (**CPA/12/19; item 2.30**) – application for an addition to house to create a duplex approved by the Central Planning Authority (P19-0550)

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

- 1) Suitability
- 2) Lot size (15,908 sq ft v 25,000 sq ft)
- 3) Bedroom density (5.9 vs 11)

## **AGENCY COMMENTS**

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

### **Water Authority**

#### **Wastewater Treatment:**

*The existing development is connected to the West Bay Beach Sewerage System (WBBSS).*

- ***The developer shall notify the Water Authority's Engineering Department at 949-2837, extension 3003 as soon as possible to determine any site-specific requirements for connection; i.e., direct or indirect connection of the addition to the WBBSS. Plans for the connection shall then be submitted to the Engineering Department for approval.***
- ***The developer shall notify the Water Authority's Customer Service Department at 814-2144 to make application for sewerage service additions.***

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

### **National Roads Authority**

No comments received.

### **Department of Environmental Health**

1. *This development requires (9) 33 gallon bins and an enclosure built to the department's requirements.*
  - a. *The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.*
  - b. *The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

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

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

*There are no comments at this time, as the site is man-modified and is of low ecological value.*

**Department of Tourism**

No comments received.

**Fire Department**

Stamped approved plans.

**APPLICANT'S LETTER**

See Appendix A.

**OBJECTIONS**

See Appendix B.

**PLANNING DEPARTMENT ANALYSIS****General**

The application site is located within a residential area off West Bay Road. The property is bound to the north by Marbel Drive and existing residential properties form the remaining boundaries.

The application seeks Planning Permission for the conversion of a recently approved duplex to a guesthouse.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues****1) Suitability**

Regulation 9(1) requires 'Applicants for permission to effect any development in a Residential zone ensure that massing, scale, proportion and design of such development is consistent with the historic architectural traditions of the Islands'.

Regulation 9(8) supports the siting of guesthouses in 'suitable locations' subject to conformity with set parameters. Points (2) and (3) below seek variance from these.

Members are invited to consider the suitability of the guesthouse.

**2) Lot size (15,908 sq ft v 25,000 sq ft)**

Regulation 9(8)(f) requires a minimum lot size of 25,000 sq ft for a guesthouse.

The application site measures 15,908 sq ft.

Members are invited to consider the content of the support letter and determine whether adequate justification has been provided.

**3) Bedroom density (5.9 vs 11)**

Regulation 9(8)(b) sets a maximum density of 16 bedrooms per acre.

Based on the site area a total of 5.9 bedrooms is permissible.

The application seeks to vary this Regulation proposing 11 bedrooms.

Members are invited to consider whether adequate justification has been provided.

**2.2 INVICTA CONSTRUCTION LIMITED (Abernethy & Associates Ltd.) Block 9A Parcel 733 to 738 (P21-0731) (\$10,446) (MW)**

Application to combine 6 parcels and re-subdivide them to create a total of 11 lots (9 residential, 1 LPP & 1 road parcel).

**Appearance at 11:00**

**FACTS**

<i>Location</i>	Shorecrest Cir., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	5.5133 ac. (240,159.34 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

**BACKGROUND**

N/A

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

- 1) lot widths
- 2) Concerns of the objectors

**AGENCY COMMENTS**

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

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

**Water Supply:**

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

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

**Wastewater Treatment:**

- *Please be advised that the development is outside the Water Authority's West Bay Beach Sewage System (WBBSS) collection area; therefore, the required onsite treatment of wastewater will be specified by the Water Authority when the proposal for built development is reviewed.*

**National Roads Authority**

*None received at this time.*

**Department of Environmental Health**

*N/A*

**Department of Environment (NCC)**

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

*The subject parcel is predominately man-modified, having been previously cleared, apart from mangroves remaining on the water's edge. Mangroves are a protected species and should be retained in accordance with the Species Conservation Plan for Mangroves (2020) under the National Conservation Act (2013).*

*We support continuing to allocate part of Vulgunner's Pond as Land for Public Purpose, especially if it remains in its natural state. We also encourage the retention of mangroves along the edge of Vulgunner's Pond.*

*Any further development should be the subject of a separate consultation.*

**APPLICANT'S LETTER**

*Enclosed please find the relevant documents relating to the above subdivision. We are asking for a variance on the lot width for lots 5, 6 and 7 under the Planning Regulation 8(13)(b)(iii) to accommodate this. Lots 5 and 7 for the most part are wider than the required 80' but are on the corner of a road which narrows the road frontage. The lots are large in area and have plenty of buildable space. Lot 6 is the LPP parcel, which will not be developed.*

## **OBJECTIONS**

### **Letter 1**

*We are writing to **strongly object** to the application by Invicta Construction Ltd. for the purpose of **Combination / 9 residential, 1 LPP and 1 road subdivision on Block and Parcel 9A733, 9A734, 9A735, 9A736, 9A737, 9A738.***

*Our first concern is that of storm protection and drainage.*

*Our neighbourhood, including Powery road and Vulgunners road was heavily impacted by Hurricane Ivan in 2004. Flood waters came from the North Sound to the height of our first story windows, and no less than four boats from The Shores ended up not only in Vulgunners Pond but even on top of a neighbour, Miss Carlene's, car on Vulgunners Road.*

*The mangrove forest along all sides of Vulgunners Pond, which prevented both soil erosion and also protection from the winds, flood waters, boats and general debris from The Shores during Ivan has been so significantly decreased from this construction that we are fearful for the impact of the next large storm, particularly as Premiere Drive has also been further developed, decreasing the drainage protection it offered to the neighbourhood during Ivan.*

*We implore the Planning Department to consider and verify the following:*

- *Did Invicta Construction Ltd. clear the mangroves and other native vegetation from the above noted lots with prior Planning approval or after-the-fact approval?*
- *The loss of vegetation will negatively impact our neighbourhood by making us more susceptible to salt water inundation and flying debris, including boats, when, not if but when, the next hurricane comes.*



*This boat originated in a canal in The Shores and traveled nearly ½ mile over land and rested on the road. This was BEFORE even more mangroves were removed. Imagine the distance boats could be blown now, with the mangrove buffer no longer in place? Photo credit: "Paradise Interrupted" P. 90 by Courtney Platt*



*Photo credit: "Paradise Interrupted" P. 95 by Courtney Platt*

*These post Hurricane Ivan scenes are from the Cayman Islands Yacht Club. In preparation for an upcoming storm, the safest place to put your boat is in a thick mangrove forest, lashed to the trees. However, these photos illustrate what happens when we remove mangrove forests to build a yacht club that we think is a "safe harbor" for our boats. We do not want our Powery Road neighbourhood to look like this when the next major hurricane strikes.*

- We, as a community, have seen a steady decrease in rain each year. The leading cause of these drought-like conditions is the ongoing destruction to our Central Mangrove Wetlands. At least 70% of mangroves have already been lost on the western side of Grand Cayman. The transpiration of water from an abundance of mangroves in the Central Mangrove Wetland should be carried westward by the prevailing winds and deposited on us in the form of rain. However, due to the loss of mangroves, we are being brought only sunny, blue skies with very few days of rain. We must protect our natural wetlands and foliage at all costs NOW.*



- *We also request the Planning Department to confirm whether Ivicta Construction Ltd. Has submitted a feasible storm and floodwater mitigation plan? Water cannot drain into cement— including the new roads, the sidewalks, the driveways, the patios, the huge foundations of the new houses that would be associated with this new subdivision of The Shores. The culture of ignoring storm water management just to complain of flooding when it occurs is neither logical nor sustainable. Our neighbourhood is low-lying and already prone to flooding with just heavy rainfall, let alone an actual named storm. We want to ensure that run-off from this development will not contribute even more to the flooding we are forced to currently manage.*



*This photograph was taken in May 2012 and shows the corner of Powery Road directly adjacent to where the foliage has been removed to make way for the subdivision in question.*





*This photograph was taken in May 2012 and shows flooding on Powery Rd*

- *We also wish to confirm if all the property boundaries are updated and currently undisputed? It is our understanding from one neighbour that there was some form of boundary dispute.*
- *We also wish to note several neighbours expected to be within the boundary did not receive a Notice of Application for Planning Permission letter. We confirmed their current post office box is registered for their properties at Lands & Survey. We hope the Department will consider advising revisions to the Planning law to allow multiple methods of contact to be used to ensure neighbouring properties to a proposed development receive proper and timely notifications.*

*We understand and respect the owner's desire to build on his land, but respectfully ask that the Planning Department consider the points noted above concerning vegetation and storm water management by requiring him to replant mangroves and natural vegetation between his subdivision and Vulgunners Pond to provide a greater buffer zone and in turn protect our neighbourhood.*

*We further wish to re-emphasize the importance of having a feasible storm and floodwater mitigation plan and respectfully request the Planning Department ensure this **legal requirement** is actually and appropriately fulfilled.*

*Many thanks for your time and considerations.*

## Letter 2

*I am writing this letter because I **strongly object** to the application by Invicta Construction Ltd. for the purpose of **Combination / 9 residential, 1 LPP and 1 road subdivision on Block and Parcel 9A733, 9A734, 9A735, 9A736, 9A737, 9A738.***

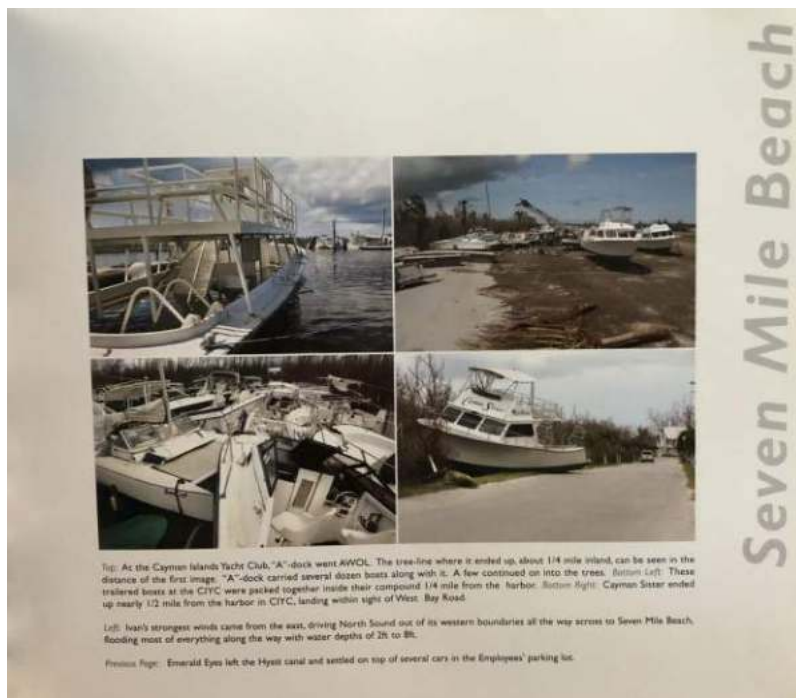
*Our Powery Road/Vulgunners Road neighbourhood was heavily impacted by Hurricane Ivan in 2004. Flood waters came from the North Sound to the height of our first story windows, and no less than four boats from The Shores ended up not only in Vulgunners Pond but even on top of our neighbour, Miss Carlene's, car on Vulgunners Road. The only thing that saved our neighbourhood from even worse damage was the largely undeveloped land to our east and southeast that provided some drainage and also the mangrove forest along all sides of Vulgunners Pond, which prevented both soil erosion and also protection from the winds, flood waters, boats and general debris from The Shores.*

*The **grounds for my objection** to the development are as follows:*

- Whether Invicta Construction Ltd. cleared the mangroves and other native vegetation with prior Planning approval or after-the-fact approval, the loss of vegetation will negatively impact our neighbourhood by making us more susceptible to salt water inundation and flying debris, including boats, when, not if but when, the next hurricane comes.*
- I am asking that the Planning Department please verify whether the clearing of the mangroves that took place on the blocks and parcels named above was done with prior Planning approval or whether it was done illegally and then granted after-the-fact Planning approval.*



*This boat originated in a canal in The Shores and traveled nearly ½ mile over land and rested on the road. This was BEFORE even more mangroves were removed. Imagine the distance boats could be blown now, with the mangrove buffer no longer in place? Photo credit: "Paradise Interrupted" P. 90 by Courtney Platt*



*These are post Hurricane Ivan scenes from the Cayman Islands Yacht Club. In preparation for an upcoming storm, the safest place to put your boat is in a thick mangrove forest, lashed to the trees. However, this photograph illustrates what happens when we remove mangrove forests to build a yacht club that we think is a "safe harbor" for our boats. We do not want our Powery Road neighbourhood to look like this when the next major hurricane strikes.*

*Photo credit: "Paradise Interrupted" P. 95 by Courtney Platt*

- *We, as a community, have seen a steady decrease in rain each year. The leading cause of these drought-like conditions is the ongoing destruction to our Central Mangrove Wetlands. At least 70% of mangroves have already been lost on the western side of Grand Cayman. The transpiration of water from an abundance of mangroves in the Central Mangrove Wetland should be carried westward by the prevailing winds and deposited on us in the form of rain. However, due to the loss of mangroves, we are being brought only sunny, blue skies with very few days of rain. Truly the last thing this island needs is the destruction of more trees and other natural foliage!*
- *I am also asking the Planning Department whether or not Ivicta Construction Ltd. has submitted a feasible storm and floodwater mitigation plan? Water cannot drain into cement—the new roads, the sidewalks, the driveways, the patios, the huge foundations of the new houses that would be associated with this new subdivision of The Shores. Too many times development companies proceed without any means to drain the water that has nowhere to go because it cannot soak into cement. Our*

*neighbourhood is very low lying, and we want to be sure that we are not going to be adding the run off from The Shores to our already swamp-like conditions that we experience with even an occasional hard rain not associated with a named storm.*



*This photograph was taken in May 2012 and shows the corner of Powery Road from my driveway. This is directly adjacent to where the foliage has been removed to make way for the subdivision in question.*



*This photograph was taken in May 2012. It shows my front yard. Though we had just a chain link fence on either side of the property, the water could not flow out because it had nowhere to go.*

- *From a legal standpoint, I am wondering also whether all the property boundaries are updated and currently undisputed?*
- *Again from a legal, procedural standpoint, I would like to bring up the fact that several of my neighbours have told me that even though their current post office box is registered for their properties at Lands & Survey, they did not receive Notice of Application for Planning Permission letters. It seems there should be a more foolproof way to ensure that neighbouring properties to a proposed development receive proper and timely notifications.*

*I understand the owner's desire to build dwellings on his land, but I ask that the Planning Department consider requiring him to leave more of a buffer zone of mangroves and natural vegetation between this subdivision and Vulgunners Pond in order to protect our neighbourhood. This would require that they replant mangroves and other vegetation to bring it back to its former state. I further ask that the Planning Department absolutely require the developer to have a feasible storm and floodwater mitigation plan and check that they follow through with it.*

*Thank you for your consideration.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Combination / 9 Residential, 1 LPP & 1 Road Parcel Subdivision with lot width variances to be located on Shorecrest Cir., West Bay.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) 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 5 (63.8'), Lot 6 (19.6') & Lot 7 (53.6') in width a difference of 16.2'(Lot 5), 60.4' (Lot 6) and 26.4' (Lot 7) respectively.

The parcels within 450' radius were notified and objections were received.

The Authority should assess under Section 8(13) if there are exceptional circumstances and sufficient reasons to grant the lot width variances.



**2.3 POINT WEST APARTMENTS (Declan O’Brien) Block 2C Parcel 204 (P21-0968) (\$12,000,000) (NP)**

Application for 32 apartments, 3 pools and a sign.

**Appearance at 1:00**

**FACTS**

<i>Location</i>	North West Point Road in West Bay
<i>Zoning</i>	<b>BRR</b>
<i>Notification Results</i>	Objections
<i>Parcel size</i>	1.6 acres.
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments, 3 Pools, Sign
<i>Buildings Footprint</i>	22,373 sq. ft.
<i>Buildings Area</i>	75,335 sq. ft.
<i>Site Coverage Allowed</i>	40%
<i>Site Coverage Proposed</i>	32.1%
<i>Number of Units Allowed</i>	32
<i>Number of Units Proposed</i>	32
<i>Number of Bedrooms Allowed</i>	96
<i>Number of Bedrooms Proposed</i>	70
<i>Parking Required</i>	48
<i>Parking Proposed</i>	49

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

- 1) Suitability for Apartments
- 1) Proposed Use of Grasscrete
- 2) Concerns of the Objectors

**BACKGROUND**

28 April 2021 (CPA/09/21; Item 2.2) - the Authority resolved to refuse a previous application for apartments for the following reasons:

- 1) Pursuant to Section 3.03 of The Development Plan 1997 (the Plan), the Authority shall apply the provisions of the Beach Resort/Residential (BRR) zone and other relevant provisions of the Statement in a manner best calculated to ensure several development standards are met. These standards include sub-regulation (b) which puts a responsibility on the Authority to ensure that harmonious and compatible land use with adjacent properties and their zones are achieved.

In this instance, the Authority is of the view that the mass, scale and height of the proposed development are not harmonious and compatible with the existing development on the adjacent properties which are significantly smaller buildings in terms of mass, scale and height. The Authority is of the view that the much larger proposed development will negatively impact the ability of the adjacent land owners to enjoy the amenity of their property due to the visual intrusion and overshadowing from the much larger proposed development.

- 2) Section 3.03 of the Plan also directs the Authority to ensure development in the BRR zone provides a high standard of accommodation, amenities and open space. Further, this section of the Plan also states that development other than a detached and semi-detached house and a duplex must provide outdoor facilities including an abundant degree of lush, tropical landscaping while incorporating sufficient screening to provide privacy from adjacent properties.

The Authority is of the view that the mass and scale of the proposed apartment building is such that minimum front and side setbacks are proposed resulting in little open space or room for lush, tropical landscaping and to provide sufficient screening for privacy from adjacent properties.

- 3) Regulation 15 (1) of the Development and Planning Regulations (2020 Revision) states that development will generally be permitted if it has the appearance of residential development in scale and massing. The Authority is of the view that the mass and scale of the proposed development is not in keeping with the residential appearance of the adjacent developments.
- 4) Regulation 15(2)(d) states that in locations considered suitable by the Authority apartments can be permitted. In this instance, the Authority is of the view that the location is not suitable for apartments with the proposed mass and scale which are not in keeping with the character of the existing developments in the area.
- 5) Regulation 15(5) essentially repeats the provisions from Section 3.03 of The Development Plan and the views expressed above in reason 2) would be applicable.
- 6) In reviewing the architectural elevation plans submitted by the applicant it is clear that the seaside elevation exceeds the maximum allowable height of 55' per Regulation 8(2)(f) of the Development and Planning Regulations (2020 Revision).

The Authority is of the view that per Regulation 8(13) the applicant did not demonstrate that there was sufficient reason and exceptional circumstance to warrant allowing the additional building height. The applicant went to great length to provide examples of other buildings on the Island where the maximum allowable building height may have been exceeded, but provided no input as to what specific elements of this project warranted additional building height. Additionally, many of the examples cited by the

applicant were in locations zoned Hotel/Tourism which allows buildings of a greater height than the BRR zone. In land use planning there is no strict precedent as each application must be considered on its own merits and given its own location and the Authority is of the view that the applicant did not demonstrate any merits of this application that warranted approval of additional building height.

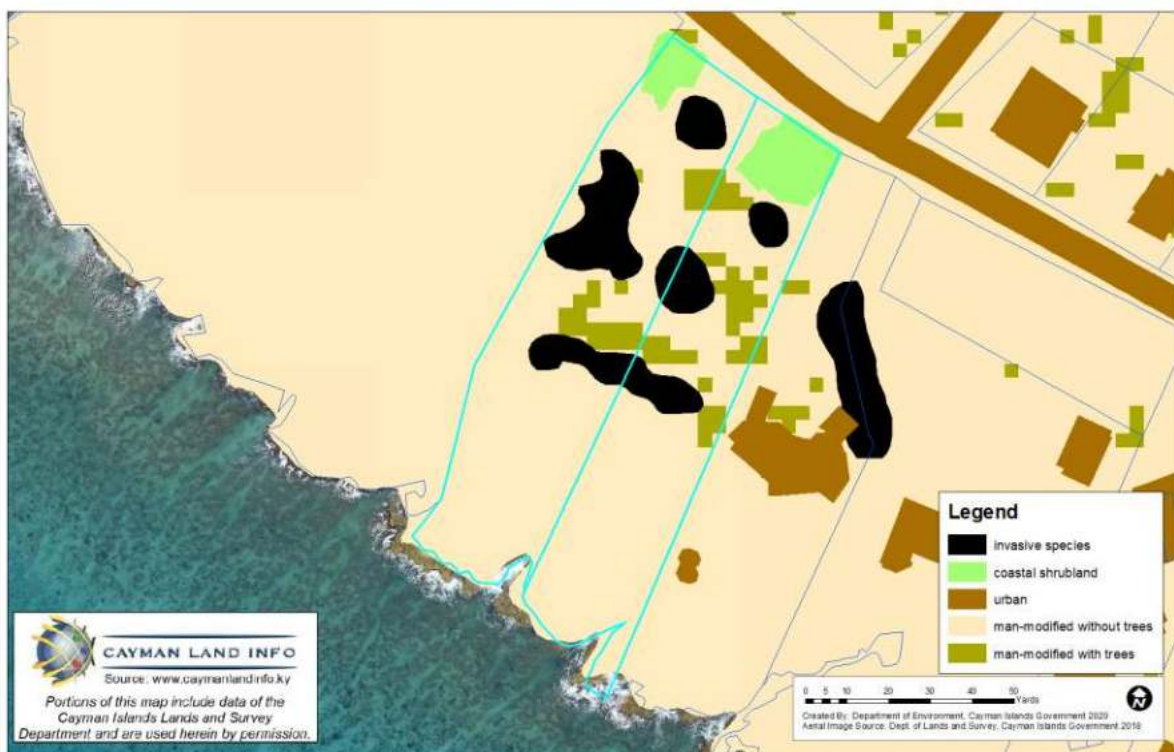
### **AGENCY COMMENTS**

Agency comments received to date are provided 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 with some primary coastal shrubland habitat in the northern section as shown in Figure 1. The site is also located adjacent to a marine protected area (a Marine Reserve) and is on a high wave energy coastline with deep water offshore. It is also noted that the site and the property immediately to the west have a unique geological feature in the form of a split/fissure in the ironshore, as shown in Figure 2*



*Figure 1: The site (blue) showing that the habitat is man-modified with some invasive species and some coastal shrubland in the northern section.*



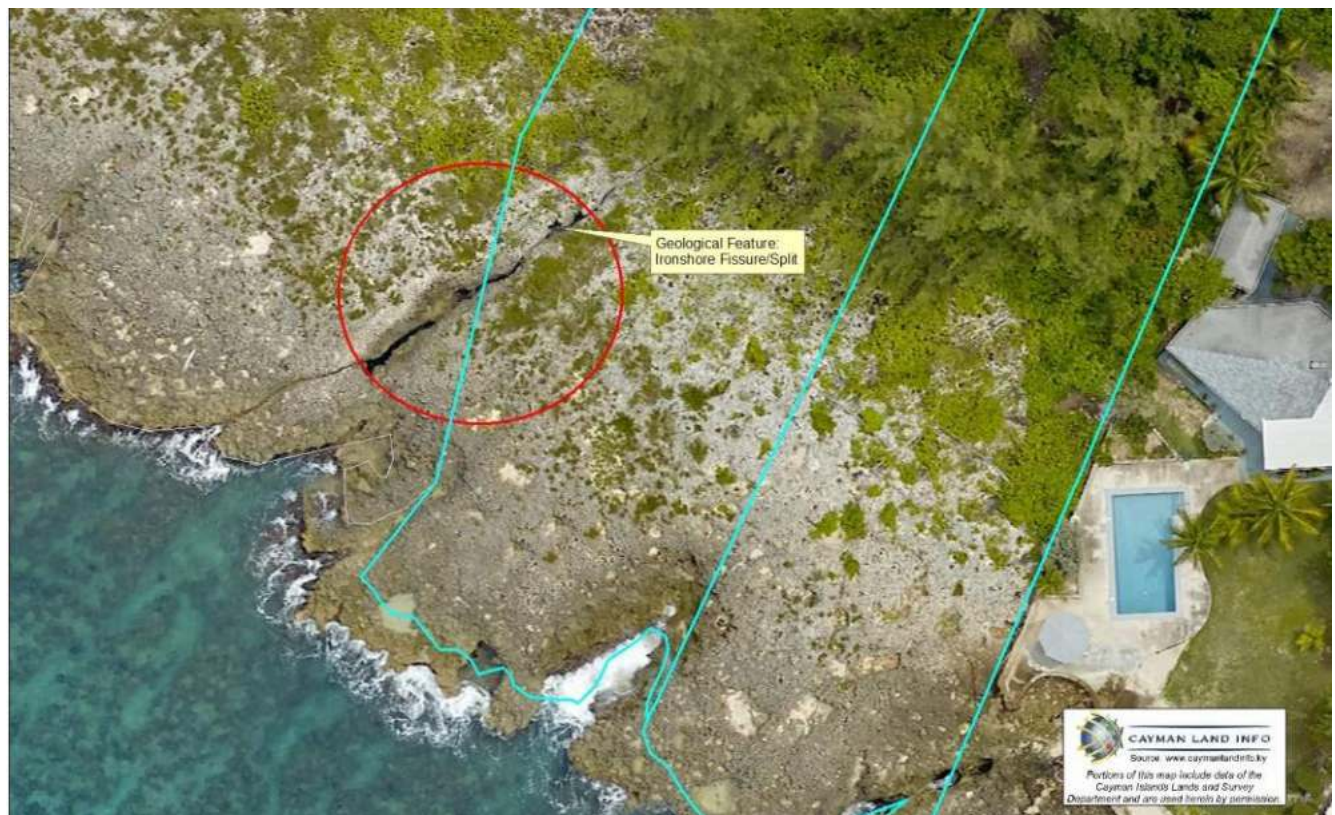


Figure 2: The site (blue) has a geological feature (red) which is connected to the sea. Source: Cayman Land Info

*This stretch of coastline has a history of coastal property damage during storm wave action. Figure 3 shows the impact Hurricane Ivan had on the site and the position of the remaining vegetation in the 2005 image illustrates the extent of storm wave incursion. We therefore recommend that the setbacks are maximised to the greatest extent possible. We would also encourage the use of climate change resilient design features such as wash through ground floors. This would assist in reducing storm surge impacts. Following refusal of the original planning permission (P20-1021), the plans have been revised to move the development back marginally (see Figure 4). The applicant's agent has also advised that the ground floor of the property will be treated as 'wash-through' in that it will be sacrificial i.e. the applicant is prepared to replace the interior of the ground floor should a storm event result in total or partial wave inundation. It has not been designed as a piled structure.*





Figure 3: LIS aerial imagery showing the application site (outlined in blue) in 2004 pre-Ivan (Left) and in 2005 post-Ivan (Right)



Figure 4. The houses (yellow and orange) have been moved away from the Mean High Water Mark slightly when compared with the previous location of the houses (red)

The western single family home is extremely close to the ironshore split/fissure, and the DoE will not support any future filling of or works to the split as it is directly connected to the sea and Marine Reserve. The revised plans have moved the house further from the split, there is still a small overlap. The Applicant has confirmed they discussed with an engineer that the split does not cause a threat to the structural of the integrity. On the basis that the fissure is directly connected to the sea and Marine Reserve, we have directed a condition below to protect the Marine Reserve from development impacts.

*We strongly recommend that Best Management Practices are adopted during the construction to ensure that construction-related debris does not enter the marine environment. We have experienced other developments along the coastline inadvertently polluting the marine environment from wind-borne debris. Practices such as sanding down Styrofoam which is used as part of wall finishing and window moulding can result in Styrofoam beads getting blown into the sea in significant quantities; these beads are very difficult to remove once they enter the water.*

*The below conditions are required to mitigate impacts to the Marine Reserve directly offshore. The Applicant has confirmed they will comply with the conditions.*

*Therefore, if the CPA is minded to grant planning approval, under Section 41(5)(a) of the National Conservation Act, the National Conservation Council **respectfully directs** the Central Planning Authority/Department of Planning to include the below as conditions of approval:*

- At no time shall the split/fissure be filled and any other works to the split/fissure should be the subject of a separate consultation with the National Conservation Council.*
- Construction materials shall be stockpiled at least 50 feet from the water's edge to prevent construction debris from entering the marine environment.*
- Prior to undertaking any sanding or breaking down of Styrofoam as part of the construction process, screens shall be installed to ensure that Styrofoam beads are contained within the construction site and do not get blown onto adjoining sites or into the marine environment.*

*These conditions are directed to prevent negative impacts on the Marine Protected Area.*

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

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

*The applicant has met the requirements for DEH*

### **Water Authority Cayman**

*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 7,888 US gallons per day (gpd), based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Apartments	6 x 1-Bed Units	150gpd/1-Bed	900gpd	6,987.85gpd
	18 x 2-Bed Units	225gpd/2-Bed	4,050gpd	
	6 x 3-Bed Units	300gpd/3-Bed	1,800gpd	
	Office/Lobby: 919 sq. ft.	919 x 0.15 (office/retail factor)	137.85gpd	
	Rooftop W/C	100gpd	100gpd	
North Residence	5-Bed House	450gpd/5-Bed	450gpd	450gpd
South Residence	5-Bed House	450gpd/5-Bed	450gpd	450gpd
<b>TOTAL</b>				<b>7887.85GPD</b>

- Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.
- To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'8" above MSL or 5'11" if installed less than 100ft from the sea. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

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

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

**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](mailto:development.control@waterauthority.ky) for review and approval.

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

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

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

**Water Supply:**

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

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

**Fire Department**

The Fire Department has stamp approved the drawings.

**National Roads Authority**

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

*Road Capacity Issues*

The traffic demand to be generated by a residential development of thirty-two (32) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto North West Point Rd is as follows:

Expect ed Daily Trip	AM Peak Hour	AM Peak 20% In	AM Peak 80% Out	PM Peak Hour	PM Peak 65% In	PM Peak 35% Out
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	Total Traffic			Total Traffic		
213	16	3	13	20	13	7

*Based on these estimates, the impact of the proposed development onto North West Point Rd is considered to be minimal.*

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

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

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

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

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

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

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

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

locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

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

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

### **OBJECTOR'S LETTER**

Please see attached Appendix C.

### **AGENT'S RESPONSE TO OBJECTION LETTERS**

Please see attached Appendix D.

### **LETTER OF SUPPORT FROM NEIGHBOUR TO THE NORTH**

Please see attached Appendix E.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The subject property is located in West Bay on North West Point Road, in close proximity to the intersection with Invicta Drive and just north of the West Bay cemetery.

The shoreline is ironshore and the property is currently vacant.

A high water mark survey has been provided by the applicant. This survey indicates that the lot area is 1.59 acres. However, the applicant has provided correspondence from the National Roads Authority indicating that a small sliver of land consisting of 397.0 square feet located along the northern portion of North West Point Road is to be conveyed to the applicant. This would bring the total lot area slightly beyond 1.6 acres. It is this figure that has been utilized to calculate the permitted density. If the application is approved by the

Authority, a condition requiring the closure and conveyance of the subject sliver of land should be added as a condition.

Regarding the height of the proposed tower building, it is noted that there is an elevator tower, elevator lobby, stair tower, fire pump, washroom, and pool on the roof. Regulation 8(4) specifically exempt the elevator tower and non-habitable structures from the height calculation. Furthermore, the Building Code specifically notes that a washroom is classified as a non-habitable space. Therefore it is noted that the roof top structures have not been included in the building height calculation. As a result, the proposed tower building complies with the maximum height provided by the Regulations for the Beach Resort Residential zone.

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

#### **1) Suitability for Apartments**

Regulation 15 (2) (d) states that apartments are permitted in locations considered by the Authority to be suitable.

The Authority should discuss whether apartments are suitable in this area.

#### **2) Proposed Use of Grasscrete**

The applicant's agent has indicated that the fire lane and driveways leading to the three unit apartment building on the seaside will be grasscrete instead of asphalt.

It should be noted that grasscrete does not typically stand up to the wear and tear of vehicles using such surfaces and the Authority should discuss whether it is suitable in this instance.

## **2.4 ANTONIO MEDINA (JMP Construction) Block 25C Parcel 554 (P20-0680) (\$400,000) (MW)**

Application for a duplex.

### **Appearance at 1:30**

### **FACTS**

<i>Location</i>	Flintstone Dr., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.3861 ac. (16,818.516 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	4,331.38 sq. ft.
<i>Total building site coverage</i>	15.9%



<i>Required parking</i>	2
<i>Proposed parking</i>	4

### **BACKGROUND**

July 21, 2021 (CPA/15/21; item 2.34) – the application was adjourned to invite in the applicant to discuss concerns regarding the building design and the side setback

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

- 1) Aesthetics
- 2) Side Setback 10'-0" vs 15'-0"

### **APPLICANT'S LETTER**

None received at this time.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a Duplex; 4,331.38 sq. ft. with a Side Setback Variance to be located on Flintstone Dr., George Town.

#### **Zoning**

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

#### **Specific Issues**

##### **1) Aesthetics**

The applicant has submitted a plan showing a 1,647 sq. ft. storage area above the proposed Unit A, access to this is only shown by a pull down ladder. However the Department questions why such a large space is required for storage, in addition for the Board to determine if the structure because of the upper storage area proposed should be deemed 2 stories.

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

Regulation 9(8)(j) states "*the minimum side setback is 15 feet for a building of more than one storey*", the proposed duplex would encroach the side boundary at 10'-0" a difference of 5'-0" respectively.

### **SUPPLEMENTAL INFORMATION**

There have been no changes to the plans.

**2.5 HAB DEVELOPERS (ACE Engineering) Block 20D Parcel 428 (P19-1436) (\$2,516,800) (JP)**

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

**Appearance at 2:00**

**FACTS**

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

**BACKGROUND**

Extensive history relating to phase 1 but none of relevance to phase 2.

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

- 1) Suitability
- 2) Concerns of the Objectors

**AGENCY COMMENTS**

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

## Water Authority

### Wastewater Treatment and Disposal

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

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
<i>Building 1</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 2</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 3</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 4</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 5</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 6</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 7</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		

	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 8</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 9</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 10</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 11</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 12</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 13</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Building 14</i>	<i>2 x 1-Bed</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
	<i>2 x 2-Bed</i>	<i>225</i>		
	<i>2 x 3-Bed</i>	<i>300</i>		
<i>Clubhouse</i>		<i>200</i>	<i>200</i>	<i>200</i>
<b>TOTAL</b>				<i>19,100</i>

- *Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'6" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well,*

*which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

**Water Supply:**

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

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

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

**National Roads Authority**

No comments received.

**Department of Environmental Health**

***Solid Waste Facility:***

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

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

*NOTE:*

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

***Swimming Pool:***

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

**Department of Environment (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 as the site is man-modified and of low ecological value.*

## **Fire Department**

*Please note the scale provide is incorrect.*

*As per discussion please depict Fire well 2 required.*

## **APPLICANT'S LETTER**

Appendix F

## **OBJECTIONS**

Appendix G

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

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

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Suitability**

Regulation 9(7) permits apartments in 'suitable locations'.

The application seeks to expand an existing apartment complex.

Members are invited to consider the support letter together with submitted objections in determining the Planning application.

## **2.6 CHARLES LEROY RUSSELL (AD Architecture Ltd.) Block 14D Parcel 57 (P20-0790) (\$1,565,174) (BES)**

Application for mixed-use development for office, retail store and warehouse food storage

**Appearance 2:30**

### **FACTS**

<i>Location</i>	Off Smith Road
<i>Zoning</i>	<b>N.COM</b>
<i>Notification result</i>	Objectors
<i>Parcel Size proposed</i>	0.4654ac. (20,272.82 sq. ft.)

<i>Parcel Size required</i>	20,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Same as above
<i>Proposed building Size</i>	12,039.8 sq. ft.
<i>Building footprint</i>	9,067.7sq ft
<i>Total building site coverage</i>	52%
<i>Required Parking</i>	14
<i>Proposed Parking</i>	13

### **BACKGROUND**

October 27, 2021 (CPA/22/21; item 2.3) – the application was adjourned to rectify a procedural error as the DOE/NCC had not been circulated the application for review

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

- 1) Lack of legal access over 14D 56
- 2) Parking requirements (13 vs. 14)
- 3) Concerns of the objectors

### **AGENCY COMMENTS**

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

#### **CIAA**

*Based on the current designated height the CIAA have no objection for the review*

#### **National Roads Authority**

*As per your memo dated October 19<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.*

#### **General Issues**

*The NRA **recommends** that the applicant keep the clock-wise access scheme as per the original layout. The ROW as indicated is of an insufficient width, especially with the on street parking which further reduces the width, to handle two-way traffic. Access for both the garbage truck and fire truck will also be hindered by this insufficient access.*

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

*The traffic demand to be generated by the above proposed development of 12,039 sq. ft. has been assessed in accordance with ITE Code 710 - General Office. The anticipated traffic to be added onto Smith Road is as follows:*

<b><i>Expected Daily Trip</i></b>	<b><i>AM Peak Hour Total Traffic</i></b>	<b><i>AM Peak In</i></b>	<b><i>AM Peak Out</i></b>	<b><i>PM Peak Hour Total Traffic</i></b>	<b><i>PM Peak In</i></b>	<b><i>PM Peak Out</i></b>
<b><i>132</i></b>	<b><i>19</i></b>	<b><i>16</i></b>	<b><i>2</i></b>	<b><i>18</i></b>	<b><i>3</i></b>	<b><i>15</i></b>

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

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

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

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

*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 proposed development will cause a loss of storage for stormwater in this general area, so the proper development of the proposed SWMP is vital.*

*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 Access Road and Carpenters lane. 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.
- Please provide a sidewalk detail that meets NRA specifications, <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>

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

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

*The application site is man-modified, nonetheless it is recommended to plant native vegetation where possible and incorporated it into the landscaping scheme. Native vegetation is best suited to habitat conditions of the Cayman Islands and is an cost effective option.*

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

## Department of Environmental Health

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

*Table 1: Specifications for Onsite Solid Waste Enclosures*

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

### **NOTE:**

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

## **Water Authority**

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

### **Wastewater Treatment & Disposal**

- The developer has proposed a **septic tank** on the site plan with a capacity of (2,500) US gallons to serve the proposed development. A (2,500) US gallon septic tank shall be permitted by the Water Authority.***
- 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. *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: <http://www.waterauthority.ky/water-infrastructure>.*
- *Please be advised that connection of the proposed development to the Water Authority's piped water supply system may require an extension. It is the policy of the Water Authority – Cayman to extend water distribution lines in public roads for the first 100 feet from the main road at no cost to the owner. Extensions exceeding 100ft from the main road on public roads and extensions in non-public areas are done at the owner's expense. The timing of any pipeline extension is at the sole discretion of the Water Authority.*
- *The developer is required to notify the Water Authority's Engineering Department at 949-2387, without delay, to be advised of the timing of the extension and the site-specific requirements for connection.*
- *The Authority shall not be held responsible for delays and/or additional costs incurred by the developer due to the developer's failure to provide sufficient notice to the Authority.*

### **Fire Service**

The CFO approved the site layout

## **OBJECTIONS**

### **Letter# 1**

*I am in receipt of a planning notice to my po box dated january 6. I object to this development on basis of ensuring proper parking and ingress and egress onto property to support this high density development. As it is the road carpenters lane has a lot of illegal parking and encroachment of my parking lot by other property owners snd blocking of neighbour entrance.*

### **Letter#2**

*Thank you. I have now had an opportunity to physically inspect the plan. I will be sending forward additional grounds of objections in more detail concerning*

*The egress on Carpenter's Lane, usage of development in a neighbourhood residential location, possible encroachment of land or misrepresentation of boundaries and legal width of public road to permit egress.*

*This development also looks like a food distribution depot for trucks also which was not properly described in the notice.*

*It also is unclear whether warehouses are for company use or foe rental. Clarification required.*

## **APPLICANT'S LETTER**

*I was informed that there is an issue with getting the ROW registered to Mr. Robert Thompson's parcel 14D, 56.*

*I have contacted him immediately and he has contacted the Credit Union regarding the charge on his parcel. They advised they may not be able to get the release today but Monday will not be an issue.*

*Kindly refrain from removing this from the CPA schedule until Monday that we may get easement registered. We have been waiting for this date, and have been delayed for various reasons already.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for retail store, office and warehouse food storage at the above-caption property. The site is located on off Smith Road, George Town.

### **Zoning**

The property is zoned Neighbourhood Commercial

## **Specific Issues**

### **1) Regulation 13(1)(b)**

*Neighbourhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone.* The proposal is for retail and food storage which would cater principally for the needs of persons resident in, or in the vicinity of, the zone.

### **2) Access over 14D56 to Site**

The applicant's revised site plan indicates access over Block 14D Parcel 56 to the subject property; however, no legal access is registered with the L & S Department. As noted above, the NRA has recommended that the applicant uses the original site plan. The Department had asked the applicant on October 20<sup>th</sup>, December 10<sup>th</sup>, 2020 and October 14, 202, to submit documentation from the L&S Department regarding legal access over 14D56.

### **3) Parking Requirements**

The proposal indicates 13 parking spaces, whereas the minimum required is 14 parking spaces.

## **SUPPLEMENTARY ANALYSIS**

The application was adjourned in order to consult with DOE/NCC and their comments are now provided above.

## **2.0 APPLICATIONS**

### **REGULAR AGENDA (Items 2.7 to 2.24)**

#### **2.7 FOSTERS (Frederick & McRae) Block 5C Parcels 163,164 & 407 (P21-0801) (\$2.2 million) (NP)**

Application for proposed supermarket expansion.

##### **FACTS**

<i>Location</i>	West Bay Road, West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	4.534 acres (combined)
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Supermarket (30,780 sq ft)
<i>Proposed use</i>	Supermarket
<i>Proposed Building Footprint</i>	11,094 sq. ft.
<i>Proposed Building Area</i>	11,094 sq. ft.
<i>Parking Required</i>	140
<i>Parking Proposed</i>	190

##### **BACKGROUND:**

13 October 2021 (CPA/21/21; Item 2.4) Members resolved to adjourn the application and offered two options to the applicant:

1. The preferred option was to retain the historic house in its present location and revise the parking lot.
2. Relocate the historic house to the left side of the property and revise the parking lot.

The applicant's agent has submitted a letter in response to the adjournment and the two CPA options.

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

- 1) The applicant's proposal to relocate the historic house to another the property.

## **AGENCY COMMENTS**

Comments from agencies that have responded to the circulation of the plans are provided below.

### **Water Authority Cayman**

*Following are the Water Authority's requirements for this development proposal:*

#### **Wastewater Treatment:**

*The existing development is served by an onsite aerobic wastewater treatment system with a design treatment capacity of 7,500 gallons per day. A 1,500-gallon grease interceptor is also installed.*

*The design capacity of the existing wastewater treatment system can accommodate the wastewater flows from the proposed expansion, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority's discharge limits.*

*The Water Authority is recommending that the existing grease interceptor be upgraded as it is not working as per manufacturer's specifications.*

### **Fire Department**

The Fire Department has submitted stamp approved drawings for the proposed expansion.

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

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

*However, if this addition includes a commercial kitchen or food prep area, the applicant shall submit the floor plan, including the equipment schedule and specifications to DEH for review*

### **National Roads Authority**

*As per your memo dated August 12<sup>th</sup>, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **The Bridge**

*The applicant has proposed to 'shift' the public road as a fifteen (15)ft. ROW to the eastern boundary of the site. The NRA is satisfied with this per two conditions,*

- 1. That the fifteen (15)ft. ROW be registered with Lands and Survey as a Public ROW; and*
- 2. That the existing public road be closed and vested (at the cost of the applicant per today's land value) to normalize the site.*



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

*The traffic demand to be generated by the above proposed development of 41,680 sq. ft. has been assessed in accordance with ITE Code 854 - Supermarket. The anticipated traffic to be added onto West Bay Road is as follows:*

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak In</b>	<b>AM Peak Out</b>	<b>AM Pass By</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak In</b>	<b>PM Peak Out</b>	<b>PM Pass By</b>
<b>3,789</b>	<b>106</b>	<b>47</b>	<b>34</b>	<b>24</b>	<b>348</b>	<b>134</b>	<b>134</b>	<b>80</b>

*Based on these estimates, the impact of the proposed development onto West Bay 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 West Bay 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 West Bay Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*

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

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

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

### **Ecological Value**

*There is primary habitat along the southern boundary of the site, which is seasonally flooded mangrove forest (see Figure 1). Mangroves are a Schedule 1 Part 2 Protected Species under the National Conservation Act 2013 and there is an adopted Mangrove Conservation Plan (2020).*

*We recommend the retention of mangroves where possible. We note that the Applicant is proposing to keep the mangroves behind the existing supermarket, but is proposing to clear, fill and use the area of mangroves to the west, however the purpose is not outlined on the map – it may be recycling or storage. It is recommended that this area be retained as mangroves, which can also assist with drainage. As shown in Figures 5 to 8, the area*

with the existing mangroves is low-lying and is likely providing stormwater drainage for the area.

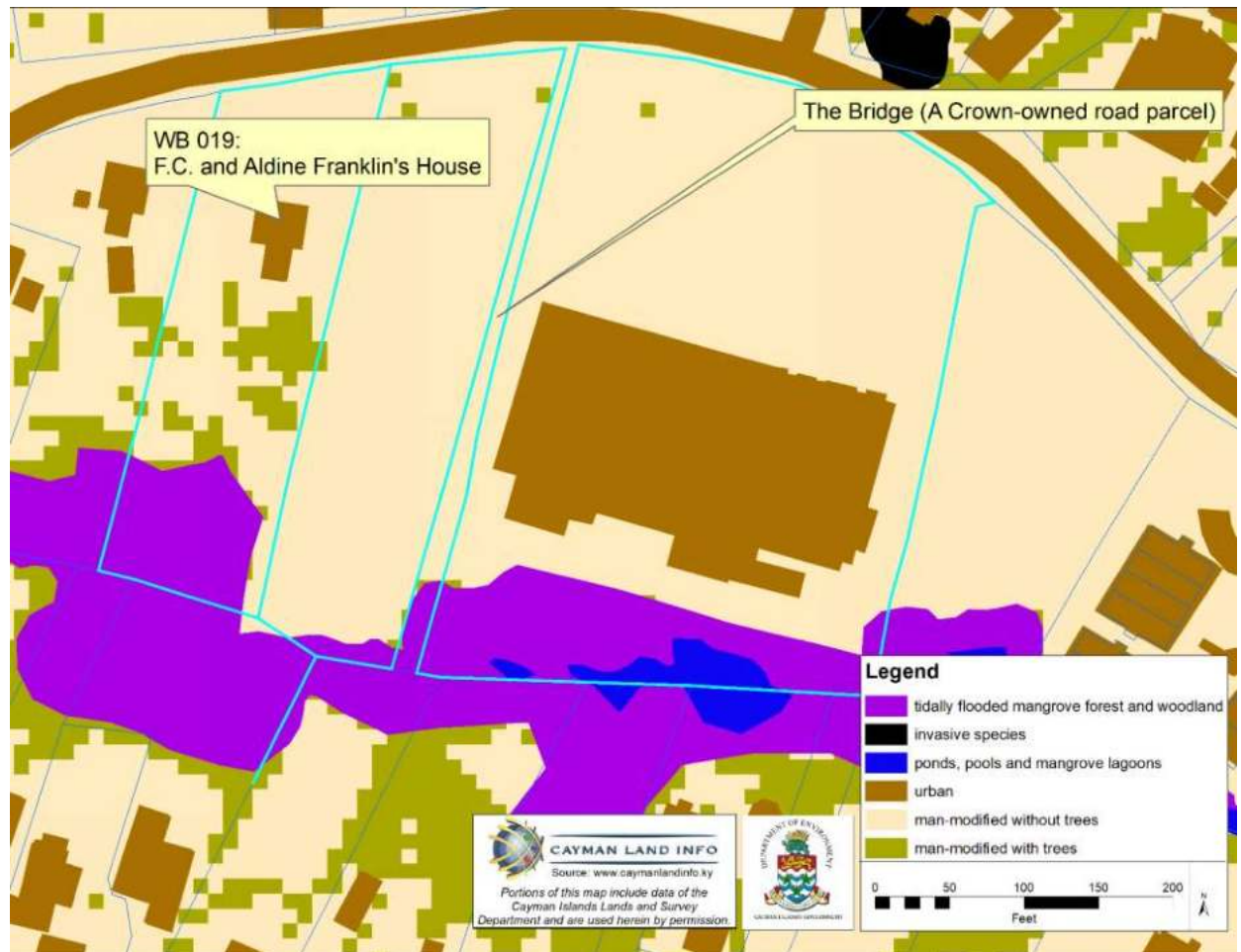


Figure 1. The habitat present at the site (outlined in light blue), indicating mangroves along the southern boundary.

### ***Traditional Caymanian House***

The traditional Caymanian house located on the parcel is listed on the National Trust for the Cayman Islands Heritage Register as WB 019. Based on this register, the house is F.C & Aldine Franklin's House and was built in approximately 1908 by Samuel Matthew Ebanks III. The house is listed as constructed with ironwood stilts and wattle and daub. The house has also been known as Miss Cassie's House.

The site also appears to fall within a Historic Overlay Zone. The Development and Planning Regulations (2021 Revision) state, "In a Historic Overlay zone, the Authority shall have a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage." The importance of protecting heritage assets was also reflected in the draft National Planning Framework 2018.



*The Development Plan 1997 states, “The purpose of the Historic Overlay Zone is to promote and encourage the perpetuation of historic buildings and structures with the underlying zone remaining in effect. Development will be strictly controlled to conserve the Cayman Islands historical and architectural heritage.*

*Subject to the Development and Planning Law and Regulations, the Authority shall apply the Historic Overlay Zone provisions and other relevant provisions of the Statement in a manner best calculated to:*

- a) Preserve and protect the established historical, architectural or cultural character of the area,*
- b) Preserve any significant aspect, appearance or review of the area, and*
- c) Preserve and protect any prospect or view, being an environmentally important prospect or view, from any public area.”*

*Based on information received from the National Trust Historic Advisory Committee, the house was used in 1942-1943 as a kindergarten school. Figure 2 shows the house today, and Figure 3 shows the house sometime in the past with a traditional Caymanian front yard. The property was derelict for some time (Figure 4) but was restored in approximately 2018.*



*Figure 2. The traditional Caymanian house, known as F.C. & Aldine Franklin's house built in 1908, that is proposed to be demolished and replaced with 8 parking spaces.*



*Figure 3. An older photo of the traditional Caymanian house, of an unknown date, showing the traditional-style front yard (Source: Alice Mae Coe).*





*Figure 4. The house was derelict for some time (as shown) but was restored in 2018.*

*The plans state “existing house to be demolished” and in its place, there are proposed to be 8 parking spaces and part of the parking lot turning area.*

*In situ preservation (leaving it in its original location) is the first option with respect to cultural heritage. It is often best to conserve heritage assets in place, because there is value in keeping the location of heritage assets authentic. In addition, the context surrounding a heritage asset is valuable, especially in this case where it is adjacent to ‘the Old Homestead’ (WB 020 on the National Trust for the Cayman Islands Heritage Register) and the Bridge (discussed below), and within a Historic Overlay Zone.*

*Heritage is finite, and to demolish the house to build 8 parking spaces does not seem a wise use of this heritage asset. We recommend that the applicant redesigns the parking lot to preserve the house in situ.*

*The Department of Environment requested additional information from the Historic Advisory Committee of the National Trust who stated, “The National Trust also calls on the developers of parcel 5C164 (F.C. & Aldine Franklin’s House) to find a possible use for the historic residence by possible relocating it on the parcel where allowed by the proposed site usage and to carry out suitable structural renovation that will preserve it for the benefit of the community as an outstanding example of ‘old time’ West Bay residential*

architecture.” We understand that the Applicant has later clarified to the National Trust that the house is to be transported to a site in Frank Sound. Although we are pleased that the house would not be demolished (as stated on their architectural plans), it will lose its authenticity of location and reduce the historical architectural heritage of this area of West Bay. The Department continues to recommend that the house be preserved in situ because it is in an authentic location within a Historic Overlay Zone.

### ***The Bridge***

The expansion of the grocery store is proposed directly over an existing road parcel. The existing road parcel is the site of ‘the Bridge’. The Department of Environment has not been able to source significant written historical records of the Bridge. However, it is understood that the Bridge was used as a way to go from West Bay Road to the beach near Boggy Sand Road. The wetlands here are traditionally low-lying and the Bridge was a raised boardwalk made of tree trunks and logs resting on big rocks over the wetlands to provide access between the road and the beach. We understand from the Historic Advisory Committee of the National Trust that the Bridge was also known as “Mr. Hillard’s Bridge”, who was the father of the late Mr. Spurgeon Ebanks. It is clearly visible in the 1958 aerial imagery (see Figure 6) and is understood to also have been used in 1942 to 1943 to access Ms. Belle’s kindergarten school at the heritage house located at the site. Therefore, the Bridge has been used for at least 80 years as a traditional footpath.

A National Trust sign is present at the site, see Figure 5 below. The Bridge is likely also part of a much wider network of historical footpaths, and connected Batabano Road with the beach along the general route of what is now Willie Farrington Drive. The Bridge is also registered on the Beach Access Report (although it is incorrectly referred to as SMB – Brooklyn Bridge).

The Bridge was registered as a public road, leading to a Right of Way across private property to Boggy Sand Road and onward to the beach. The Bridge is visible up until as recent as the 2004 aerial imagery (see Figures 6 to 8). In the 2008 aerial imagery, the Fosters supermarket is shown as expanding and under construction and any structures for the Bridge likely were demolished.

In 2013, the Bridge is no longer visible, and is now part of the parking lot and a grassy area for the Foster’s supermarket, even though the parcel is still registered as a public road. The expansion proposed would place the buildings of the supermarket over the public road. Currently, very little evidence of the Bridge is present (see Figure 9).





*Figure 5. A National Trust Heritage sign near the location of The Bridge, aka Mr Hillard's Bridge.*



*Figure 6. The Bridge and F.C. Aldine Franklin's House in the 1958 aerial imagery. Water is visible at the centre of the mangrove basin.*



Figure 7. The Bridge and F.C. and Aldine Franklin's house shown in the 1971 aerial imagery.





*Figure 8. The Bridge is still visible as recently as the 2004 aerial imagery. In the 2008 Aerial imagery, the Bridge has been demolished as part of the previous expansion of the Foster's supermarket.*



*Figure 9. The location of 'the Bridge' has been replaced with a parking lot and a grassy area associated with the existing Foster's supermarket.*

*Although the Bridge is in very poor condition as a heritage asset, it is a public road and therefore owned by the government. It was historically used as a footpath and is currently registered as a public road and therefore the historical use is not significantly different from the current designation as a road. On the ground, there is little evidence of the Bridge as any structures remaining in 2008 were demolished as part of the previous expansion of the supermarket. However, in its current configuration, it could be restored and the heritage value enhanced. The proposed development would result in a supermarket building being built into the public road and removing any opportunity to conserve this heritage asset in its existing location in the future, and it would be permanently lost.*

*It is not known whether the government has entered into an agreement with Foster's Supermarket to divest or give over this land. It is also not known whether the heritage value of the Bridge or that the parcel is owned by the Crown was considered when the supermarket was expanded in approximately 2008 resulting in the loss of any physical signs of the Bridge.*

*The applicant has proposed on their architectural plans to leave a right of way along the boundary of the parcel, however this is not in its original location. In addition, according*

*to the Historic Advisory Committee of the National Trust, the Applicant has agreed to replace the sign and not block access. Under the applicant's proposals, a Crown-owned public road with historical significance would be lost and replaced with an access over private property nearby. The Department does not consider this to be an equal trade, given that the applicant has not detailed the finishes or treatment with respect to the right-of-way to know if it would enhance the heritage asset in any way.*

*The Department of Environment contacted the Historic Advisory Committee of the National Trust who requested that the Central Planning Authority to "allow further research into the boardwalk and trail using local knowledge and the Trust's own records and to be allowed to erect interpretive signage in due course that acknowledges the trail and the 'bridge' and places it in context of the West Bay community's heritage."*

*Therefore, it is considered that it would not be appropriate to approve this application at this time given that:*

- The Central Planning Authority (CPA) has a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage within a Historic Overlay Zone. Therefore, the CPA has a duty to consider the heritage of the traditional Caymanian house on the site and the location of the Bridge.*
- The plans state that the house is to be demolished, and the house is listed on the National Trust of the Cayman Islands Heritage Register. The CPA has a duty to encourage the preservation of this building.*
- Given that the Applicant does not own the land where the Bridge was located, the Applicant will be required to enter into discussions with the government to build a supermarket building on this public road. We understand from the Ministry of Lands that such activity would require National Roads Authority and Cabinet permission.*

*The Department recommends that:*

- The plans be modified to preserve the mangroves in the southwestern corner of the site,*
- The plans are revised to retain F.C. and Aldine Franklin's house in situ,*
- Further research into the boardwalk and trail is conducted by the National Trust, and*
- The plans are revised to protect or conserve the Bridge as agreed pending further discussion.*

### **SUPPLEMENTARY DOE COMMENTS**

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



*The Applicant has provided a letter and requested our review following our initial comments dated 2 September 2021.*

### ***Traditional Caymanian House***

*The Applicant has provided revised plans indicating that the house will be relocated. While a better option than demolishing it, it will still result in the loss of a traditional Caymanian house in a Historic Overlay Zone and a prominent location visited by tourists.*

### ***The Bridge***

*The Applicant has provided further correspondence from 2008 regarding the Bridge which indicated that the National Roads Authority (NRA) was satisfied to stop up the road and vest to the Applicant in exchange for a relocated roadway, filled and compacted with aggregate to a suitable walking level, including adding canopy trees of an indigenous nature and public access signage in a prominent location. However, it does not appear that the agreement was fulfilled by either party, with the exception of the placement of a sign. The road was not vested to the Applicant and the Bridge was not improved in its new proposed location. In addition, based on the NRA's comments for the Proposed Development which is the subject of this application, they do not attribute any significance to the Bridge and are satisfied to vest the land over to the Applicant without any improvements.*

*The Department is not opposed to relocation of the Bridge, but considers that any relocation should be in tandem with restoration of the physical footpath and heritage context. It is noted that the attached letter contains many possibilities (e.g. the mangroves 'could' be kept) but no commitments. The Central Planning Authority should seek to secure improvements by conditions.*





*Figure 1. The 2008 correspondence indicates that the Bridge should have been relocated here, with public access signage and an area suitable for walking.*

### ***Ecological Value***

*The letter notes that the mangrove will be removed and replaced with skips/dumpsters for recycling and that this is 'beneficial to with the preservation of the environment' [sic]. It is not a wise use of wetlands to convert them into waste handling areas, and it does not benefit the environment to remove mangroves and replace them with concrete/tarmac and dumpsters.*

*The Department's recommendations remain unchanged, that:*

- *The plans be modified to preserve the mangroves in the southwestern corner of the site,*
- *The plans are revised to retain F.C. and Aldine Franklin's house in situ,*
- *Further research into the boardwalk and trail is conducted by the National Trust, and*

*The plans are revised to protect or conserve the Bridge as agreed pending further discussion*

## **APPLICANT'S LETTER**

*On behalf of our client Foster's Supermarket, we confirm the following as it relates to the review as presented by the Department of Environment.*

- The environmental Area: We note that low area identified as 'Tidal Flooded Mangrove Forest and Woodland' is largely preserved as part of the Landscape requirements of the regulation. A part of the defined area proposed to be filled for the placement of recycle goods (Glass, metals, Plastic & paper) which is a beneficial to with the preservation of environment. We note that the 'Right of Way' is proposed to be relocated and is included as a part of the natural landscape. The revised location of the 'The Bridge' would be a more accurate reflection of why the bridge was indeed necessary in the olden days. This path and landscape could remain. Additionally, the proposed grade can be contoured to allow the swamp area and mangroves to remain as a flood rain period collection area.*

*Our client has communicated with the West Bay Heritage Committee, and they are satisfied that the signage of 'The Bridge' will be retained located along the most western boundary. Additionally, they would support story board/s being erected along the proposed public right of way relocation and close to the Homestead house and as an extension of the tourist attraction of the house of parcel 5C, 186. Our client embraces this this idea.*

- The Bridge: 'The Bridge' is no longer present. The bridge was a path of temporal fallen logs to allow foot path passage to the beach through the swampy wet area at the southern boundary of the site. We have presented documentation based on the Planning approval of 2009 which indicated that the planning approval at the time permitted the public road/right of way to be relocated to the far western boundary of site 5C 163. The client provided the paved passage as was a condition to the 2009 approval. We are uncertain as to why the registration of the relocation of the right of way was not recorded at lands and survey, however, we have provided you with documentation relating to the discussions with planning at that time. Additionally, a sign was provided as was agreed with the West Bay Historical Committee that identified the path and the sign. This sign remains in place as a National Trust point of interest.*

*Our client has no objection to the combination of the land parcels and for the registration of the Public Right of Way as indicated on the proposed site plan. We are also aware that the National Roads Authority is also supportive of this proposal.*

- The Aldine Franklin's house: We note that the house has received some basic repairs but has not been Restored.*

*While the house has had some improvements, the original state has many factors that have simply been done to provide a mimicked appearance of the original, which is not indicative of a proper restoration. The house has had three, possibly four alterations with few elements remaining that would appear to be in their original state. For example, the interior ceiling and a few of the parting walls of lime daub and wattle remain. The roof has had modifications with the profile being changed when additions were carried out over time. The wooded floor has been altered and tiled over. The external walls have received a cement render coating to seemingly prevent a/c cooling loss and water ingress. The roof gables are sheeted with T 1-11 sheeting and not shiplap siding as was traditionally used. The windows are not original.*

*We confirm that we have carried out preliminary investigations and measurement to enable the original element of the house to be relocated to a property in Frank Sound (59A – 260). The owner of this parcel is very interested in the relocation of the original elements of the house and recreating the appearance. The new owner wishes to reconstruct the building for use as a functioning house and is willing to import materials to closely resemble the lime daub and wattle walls, shiplap siding and zinc roofing, gingerbread, and wooden trims similar to the original. Additionally, the client already has some stored material of posts and framing members that can be used to refurbish the old house.*

*We note that we have been in communication with 'Unit Construction' review and comment with regards to the feasibility of relocating the house and they are of the opinion that the original structure can be relocated. This entails dismantling the existing structure into components and trucking them to the new site, where it would be placed on a new foundation and reconstructed to recreate the historical features.*

*In this process, the house would be upgraded to have the necessary convenience of bathroom facilities, kitchen and utilities installed. While the house currently has these features, it appears to have been haphazardly executed/installed.*

*We can confirm that we have measured the house as it exists and are in the process of creating drawings to make a Planning Application for the house to be placed on its new site 59A – 260. We anticipate making the Planning submission the house within 3 to 4 weeks.*

*We feel that it is not a feasible to properly restore the existing house to its original state and that the above proposal presents reasonable options for addressing the points raised by the Department of Environment to help preserve the important historical past.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in West Bay on West Bay Road.

The property is the site of the Fosters Republix supermarket, which is a free standing 30,780 square foot building.

The proposal is to expand the building to the west with an 11,094 square foot addition.

If the application is granted planning permission, the total area of the supermarket will be 41,874 square feet.

As part of the proposal, the applicant is proposing to relocate an existing pedestrian access to the historic "bridge" pedestrian trail further west, to the edge of the owner's three lots (parcel 164). The owner agrees with staff that the relocated right of way must be registered on title and it is suggested that this requirement be added as a condition if the application is approved. It should be noted that the right of way beyond the Fosters property leading to Boggy Sand Road is a private right of way and not open to the public.

In addition, the owner is proposing to close a narrow public road allowance that travels in a north south direction across the property. The NRA agrees with this proposal to close and convey the allowance to the owner.

With regard to the existing historic Cayman house that is located on parcel 164, the applicant has engaged an interested party willing to move the dwelling to a property in East End. The proposed relocation will require a separate application for planning permission.

There is also an existing sign for the “bridge” trail that the owner has agreed to relocate to the location of the new right of way.

Staff have also advised the agent that the three lots will have to be combined into one if the application is approved. The owner agrees with this potential condition of approval.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Historic Overlay**

In accordance with Regulation 16, the subject area is designated with a “Historic Overlay” zone.

Regulation 16(1) states that the Authority shall have a duty to promote and encourage the preservation of historic buildings and conserve their historic architectural heritage.

Regulation 16(2) indicates that in considering any application for permission to develop within an Historic Overlay zone, the Authority shall, in its discretion, ensure that the development:

- a) Conforms to the traditional workmanship, design, scale, massing, form, materials, decoration, colour and methods of construction of the buildings and the locations of windows and doors in them: and
- b) In its setting, reflects the historic pattern of development in the Islands.

As noted previously, the owner is proposing to relocate the historic Cayman style house located on the property to a different property in the East.

In addition, staff have spoken to the agent about affixing large historic weatherproof photos of Cayman to the blank areas of the north and west facing exterior elevations of the building. The owner’s agent has no objection to this concept and staff suggest it be added as a condition should the application be granted planning permission.

Staff are of the opinion that these two measures will assist the proposal with meeting the spirit of the historic overlay zone.

### **APPLICANT’S LETTER IN RESPONSE TO THE ADJOURNMENT**

*Further to the receipt of the notice of adjournment dated October 21st, 2021, on the above noted project, we wish to inform the Planning Authority of the recent development as it relates to the existing house and having it relocated enabling its preservation.*

*We reference a meeting held on October 28th, 2021, between our Client (Foster’s Supermarket), the National Trust of the Cayman Islands and the concern citizen group of the West Bay district, it was agreed that the house would be relocated to a new site.*

*The National Trust has once again confirmed that they do not have funds to address the*

*immediate needs of the house for its preservation, relocation or continued upkeep. (It was indicated that a special fund-raising campaign would be undertaken to address the financial aspects of preserving the house which extends beyond the preservation of the house).*

*It was discussed that the House would potentially be relocated to a Natural Trust Property 'Uncle Sammy's Pond' as a formation of a 'Preservation Park' it is our understanding that this site is in the owner ship of the National Trust in perpetuity for the people of the Cayman Islands. This option would indeed keep the house in the district of West Bay and closer to its origins, however funding remains a major issue.*

*As mentioned to the board during the planning meeting, and discussed with the groups above, another option that remains possible is to have the house relocated and renovated to be used as a guest house at an East End location (59A 260). We note that there are already Cayman Style cottages/ buildings on the adjoining property and this house would be a complimentary addition. An application is being assembled to request planning permission to have the house relocated, renovated and lived in at this East End location.*

*We are of the strong opinion that this latter option, remains the best and most viable option.*

### **SUPPLEMENTARY ANALYSIS**

The applicant's agent has submitted a proposal to relocate the historic house off of the subject property.

The Authority should discuss the proposal to relocate the home to a property in East End for use as a guest house.

## **2.8 CARLOS EBANKS (Catt Construction 2018 Ltd.) Block 8A Parcel 140 (P21-0806) (\$145,000) (EJ)**

Application for a house.

### **FACTS**

<i>Location</i>	Bahama Close, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.57 ac. (24,829 sq. ft.)
<i>Parcel size required</i>	52,500 sq. ft.
<i>Current use</i>	Three houses & a duplex
<i>Proposed building size</i>	1,106 sq. ft.
<i>Total building site coverage</i>	19.05%

### **BACKGROUND**

August 23, 2013 – approval to change apartments to a duplex (12,500 sq ft required)

December 17, 2013 – approval modified to decrease the floor area of the approved duplex.  
August 15, 2014 – approval granted for a house (10,000 sq ft required)  
February 28, 2017 – approval granted for a house (10,000 sq ft required)  
Existing house from 1999 – (10,000 sq ft required)

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

1) Lot size variance.

### **APPLICANT'S LETTER**

*"We are requesting a variance of the lot size on the above parcel to allow for the construction of the last family member's dwelling.*

*This parcel is owned by six 6 family members who had a vision several years ago for each member to own a house in the near company of their relatives.*

*Since the inception of this project, the families have gone through sever different architectural companies on each building with no architect in common. Visions have changed as well as substantial building plans over the years. In hindsight, we regret that no previous architectural form had suggested to provide a proposed site plan showing all the buildings that were to be constructed along with their locations. If the family would have done this at inception, I am positive the site size limitation issues would have been raised at which time it could have been addressed by the family members prior to construction.*

*Every family member has put in considerable funds to improve the property and make ready for construction such as money to secure the property, fill materials and labor. At this stage, 3 members are complete or near completion of their buildings and Mr. Carlos Ebanks is attempting to begin construction on his dwelling. It was at this time we were notified of the lot not having the square footage requires to build the number of bedrooms we are seeking. The lot is large enough that there are no issues with the setbacks as required by the Planning Department from the adjoining properties or the other buildings on this parcel.*

*We regret that we did not have this knowledge earlier in the project so the family could have made concessions prior to construction to ensure each member was able to construct their dwelling.*

*As of now, it appears that 3 family members will enjoy the fruits of their labour while Mr. Ebanks will be left with no dwelling and after putting in the hard work and financial assistance to make this project come to life.*

*We ask you now to please give consideration to our request and we look forward to your favorable decision to allow the variance so that Mr. Ebanks will be able to construct his dwelling, finish the project and live-in harmony his family.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed two-bedroom house located on Bahama Close and is seeking a lot size variance.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Lot Size**

The applicant has approval for a duplex and two houses, although the submitted site plan does now show the location of one of the houses currently under construction. In addition, there is another house on the site that has existed since 1999. These buildings together with the new proposed house require a lot size of 52,500 sq ft – the subject lot size is 24,829 sq ft. The site plan includes a note that the house that has existed since 1999 would be removed upon completion of all other structures. If this proposal is accepted then the required lot size would be 42,500 sq ft. The Authority needs to determine if the applicant has demonstrated that there is sufficient reason and exceptional circumstance to warrant allowing the lot size variance.

#### **2.9 JAMES CHAPMAN (Abernethy & Associates) Block 15C Parcel 351 (P21-0712) (BES)**

Application for a 3 lot subdivision.

### **FACTS**

<i>Location</i>	Fairbanks Road, George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size proposed</i>	16.2 ac. (705,672sq. ft.)
<i>Current Use</i>	Vacant

### **BACKGROUND**

N/A

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

- 1) Determine whether the access road should be paved, a road parcel and water supply lines installed



## **AGENCY COMMENTS**

Comments from the Water Authority, National Roads Authority, 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:*

#### **Water Supply:**

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

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

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

#### **Wastewater Treatment:**

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

### **Department of Environment/NCC**

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

*The site is partially man-modified and partially seasonally flooded mangroves. The subdivision divides the property into three lots. The two smaller parcels are directly adjacent to existing development and are partially man-modified and partially mangroves which appear to have been impacted by clearing to the north (see Figure 1).*



*The Department has no objection to the proposed subdivision provided that the lots are not cleared. In particular, Lot #3 (The Remainder) is nearly entirely seasonally flood mangrove forest and woodland (the parcel boundaries have been impacted) and therefore should not be cleared. However, any future clearing, filling or development of the resulting parcels should be the subject of a separate consultation with the National Conservation Council.*

### **National Roads Authority**

No comments received

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a three (3) lot subdivision at the above-captioned property. The site is located on Fairbanks Road, George Town.

The lots sizes are as follows:

- Lot#1 = 61,772 sq ft
- Lot#2 = 26,995 sq ft
- Lot#3 = 617,751 sq ft

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Road Pavement and Water Supply**

The Authority is to ascertain whether the access road should be a road parcel versus and easement and whether the road must be paved and a piped water supply installed.

#### **2.10 NORTH SOUND WAY PROPERTY HOLDINGS LTD (Bennetts Designs) Block 19E Parcel 248 (P21-0736) (\$400,000) (NP)**

Application for proposed storage building & toilet block.

### **FACTS**

<i>Location</i>	Seymour Drive
<i>Zoning</i>	<b>Heavy Industrial</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	1.222 acres
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Proposed use</i>	Storage Building & Toilet Block
<i>Buildings Footprint</i>	4,979 sq. ft.
<i>Buildings Area</i>	4,979 sq. ft.

**Recommendation:** Discuss planning permission, for the following reason:

- 1) Gravel parking surface.

### **AGENCY COMMENTS**

Agency comments received to date are noted below.

#### **Department Of Environment**

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

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

#### **Fire Department**

The Fire Department has stamp approved the drawings.

## **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 **1,000 US gallons** for the proposed equipment and storage facility.*
- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'6" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

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

***The plans submitted do not indicate the types of tenants to be included; therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater***

*generation is limited to employee restrooms/breakrooms. The developer is advised that any future change-of-use applications to allow for a high-water-use tenant will require an upgrade of the wastewater treatment system which, depending on the use, may include an in-the-ground interceptors for grease, oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit. Given that after-the-fact upgrades can be disruptive and costly, the developer is advised to build in the flexibility for their range of desired tenants at this stage. Contact [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky) to discuss requirements to accommodate potential high-water use tenants.*

#### Water Supply

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

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

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

#### Department of Environmental Health

*DEH has no objections to the proposed storage structure.*

### PLANNING DEPARTMENT ANALYSIS

#### General

The subject property is located in George Town on Seymour Drive and is presently vacant.

The proposal is to build an equipment storage structure that will also be used to store parts, machinery, and cement.

#### Zoning

The property is zoned Heavy Industrial.

#### Specific Issues

The proposed building and toilet block will occupy 9.1 % of the lot area. The remainder of the lot will be gravel, with a designated parking area.

The Authority should discuss whether a portion of the property should be paved with asphalt.

**2.11 MICHAEL MURPHY (Declan O’Brien) Block 5C Parcel 335 (P21-0961) (\$750,000) (EJ)**

Application for a duplex, 2 pools, cabana and 3.6’ concrete wall along the road.

**FACTS**

<i>Location</i>	Spurgeon Cres, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2896 ac. (12,614 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	6,033 sq. ft.
<i>Total building site coverage</i>	29.88%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

**BACKGROUND**

N/A

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

- 1) Rear Setback Variance (10’ vs 20’).
- 2) Fence Setback Variance from Road (0’ vs 4’)

**AGENCY COMMENTS**

N/A

**APPLICANT’S LETTER**

**“Application for a duplex with associated pools, cabanas and entry walls and boundary fencing.**

*We would like to request a setback variance for the 2 septic tanks associated with this proposed duplex. We are requesting a 10 ft. rear setback variance in lieu of 20 ft. for the 2 no. septic tanks for the duplex.*

*I refer to 8(13) of the planning regulations. As the septic’s will be buried, we feel that this is a reasonable variance request and hope the board will find this acceptable.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

Setback variance for proposed duplex, swimming pools, cabana, septic tank and 3.6' chain-link fence.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

The proposed septic tanks are at 10' and 10.11' vs 20' from the rear boundary; therefore, the applicant is seeking a setback variance from the Authority.

#### **2) Wall Location Setback**

In addition to the proposed a 3.6' chain-link fence around the rear and side boundaries of the subject parcel; the applicant also proposed a 3.6' concrete wall and garbage enclosures at the front road boundary, proposed at 0' vs 4' required under regulations; therefore, the Authority is asked to consider the application.

#### **2.12 PETER WALKLEY (MKS International) Block 22E Parcel 342 (P21-1063) (\$12,000) (BES)**

Application for a gazebo.

### **FACTS**

<i>Location</i>	Grand Harbour Dr., Red Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2440 ac. (10,628 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Detached Dwelling
<i>Proposed building size</i>	150 sq. ft.
<i>Total building site coverage</i>	20.8%

### **BACKGROUND**

Existing house and pool approved in 2006

July 7, 2021 – the pool was modified

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

- 1) Canal setback (10' vs 20').

## **AGENCY COMMENTS**

Comments from DOE/NCC are as follows:

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

*The application site is man-modified and of limited ecological value. The applicant should be advised to stockpile construction materials away from the canal edge to prevent run-off and debris from entering the marine environment.*

## **APPLICANT'S LETTER**

*We are seeking Planning approval for a proposed gazebo as per site plan submitted, on the basis that the proposed structure meets the Development and Planning Regulations (2017 Revisions) Section 8 (11) criteria. We are seeking a setback variance of 10' from the canal (vs. 20').*

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

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

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

*We thank you for your kind consideration, and please let us know if you require any additional information.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking approval for a gazebo.

### **Zoning**

The property is zoned Low Density Residential.



### **Specific Issues**

#### **1) Canal Setback**

The minimum required canal setback is 20' per Regulation 8(10)(ea) and the applicant is proposing 10' 9". The applicant is requesting a variance for the setback and has provided reason in the above letter.

### **2.13 JASON GAUTREAU (MKS Design) Block 9A Parcel 339 (P21-1141) (\$5,000) (NP)**

Application for proposed 6 foot high fence.

#### **FACTS**

<i>Location</i>	Bonneville Drive
<i>Zoning</i>	<b>LDR</b>
<i>Parcel size proposed</i>	0.29 ac. (12,632.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Detached dwelling

#### **BACKGROUND**

November 10, 2021 (CPA/23/21; item 2.18) – approval granted for pool and bathroom/storage building

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

- 1) Proposed fence height (6' vs 4')

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is proposing to construct a new 6 foot high fence around the rear portion of the property.

The property contains a house.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

- 1) Proposed fence height of 6 feet whereas 4 feet is the permitted height.

The applicant's agent has indicated that a 6 foot high fence is requested for privacy and pool safety.

**2.14 JASON & TRESEA BROWN (Architectural Designs & Cayman Contemporary Style) Block 24E Parcel 67 (P21-0793) (\$570,000) (BES)**

Application for a duplex.

**FACTS**

<i>Location</i>	Marina Drive, Prospect
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.2312 ac. (10,071 sq. ft.)
<i>Parcel Size Required</i>	12,500 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Same as above
<i>Building Size proposed</i>	3,074 sq. ft.
<i>Building footprint</i>	1,985 sq ft
<i>Building Site Coverage</i>	19.7%

**BACKGROUND**

The site has no current planning history.

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

- 1) Lot size (10,071 sq ft vs 12,500 sq ft)

**AGENCY COMMENTS**

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

**Department of Environment (NCC)**

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

*The application site is man-modified and of limited ecological value. We recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native 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**

*On behalf of our client, we wish to apply for a variance in regards to the proposed Duplex on Block: 24E Parcel: 67. The request for a variance pertains to the lot size being 10,097.sq.ft., where the required size is 12,500.sq.ft. Please note that this proposal is in*

*the Prospect Area, where this is a common request. Lot 24E 229 which is the second lot before my client's lot. Has a duplex on the same size lot. Also we have sent out notices to the surrounding neighbors about our proposal. Which we have received no objecting on. We hope that CPA will favourably consider our proposal.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is for a duplex (3,074 sq ft) at the above-caption property. The site is located on Marina Drive, Prospect.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Lot Size**

As noted above, the proposed lot size is 10,071 sq ft, whereas the minimum required lot size for a duplex is 12,500 sq ft per regulation 9(8)(e) of the Development and Planning Regulations (2021 Revision).

For the Authority's information, the surrounding properties have been developed with duplexes and apartments on Marina Drive.

- 24E74 (duplex) with a lot size of 10,998.9 sq ft;
- 24E219 (duplex) with a lot size of 10,998.9 sq ft;
- 24E24 (3-apartments) with a lot size of 10,040.6 sq ft;

The adjoining parcels were notified, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and an exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2021 Revision) to warrant granting a lot size variance.

#### **2.15 JUSTO LOPEZ (GMJ Home Plans Ltd) Block 4D Parcel 320 (P21-0978) (\$15,000) (JP)**

Application to remove the majority of an existing temporary house while retaining a portion of the structure as a shed.

### **FACTS**

<i>Location</i>	Vibe Lane, West Bay
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.24 ac. (10,454.4 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Residential

<i>Proposed building size</i>	245 sq. ft.
<i>Total building site coverage</i>	15.28%

## **BACKGROUND**

March 4, 2015 (**Administrative Approval**) – application for a house approved (P15-0110)

Unauthorised structure sited on land at some point between 1999 and 2004. This structure forms part of the current application.

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

- 1) Rear setback variance (12' v 20')

## **APPLICANT'S LETTER**

*We write on behalf of our client, Mr. Justo Lopez with regards to the following variance;*

- *A rear setback variance - to allow the proposed shed with a rear setback less than required 20 ft for single storey development.*

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

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail and there have been no objections to date;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighborhood, or to the public welfare;*
- 3. The existing temporary dwelling was approved with a setback of 4.5 ft, a difference 15.5 ft, and the reduction did not negatively impact the immediate area. The proposed storage shed would be constructed with a 12 ft setback, a difference of 6ft from minimum required.*
- 4. The application complies with all other relevant planning requirements.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located within an established subdivision in West Bay. Neighbouring lots to the north, south and west contain existing dwellings and the subdivision road bounds the site to the east.

The application seeks Planning Permission for the partial retention of an existing structure on site.

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Rear setback variance (12' v 20')**

Regulation 9(7)(i) requires a rear setback of 20'.

The existing structure is sited 4' 6" from the rear boundary. The resultant proposed development would see the rear setback increased to 12'.

Members are invited to consider the content of the variance letter as part of their deliberations.

#### **2.16 SHANIKA BROWN (LSG Designs) Block 37E Parcel 118 (P21-1013) (\$420,000) (JP)**

Application for addition to house to create a duplex.

### **FACTS**

<i>Location</i>	Aunt Shanny's Road, Northward
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.33 ac. (14,374.8 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Residential
<i>Proposed building size</i>	4,305 sq. ft.
<i>Total building site coverage</i>	29.94%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

### **BACKGROUND**

March 25<sup>th</sup>, 2020 (**Administrative Approval**) – Application for a house approved (P20-0257)

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

#### **1) Rear setback (13' 9" v 20')**

### **APPLICANT'S LETTER**

*Our client, Shanika Brown, recently applied to the Department of Planning for permission to construct an addition to her existing home. The application requires a variance as the*

*back porch section of the addition will encroach on the twenty-foot rear set back as required by planning regulations.*

*This addition will cause no harm to surrounding land owners who have been notified of the application.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located within an established residential area of Northward. Aunt Shanny's Road, which provides access to the site, forms the southern boundary. The remaining boundaries are shared with existing residential properties.

The application seeks Planning Permission to extend a previously approved house and create a duplex.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

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

The application seeks a variance to reduce the rear setback for a screened porch to 13' 9".

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

#### **2.17 PONGONIS (Kozaily Designs) Block 73A Parcel 72 (P21-0417) (\$100,000) (NP)**

Application for a pool.

### **FACTS**

<i>Location</i>	Austin Conolly Drive, East End
<i>Zoning</i>	<b>Hotel Tourism</b>
<i>Notification Results</i>	No objectors
<i>Parcel size</i>	58,370.4 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Garage
<i>Required Setback</i>	130 feet
<i>Proposed Setback</i>	89 feet

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

- 1) Proposed pool setback (89' vs 130')



## **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 Act, 2013), the Department of Environment (DoE) offers the following comments for your consideration.*

*The application site is located on a turtle nesting beach and is man-modified with an existing residence. The site is also adjacent to two Marine Protected Areas; Marine Reserve with a No Dive Zone overlay and a Line Fishing Zone, as shown in Figure 1.*



Figure 1: LIS 2018 Aerial Imagery showing Application Site (outlined in blue) adjacent to Marine Protected Areas & turtle nesting beach

*From a review of historic aerial imagery of the site, it is evident that this coastline is relatively stable and the site is offered a degree of protection by the presence of nearshore seagrass beds, a shallow reef terrace and fringing reef in this location. The position of the pool appears to be as far landward as possible, abutting the existing dwelling. The pool is located behind the line of existing vegetation. The line of permanent vegetation is a good indicator of the extent of the incursion of the sea on a regular basis.*

*Existing artificial lighting and lighting associated with the proposed pool present a threat to nesting sea turtles. Bright lights on the beach can deter female turtles from nesting and cause baby turtles to crawl away from the sea, where they die from dehydration, exhaustion, predators or vehicles. Especially in areas with non-turtle friendly lighting, disoriented nesting turtles and misoriented hatchling sea turtles can occasionally fall into pools which are installed at grade level and become trapped or injured. We are encouraged*

*to see that the applicant's pool is not a grade level and somewhat elevated, as this reduces the possibility of turtles accidentally falling in. We recommend that the pool is also sensitively lit to avoid negatively impacting sea turtles.*

*Excessively lit pools contribute to sky glow and can misorient turtles. We therefore strongly recommend that pool lighting be minimal, utilising only what is needed for pool safety and that the number of proposed pool lighting fixtures is kept low. Tiling or painting the interior of the pool a darker colour also helps cut down on sky glow.*

*When positioning pool lighting fixtures, they should be mounted either horizontally in the pool wall or angled to direct light down into the pool. To the greatest extent possible, the pool fixtures should be installed to direct light landward and away from the nesting beach. Pool lighting fixtures should **not** be embedded in the floor of the pool to direct light upwards into the sky as this increases the risk of misorientation. There should also be no lighting mounted on the outside of the pool wall which would directly illuminate the beach.*

*Although they are not blind to it, turtles are less sensitive to longer wavelengths of light meaning the moon and stars shining on the sea can lead the turtles safely to the water. Turtle friendly pool lights utilise wavelengths of light which are 560 nanometres or longer. We encourage the applicant to use a turtle friendly pool light if possible. A list of certified turtle friendly pool fixtures is available from the Florida Fish and Wildlife Conservation Commission's website [here: https://myfwc.com/media/21332/certified\\_underwaterlights.pdf](https://myfwc.com/media/21332/certified_underwaterlights.pdf). Otherwise, a colour-changing pool light with the ability to pause on the individual colour lights should be used and the pool light should be kept on either amber or red during the turtle nesting season (May-November yearly).*

*If the applicant wishes to consider retrofitting the existing property to turtle friendly lighting, they are encouraged to reach out to the DoE for additional information. Pictured below are properties along Seven Mile Beach which have been retrofitted to turtle friendly lighting.*



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

*If the Central Planning Authority is minded to grant planning permission for this application, to minimize impacts on nesting and hatchling sea turtles, we strongly recommend the inclusion of the below conditions:*

1. *No lighting which forms a part of this proposal should directly illuminate the nesting beach.*
2. *The applicant shall prepare and submit a turtle friendly lighting plan which minimizes the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*
3. *Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction is complete.*
4. *No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
5. *Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
6. *Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. Sand shall only be placed along the beach during turtle nesting season with the express consent of the DoE, to ensure that turtle nests are not adversely impacted. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*

### **APPLICANT'S LETTER**

*We are submitting this letter to explain the circumstances that exist in order that we may construct a residential pool on Block 73A Parcel 72. Although we respect the fact that the property is under the Hotel/Tourism Zone located in East End where it has to be setback a minimum of 130 feet from the High Water Mark, we are applying for a consideration to place the pool 75 feet away as it was designed.*

*The Lot and the existing house as such, will allow the pool to have a smooth transition from the patio where the owner can have the pool deck on each side of the pool and enjoy not only in the view that this position encompasses, but as situated where it should balance the entire design and development.*

*Currently the area has some existing pool with 75 feet away from the high water mark.*

*We have received approval on similar variances on other pools and we humbly request that this variance, will be accepted in order that we facilitate the construction of the pool.*

*We thank you and hoping that the Central Planning Authority looks favorably in granting our request.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in East End on Austin Conolly Drive.

The property presently has a house and pool.

The proposal is to construct a pool.

### **Zoning**

The property is zoned Hotel Tourism.

### **Specific Issues**

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

The property is zoned Hotel Tourism.

Regulation 8(10)(e) requires that all structures and buildings, including ancillary buildings, walls, and structures, shall be setback a minimum of one hundred and thirty feet from the high water mark.

The applicant's agent is requesting an 89 foot setback to the proposed pool edge. Please note that the applicant's letter incorrectly requests a 75 foot setback.

The Authority may recall an application for a house and pool at CP/19/21; item 2.19 on 73A 112 where the background of the parcel history revealed that the underlying subdivision was approved in 2013 with acknowledgement by the Authority at that time that residential setbacks should apply, not those in the H/T zone. It would appear that the subject lot, Parcel 72, was one of those original 7 subdivision lots.

#### **2.18 BIANCA DOWNEY (Sean Evans) Block 22D Parcel 441 (P21-1111) (\$604,000) (BES)**

Application for a dwelling house and swimming pool

### **FACTS**

<i>Location</i>	Off Spinnaker Road
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size Proposed</i>	0.2413 ac. (10,511.02 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Same as above
<i>Building Size proposed</i>	3,136.56 sq. ft.

<i>Building footprint</i>	3,136 sq ft
<i>Building Site Coverage</i>	29.8%

## **BACKGROUND**

The site has no current planning history.

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

- 1) Side setback (7'1" - side door step vs 10')

## **AGENCY COMMENTS**

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

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

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

*The application site is man-modified and of limited ecological value. We recommend that the applicant plants and incorporates native vegetation in 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. The applicant should also be advised to stockpile construction materials away from the canal edge to prevent run-off and debris from entering the marine environment causing turbidity and impacting water quality.*

## **APPLICANT'S LETTER**

*We, Kenneth Downey and Bianca Moore- Downey, are proposing to develop a one story, single family home on our property at B&P 22D/441.1 would like to request your consideration of a north boundary Side Setback variance of 2'-1 1" for the proposed Air-condition Pad and side door Steps.*

*As per the variance criteria referenced in Regulation 8. Sub-regulation 13 of the Planning Law 13(b)(1). it is our opinion that there is sufficient reason to grant a variance as the proposed development is consistent with the residential character and land use of the surrounding area. 13fbl(ii) Because of 22D/441 having an 80'-0" width (refer to submitted Site Plan A100) which is at the minimum Low-Density Residential lot size spectrum, created some hardship in finding an appropriate design solution to locate both the proposed Air-condition Pad and side door Steps for the house. The remainder of the proposed house and all of its ancillary spaces maintain the required setbacks and allowable footprint coverage.*

*13(b)iii) It is also our opinion 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. 13(d) Due to the lesser setback proposed for the development, the adjoining property owners have been notified of this application by hand-delivered mail. These adjoining property owners have provided a signed letter confirming that they have seen the proposed plans/drawings and have no objection to the variance request described above.*

*In summery we are respectfully requesting a:*

*- Side Setback variance of 2'-11" for the proposed home's Air-condition Pad and side door Steps.*

*Thank you for your kind consideration of this request.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is for a dwelling house (3,136 sq ft) and swimming pool at the above-captioned property. The site is located off Spinnaker Road.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issue**

#### **1) Side Setback**

As noted above, the side setback is 7'-1" to the side door step, whereas the minimum required setback is 10' per regulation 9(8)(j) of the Development and Planning Regulations (2021 Revision).

The adjoining parcels were notified, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and an exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2021 Revision) to warrant granting a side setback variance.

#### **2.19 TENSION EDMONDS (TAG Ltd) Block 14D Parcel 406 (P21-1100) (FA81-0352) (\$68,770) (NP)**

Application for proposed change of use – studio to physiotherapy business.

### **FACTS**

<i>Location</i>	Smith Road, Pasadora Place
<i>Zoning</i>	<b>Neighbourhood Commercial</b>
<i>Office size</i>	1,058 sq. ft.
<i>Current use</i>	Office
<i>Proposed use</i>	Medical Office – Physiotherapy

**Recommendation:** Grant Planning Permission.



## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject application pertains to Unit 36 at Pasadora Place on Smith Road, which consists of 1,058 square feet.

The present use of the premises is as an exercise studio. The proposed use of the space is as a physiotherapy business.

The Planning Department has no concerns with the proposed change of use.

### **Zoning**

The property is zoned Neighbourhood Commercial.

#### **2.20 KIMPTON SEAFIRE & SPA (Apec Ltd) Block 11B Parcel 87 Rem 1 (P21-1054) (\$300,000) (NP)**

Application for change of use from lobby to bar.

### **FACTS**

<i>Location</i>	Seven Mile Beach
<i>Zoning</i>	<b>Hotel/Tourism</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	10.46 acres
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Resort Hotel
<i>Proposed use</i>	Bar
<i>Proposed Floor Area</i>	1,125 sq. ft.

**Recommendation:** Grant Planning Permission.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposal is to change the use of a 1,125 square foot portion of the hotel lobby to a bar.

Notices to adjacent landowners and two advertisements in a local newspaper have not generated any comments or objections.

### **Zoning**

The property is zoned Hotel/Tourism.

**2.21 ALDO GIANNE (Tropical Architectural Group Ltd.) Block 23B Parcel 81 (P21-0951) (BES)**

Application to modify planning permission for building elevations, floor plan and site plan layout changes to comply with CI Building Code

**FACTS**

<i>Location</i>	Crewe Road
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel Size proposed</i>	1.021 ac. (44,474.76 sq. ft.)
<i>Current Use</i>	Commercial building
<i>Proposed Use</i>	Commercial building
<i>Proposed building Size</i>	4,070 sq. ft.
<i>Building footprint</i>	8,065 sq ft
<i>Total building site coverage</i>	18.13%

**BACKGROUND**

October 18, 2010 (**CPA/23/10; Item 2.4**) – CPA granted planning permission for a commercial building with conditions.

**Recommendation:** Modify Planning Permission.

**AGENCY COMMENTS**

Comments from the National Roads Authority are noted below.

**National Roads Authority**

No comments were received from the agency

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is to modify planning permission for building elevations, floor plan and site plan layout changes to comply with CI Building Code at the above-captioned property. The site is located at Scotiabank on Crewe Road.

**Zoning**

The property is zoned Low Density Residential.

**2.22 ALDO GIANNE (Elegant Design Cayman Ltd) Block 14C Parcel 307 (P21-0901) (\$3,891,800) (JP)**

Application for third floor addition.

**FACTS**

<i>Location</i>	Esterley Tibbetts, George Town
<i>Zoning</i>	<b>GC</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.94 ac. (40,946 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	20,554 sq. ft.
<i>Total building site coverage</i>	90%
<i>Required parking</i>	31
<i>Proposed parking</i>	33

**BACKGROUND**

August 5, 2020 (CPA/12/20; item 2.1) – application for mixed used commercial and residential development and gas station approved (P20-0051)

March 3, 2021 (CPA/05/21; item 2.3) – modification to site design and floor layout approved (P21-0059)

May 26, 2021 (CPA/11/21; item 2.26) – modification to elevations approved (P21-0479)

October 27, 2021 (CPA/22/21; item 2.17) – application for temporary signage approved (P21-0877)

**Recommendation:** Grant Planning Permission

**AGENCY COMMENTS**

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

**Water Authority**

**Wastewater Treatment and Disposal**

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L***

Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 5,840 US gallons per day (gpd), based on the following calculations.**

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Apartments	1 x 2-Bed Unit	225gpd/2-Bed	225gpd	2,100gpd
	2 x 3-Bed Units	300gpd/3-Bed	600gpd	
	2 x 4-Bed Units	375gpd/4-Bed	750gpd	
	1 x 6-Bed Unit	525gpd/6-Bed	525gpd	
Bay 1: Gas station, Convenience/Liquor store (1,192 sq. ft.)	Retail 1,192 sq. ft.	1,192 x 0.15 (retail factor)	179gpd	179gpd
Bay 2: Restaurant 1 (1,443 sq. ft.)	Dining Area 886 sq. ft.	886 x 1.8 (restaurant factor 1)	1,595gpd	1,595gpd
Bay 3: Restaurant 2 (1,966 sq. ft.)	Total Area 1,966 sq. ft.	1,966 x 1.0 (restaurant factor 2)	1,966gpd	1,966gpd
<b>TOTAL</b>				<b>5,840GPD</b>

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

#### **Require Grease Interceptor**

**A grease interceptor with a minimum capacity of 3,000 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU.**

#### **Oil / Water separator**

**An approved coalescing oil / water separator is required. The fuel dispensing area(s) shall be finished with an impermeable surface (i.e., concrete) and be sloped towards a dedicated**

*drainage system that discharges into the oil/water separator which discharges into a drainage well installed per approved NRA design. Areas outside of the dispensing area(s) shall be sloped in such a manner that stormwater does not drain into the drainage system for the oil/water separator. The developer shall submit a drainage plan for all hard cover areas of the development including slopes, flow gradients and the drainage system plumbed towards the oil / water separator. In addition, the developer shall submit details of the area covered by the canopy. Upon receipt of the required information the Water Authority will determine the minimum treatment capacity of the oil/water separator. The minimum treatment capacity (GPM) of the coalescing Oil Water Separator is based on the surface area that drains into the OWS and a rainfall intensity of 2 inches per hour. For any parts of the drainage area that are covered by a canopy, the rainfall intensity is reduced to 1 inch per hour.*

*The oil/water separator shall be installed in such a manner that it can easily be accessed for routine maintenance and inspection. Best Management Practices (BMPs) shall be employed to prevent or minimize spills of hazardous materials stored / used at the facility. The oil / water separator shall be inspected by the Water Authority as a condition for Certificate of Occupancy and shall be routinely maintained.*

*The developer shall submit the Manufacturer's specification sheet and installation and operation manual for the oil / water separator with design guidelines for review and approval. The required information can be submitted via email to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky), or hand delivered to the Water Authority's Administration Office at 13G Red Gate Road.*

#### **Water Resource Protection**

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

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

- *Collect and store liquid wastes to be recycled in an area protected from the rain. Store wastes in labelled drums with bung closures. Store waste drums within a secondary containment structure designed to contain 110% of the storage capacity. Store lead-acid batteries upright in a single layer, within an acid-resistant secondary containment bin. Limit the amount of waste stored by regularly delivering them to the George Town Landfill recycling drop-off. Call 949-8793 before delivering the wastes.*

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

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

**Water Supply:**

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

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

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

**Department of Environmental Health**

1. *The application is recommended for approval with the understanding that the following must be submitted for review and approval:*
  - a. *The equipment layout and schedule.*
  - b. *Specifications for the hot water heater.*
2. *The applicant must also provide the approved commercial kitchen hood details from BCU.*

**Solid Waste Facility:**

*This development requires (1) 8 cubic yard container with daily servicing.*

**NOTE:**

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

### **Fire Department**

Stamped approved plans.

### **APPLICANT'S LETTER**

*On behalf of our Client, we would like to request a 'Modification to Approved Plans' for the Escala mixed use complex. The recently approved 2nd floor apartment layouts are tight square footage-wise.*

*So, to alleviate the tight space we are now proposing to use the currently approved high roof and want to fill in that space with more usable room for those tight six apartments.*

*In doing so, we were also able to squeeze in a few additional bedrooms while keeping the same six unit count. This allows each bedroom to be less expensive for our local workers to live on-site in an affordable 'live-work' accommodation.*

*The apartment count remains at 6 proposed apartments and there is no need for additional parking as these are for the on-site staff. This revision will make those apartments much more comfortable and less expensive for each occupant working on site.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located in George Town within an established General Commercial zone. Previous Planning Permission establishes a mixed use development of petrol station, convenience store, restaurant and 6 apartments.

The application seeks Planning Permission to utilise the loft area and providing additional habitable accommodation for previously approved apartments.

#### **Zoning**

The property is zoned General Commercial.



**2.23 SIAN WEINZWEIG (LFML) Block 12D Parcel 95 BLK 4 (P21-0881) (\$500,000) (JP)**

Application for change of use from commercial (retail) to commercial (restaurant).

**FACTS**

<i>Location</i>	Camana Bay, West Bay Beach South
<i>Zoning</i>	<b>PAD</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.05 ac. (2068 sq. ft.)
<i>Current use</i>	Vacant
<i>Required parking</i>	10
<i>Proposed parking</i>	6 already provided, remaining absorbed by Camana Bay shared parking scheme (currently 154 surplus daytime spaces an 2,025 surplus evening/weekend spaces)

**BACKGROUND**

Extensive history none of which is directly relevant to the current Planning application

**Recommendation:** Grant Planning Permission

**AGENCY COMMENTS**

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

**Water Authority**

**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.*

**Wastewater:**

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

- *All development within the CB PAD shall be connected to the Water Authority's West Bay Beach Sewerage System (WBBSS) via Camana Bay's Sewerage System (CBSS).*
- *The developer shall submit plans to the Water Authority for approval, which show details including piping, invert levels, etc. of the section of CBSS associated with the proposed development's direct or indirect connection to the WBBSS. All direct connections to the WBBSS shall be made by WA, the cost of which shall be borne by the developer.*
- *The developer shall make an application with the Water Authority's Customer Service for the additional wastewater services.*

### **Department of Environmental Health**

No comments received.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application site is located with the mixed use Planned Area Development of Camana Bay. Neighbouring ground floor uses consist of commercial units both retail and restaurants.

The application seeks Planning Permission to convert an existing retail unit into a restaurant.

#### **Zoning**

The property is zoned as a Planned Area Development.

#### **2.24 CHINA BISTRO (Great Elegance Consulting) Block 14D Parcel 406 H2 (P21-0787) (\$90,000) (JP)**

Application for change of use from commercial (retail) to commercial (restaurant).

#### **FACTS**

Location	Pasadora Place, Smith Road
Zoning	NC
Notification result	No objectors
Parcel size proposed	3.362 ac. (146,449 sq. ft.)
Current use	Commercial (vacant)
Required parking	2
Proposed parking	Existing parking within plaza

## **BACKGROUND**

Extensive history relating to the entire plaza, however, none available for the unit in question.

**Recommendation:** Grant Planning Permission.

## **AGENCY COMMENTS**

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

### **Water Authority**

#### **Wastewater Treatment:**

The existing development is served by **two (2) Clearstream 1000N** treatment units with a design treatment capacity of **2000gpd**.

**The design capacity of the existing wastewater treatment system can accommodate the wastewater flows from the proposed China Bistro given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority's discharge limits.**

#### **Under-Sink Grease interceptor**

A grease interceptor with a minimum flow rate specification of **60 gallons per minute (GPM)** is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the ATU. The developer is required to submit plumbing drawings and the specifications of the proposed grease interceptor for review, approval and subsequent inspection by the Water Authority which is a condition for approval of Certificate of Occupancy. Specifications can be sent via email to [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)

### **Department of Environmental Health**

No comments received.

### **Fire Department**

Stamped approved plans.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in Pasadora Plaza a commercial complex.

The application seeks a change of use from commercial (retail) to commercial (restaurant).

## **Zoning**

The property is zoned Neighbourhood Commercial.

## **Specific Issues**

### **1) Parking**

Regulation 8(1)(iii) requires one parking space per 200 square feet for restaurants. Whereas Regulation 8(1)(iv) requires one parking space per 300 square feet for general commercial space.

The proposed change of use would create a demand for an additional 2 parking spaces.

Pasadora Place is supported by 146 parking spaces which is enough to accommodate the existing uses and the proposed restaurant.

## **3.0 DEVELOPMENT PLAN MATTERS**

## **4.0 PLANNING APPEAL MATTERS**

## **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

### **5.1 HPW INVESTMENTS LTD. (TRIO Architecture) Block 14BH Parcel 167 (P21-0363) (MW)**

Consideration of revised plans and documentation submitted by the applicant regarding conditions 1) and 2) of CPA/13/21; item 2.2.

#### **FACTS**

<i>Location</i>	Goring Ave., George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Parcel size proposed</i>	1.159 ac. (50,486.04 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	268,173 sq. ft.

#### **BACKGROUND**

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

July 21, 2021 – The Authority was asked to consider the applicant's submissions regarding conditions 1) and 2). At the meeting the applicant's representatives indicated that they were still working on the documentation for condition 2). The Authority considered the revised plans for condition 1) and resolved that the revised plans did not

comply with condition 1). More specifically:

- The applicant shall submit revised site plan showing the building with a maximum height of 10 storeys and 130 feet. In this regard, the Authority has determined that the signature restaurant, kitchen, gym and spa areas constitute a storey per the Development and Planning Regulations (2021 Revision).

### **PLANNING DEPARTMENT ANALYSIS**

Approval for the hotel included several conditions including these:

- 1) The applicant shall submit revised site plan showing the building with a maximum height of 10 storeys and 130 feet. In this regard, the Authority has determined that the signature restaurant, kitchen, gym and spa areas constitute a storey per the Development and Planning Regulations (2021 Revision).
- 2) The applicant shall submit a final Parking Management Strategy that provides for 162 parking spaces to the satisfaction of the Authority. The Strategy must include leases for off-site parking that extend for the duration of the operation of the hotel.

The applicant has now submitted revised plans to address condition 1) in that various roof elements have been removed and the building appears to comply with the 130' limitation.

In reviewing the revised plans, the Department liaised with the applicant to confirm that 165 parking spaces are now required. The applicant has provided 165 spaces which include on-site and off-site spaces. The applicant has also submitted a parking management strategy. These documents appear to satisfy condition 2).

The Authority should review the revised plans and parking documentation to ensure that the applicant has now satisfied conditions 1) and 2).

## **6.0 CPA MEMBERS INFORMATION/DISCUSSIONS**

## Appendix ‘A’



Building Design Consultants Limited

Unit 220, Mirco Centre, North Sound Road

PO Box 10237, Grand Cayman, KY1-1002

Cayman Islands

Tel: (345) 947 8654

Tel: (345) 946 4087

September 22, 2021

Planning Department,  
Government Administration Building,  
PO Box 113, George Town,  
Grand Cayman KY1-9000,  
Cayman Islands.

**Attention of: CPA**

**Cover Letter**

**Re: Change of use and Enforcement Letter**  
**Block 13B Parcel 219,**  
**Marbel Rd, George Town, Grand Cayman**

Briefly, in regard to the Enforcement Letter issued 25<sup>th</sup> September 2020, although we now know that there was an Enforcement Letter signed and issued by the Director of planning dated 25<sup>th</sup> September 2020. Our client did not receive the letter and was only made aware of it at the final stage of construction of the Duplex when a copy was forwarded to us on 5 May 2021, by the planner reviewing the project. We are not disputing whether the letter was mailed or not, only that the address the letter was mailed to is our client's company registered office P.O. Box and the management of the Registered office of my client's company did not pick up the registered mail and forward to our client.

We would also like to mention that the original residence has been inspected and licensed by the tourism board to operate as a tourist accommodation in the category of Guest House since September 6 2017. Our client was not at any time aware of any further requirements other than those dictated by the Tourism board.

Our application, as directed by the Enforcement Letter is for a Change of Use to convert the duplex units to Guest Houses.

Additionally, we would also like to note that the original premises for which the notice was given, hasn't been occupied by visiting guest since the start of the pandemic lock down in March 2020. The property has been used by our client to assist a worker who lost his job during the pandemic and cannot afford his rented accommodation for more than four months; provide quarantine accommodation for the gardener of my client who returned to the island this year and needed quarantine accommodation and cannot afford fees charged by the quarantine facility in the island and a neighbour whose rental place has plumbing problems and while the neighbour working on the plumbing issues of the rental property, her tenant needed a place to stay, our client was able to provide temporary accommodation to this neighbour's tenant. My client, the owner of the property has been able to use the property during this difficult time to provide assistance to people who



needed assistance, all these actions of the owner demonstrate how a property that provide short-term rental like a guest house can benefit the local community.

Lastly, we will also include some supporting documentation attesting to our client's professionalism and well maintained property, these will be uploaded to the OPS.

Yours sincerely,

Kelly L. Hill  
**BDCL Architects Ltd**



Building Design Consultants Limited

Unit 220, Mirco Centre, North Sound Road

PO Box 10237, Grand Cayman, KY1-1002

Cayman Islands

Tel: (345) 947 8654

Tel: (345) 946 4087

September 22, 2021

Planning Department,  
Government Administration Building,  
PO Box 113, George Town,  
Grand Cayman KY1-9000,  
Cayman Islands.

**Attention: CPA**

Dear Board Members

**RE: Application for Change of Use**  
**Changing from existing Duplex to Guest house**  
**Block 13B Parcel 219,**  
**Marbel Rd, George Town, Grand Cayman**

On behalf of my client JL Investment Inc, we are applying for a Change of Use. Specifically we want to change the existing Duplex units to a guest house. With this submission we also ask for variance to the planning regulations.

We are asking for a variance to the following regulations:

1. 9 (8) b the maximum density for guest houses is sixteen bedrooms per acre;
  - a. Our site is .3646 acres, which allows us 5 bedrooms, we are asking to be allowed 11 bedrooms.
2. 9 (8) f the minimum lot size for a guest house and apartments is 25,000 square feet;
  - a. Our lot size is 15,908.00sf.

Also, with reference to regulations 9 (3), 8 (12A), (12B) and (12C), newspaper ads have twice been published in the Compass and notifications to adjacent owners describing the application were issued. Proof of both notices have been uploaded to the OPS. We have also included testimonials from some of the neighbors (attached as separate documents).

Included with this application (uploaded to the OPS):

- A. Cover letter
- B. Letter to CPA requesting variances
- C. Application for a Change of Use
- D. Architectural drawings
- E. Land registry and registry map
- F. Buffer map

- G. Notices, proof of posting notices.
- H. Proof of newspaper ads (2 consecutive weeks).
- I. Testimonials from adjacent properties and supporting documentation in the form of tourism licensing forms.

Yours sincerely,

Kelly L. Hill  
**BDCL Architects Ltd**



**JL Investment Inc.**

November 2, 2021

Planning Department,  
Government Administration Building  
PO Box 113, George Town  
Grand Cayman, KY1-9000  
Cayman Islands  
Attention: CPA

Dear Board Members

Ref: Application for Change of Use to Guest House  
Block 13B Parcel 219  
Marbel Drive, George Town, Grand Cayman

**Background**

I bought the property at 24 Marbel Drive with a friend Joan Addison to fulfill a long term goal of owning and managing my own rental property. After we bought the property we noted that the maintenance expenses were very high, it became apparent very quickly that renting long term will not make enough income to cover the maintenance expenses of the property because it is an older property. However, the property has many bedrooms and we figure renting to more tenants we can get a better return. We spoke to the Real Estate agent about renting short-term, adopting the idea of Airbnb and the Real Estate agent said it can be done, and introduced us to Tina O'Connor, the Product Development Officer ( Licensing & Inspection ) for the Tourist Department. We contacted Tina she was very kind to come for the courtesy visit and show us the procedures to submit application with the tourist department to rent out the place as guest house and we got our first Tourist license in 2017 and our Tourist license was renewed every year for the last four years.

**Notes on the 3 concerns of my neighbour and respond to the below:**

1. Marbel Drive will not accommodate the traffic of potential guests of my property and my property does not have enough parking space.
2. Currently there are cars parked along the road and at an empty lot opposite my property
3. My guest house is an infringement of the quiet family oriented residential road.

For the first concern, I can assure you that traffic problem will not be an issue because :

- Majority of my guests don't rent cars. The reason tourists choose to rent at my property is because of its centrally location, how conveniently located of the property in terms of going to the beach, restaurant and shopping area, they are all within walking distance. A lot of the guests mentioned to me, the fact that they love the place because they can walk to the beach and many other facilities such as Camana Bay, Grocery store and George town, there is no reason for them to rent a car. Most of my guests arrive by taxi and leave by taxi, supporting the taxi industry sector in the process. In fact this has minimal impact in the neighbourhood in terms of constant traffic or cluttering up the road
- Most of the tourists who rent my place are from Canada or US, they drive at different side of the road, they are not very comfortable driving in Cayman. Further, they can catch a bus at West Bay road, two minutes

24 Marbel Drive, West Bay Road, George Town, Grand Cayman, Cayman Islands  
Email: [Addisonleecaymanvilla@gmail.com](mailto:Addisonleecaymanvilla@gmail.com) Tel: +( 345) 938 0231



### **JL Investment Inc.**

walk from the property that drive them to anywhere they wish with a fixed price, all they have to do is said Driver stop when they reach their destination, the tourist told me they love this.

- Further I managed the property I can discourage my guests from renting a car because I want them to use local transit, or taxis because I want to help small businesses and the environment. I can let the guest know that I have only six parking space because I am working on encouraging a greener economy so I rather restrict the number of cars at my guest house to the number of parking spots that I already have .
- There are so many reasons why my guests will not rent a car, I can go on and on but I don't want to bored you, there is just no reason for my guest who come for one week or two to rent a car so parking space and busy traffic will never be an issue. I can attest this from the 4 years experiences of renting the property to tourists.


For the 2<sup>nd</sup> concern that Currently there are cars parked along the road and at an empty lot opposite my property. I can assure you these cars are not from my guest. I asked my housekeeper to do some research and she took a photo of the white car that park at the empty lot across the street from my property, this car is parked there when I don't have any guest at the guest house. That car is from one of the worker from Bay Villa. She also took a photo of a car that park on the street outside my neighbour house on October 28<sup>th</sup>. A key point is that I don't have any guest in the guest house, during the COVID Pandemic, I have friends and workers staying at the place, there is enough parking space at my parking lot, there is no reason for them to park at the empty lot across the street or on the street but there are still cars park on the empty lot and cars park on the street and they are not from my guests.

Thirdly, my neighbour 's concern that guest house will be an infringement of the quiet family oriented residential road. My guest house is located at the front end of Marbel Drive, one house away from one of the busier street of Grand Cayman, the West Bay Road and opposite a big Condo Complex that has at least 10-15 Condo complex. The guest house is located in the area close to where the actions are the West Bay road and the big Condo Complex. My guest house is actually the quietest place of the surrounding home. This is also the reason a lot of the guests choose to rent at my property, they can be living close to where there are lots of facilities and entertainment, close to shops and restaurants yet have the benefit of the quiet residential neighbourhood.

The guest house has already in operation for more then 4 years without in any way negatively affecting the quality of life on Marbel Drive. I can assure you, maintaining the quality of life in the community is just as important to me as it is to my neighbours because I wish to maintain and enhance the experience of my guests currently enjoy and one key aspect of that is maintaining a quiet and friendly neighbourhood. And this is something I will continue to focus on.

The fact that I am hands-on in managing the guests' booking means that I can choose the kind of people staying at my property.

Your sincerely

  
Guay Keow ( Leeann) Lee



Department of Planning

Cayman Islands

August 8, 2021

To Whom It May Concern:

We, the residents in the neighborhood of the property at 24 Marbel Drive, wish to offer our support to the proprietor of the property in her application for change of use.

The property is a newly renovated, professionally run guest house. It is a well-built, attractive property that has added value to our community.

The owner has adapted to all the new protocols of enhanced cleaning as well as any new policies that have been introduced to combat Covid 19.

The building and the property are well maintained and the business has attracted well-mannered, law-abiding clients who contribute to the financial well-being of the Island as a whole.

Aesthetically, the building blends in well with the surrounding homes in the community.

We don't mind the guest house in our neighborhood with the owner's direct promise to well maintain their property and hosting appropriate guests in our community.

Yours Sincerely,



SULADDA MAY

Department of Planning

Cayman Islands

August 8, 2021

To Whom It May Concern:

We, the residents in the neighbourhood of the property at 24 Marbel Drive, wish to offer our support to the proprietor of the property in her application for change of use.

The property is a newly renovated, professionally run guest house. It is a well-built, attractive property that has added value to our community.

The owner has adapted to all the new protocols of enhanced cleaning as well as any new policies that have been introduced to combat Covid 19.

The building and the property are well maintained and the business has attracted well mannered, law abiding clients who contribute to the financial well-being of the Island as a whole.

Aesthetically, the building blends in well with the surrounding homes in the community.

We are happy to have the Guest House in our community.

Yours Sincerely,

*Patricia L. Fleming*



## Appendix ‘B’

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Wednesday, September 22, 2021 8:47 AM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Planning Application

-----Original Message-----

From: Scott Stickland [mailto:swstickl@gmail.com]  
Sent: Tuesday, September 21, 2021 7:37 PM  
To: Department of Planning <Planning.Dept@gov.ky>  
Cc: Alana Stickland <alana.stickland@hotmail.com>  
Subject: [EXTERNAL] Planning Application

Dear Director,

I am Scott Stickland the owner of Block and Parcel: 13B26H4 and 13B26H2.

I am writing to object to the application for planning permission related to the change of use for Block and Parcel: 13B219 for the following reasons.

1. The change of use to multi-dwelling from single family home is not consistent with the nature of the neighbourhood. I believe all homes in close proximity are single family dwellings (judging by the outside and activity on the street).
2. There appears to be insufficient parking to accommodate the number of rooms they plan to have occupied (they generally park in a vacant lot across the street - I am not sure they are the owners of that lot as well).
3. I am surprised that they are applying at this stage now that the structure has been built and specifically designed as a multi-person dwelling (I would have assumed that this would have been done with the original plans). If this is the case the owners were not forthcoming with there intentions.
4. The building looks like a hotel. I believe they plan to rent out single rooms. It feels like a business versus a real estate play. I would assume this nature of business would require Cayman ownership to comply with the spirit of the law.
5. The development will bring significant traffic and activity to the neighborhood. I have small children and would not want them to be impacted by this.

I would be pleased to discuss with your further as required.

I have copied my wife Alana who is the joint owner of the blocks and parcels I noted above.

Thank you,  
Scott

Scott Stickland  
Vice President, Finance  
Cell: 345-525-5252

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**From:** Peacey, Jessica  
**Sent:** 28 September 2021 10:27  
[REDACTED]  
**Subject:** FW: Re 13B85

Jess Peacey MRTPI | Current Planner  
Department of Planning | Cayman Islands Government | Government Administration Building,  
133 Elgin Avenue | PO Box 113, Grand Cayman, Cayman Islands KY1-9000  
• +1 345 244-6501 (Main) • +1 345 244-6526 (Direct) • +1 345 936-6550 (Mobile)  
[jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky) | [www.planning.gov.ky](http://www.planning.gov.ky)



I am working remotely – contactable by mobile or email only.

---

**From:** Department of Planning  
**Sent:** Monday, September 27, 2021 4:55 PM  
**To:** Peacey, Jessica <[Jessica.Peacey@gov.ky](mailto:Jessica.Peacey@gov.ky)>  
**Subject:** FW: Re 13B85

[REDACTED]

---

**From:** barbara wylie [<mailto:barbiwylie@hotmail.com>]  
**Sent:** Monday, September 27, 2021 1:51 PM  
**To:** Department of Planning <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>  
**Subject:** [EXTERNAL] Fw: Re 13B85

Attn: Director of Planning

I apologize that I quoted incorrectly the Block and Parcel number of the property I was objecting to. It should read  
13B219

I am sorry for any inconvenience I have caused.

Barbara Wylie

**Sent:** Sunday, September 26, 2021 3:25 PM  
**To:** [planning.dept@gov.ky](mailto:planning.dept@gov.ky) <[planning.dept@gov.ky](mailto:planning.dept@gov.ky)>  
**Subject:** Re 13B85

Director of Planning

From Barbara Wylie  
P.O. Box 1632  
KY 1 - 1109  
Block 13B Parcel 29

Dear Sir:

I have just been notified by a neighbour about the application to change use by the owner of 13B85 and want to virorously voice my objections.

The owner applied to Planning to build a duplex but very obviously mislead the Board as the construction. from the start, did not comply with the structure which one would associate with a duplex. If the Board was in fact mislead then the entire project should be torn down.

The owner wants a guest house which is unacceptable in a low density residential area. Cayman has numerous hotels, with more on the drawing board, and a multitude of condos also in great supply so additional lodging is unnecessary. A guest house probably appeals to low income visitors, and I do not begrudge low income earners a nice vacation but Cayman has traditionally tried to appeal to high income visitors.

Marbel Drive is a pipe line road into and out of our subdivision and as it is probably inevitable that cars will be parked on the road a traffic problem is inevitable. Exiting Marbel is now difficult because we are almost directly opposite traffic entering the West Bay road from the opposite side. Having cars parked on Marbel so close to the junction with West Bay road is a huge concern.

Too many property owners abuse planning laws and then want approval after the fact. I think you have the opportunity to do the right thing in this situation and I hope you do.

Thank you for your consideration.

Yours truly,  
Barbara Wylie

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Wednesday, September 29, 2021 9:25 AM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Fwd: Ref: OBJECTION TO Project # P21-0647 Block and Parcel: 13B 219

---

**From:** Olsie Hunter [mailto:olsie@candw.ky]  
**Sent:** Tuesday, September 28, 2021 10:52 AM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Fwd: Ref: OBJECTION TO Project # P21-0647 Block and Parcel: 13B 219

To: Director of Planning,

Dear Sir, Madam,

Ref: **OBJECTION TO**

Project # P21-0647

Block and Parcel: 13B 219

I am writing to express my objection **to** the Change of Use requested by the owners of the above-mentioned property.

It is clear, in my opinion, that at the time of the original application to planning to construct the new dwelling, which, I understand was to be a duplex, that the true purpose was not disclosed. The original home had 5 bedrooms and 5 1/2 bathrooms to which I note that the family room / den was converted to an additional bedroom . These bedrooms could be found on Airbnb for rent and range from \$165 a night.

As the new dwelling was constructed on the same land as the existing house, we, the neighbours of Marbel Drive were not notified of the new building but upon making enquiries, found out the reason for us not being notified was because the Owner had applied for a duplex and therefore did not have to notify us. We voiced our concerns as Marbel Drive is a quiet, residential area and with 10 / 12 rooms

for rent with 2 persons per room the area would become overrun with cars and loud noise from the pool and outdoor areas.

In addition, there is a lack of parking for the amount of bedrooms. On any given day you can find extra cars on the road or parked in a vacant lot of land across the road which has also become a dumping ground for this house. There is also not a sufficient garbage area as the garbage, which consist of an area just big enough for 3 small garbage pins, is piled high and overflowing on the main road.

We trust that the planning board will review this application carefully and recognize the intent of the owner was to outwit the planning department and the neighbours as the intent was never to be a single family home but instead an income, generating Airbnb rental property.

I sincerely hope this board does consider my response to your decisions.

Sincerely yours,

Olsie Hunter

Owner of Block and Parcel 13B85

Cell 345-928-2780

## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, September 29, 2021 9:26 AM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] OBJECTION TO Project # P21-0647 Block and Parcel: 13B 219

---

**From:** Shelley Do Vale [mailto:shelley@candw.ky]  
**Sent:** Monday, September 27, 2021 9:46 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] OBJECTION TO Project # P21-0647 Block and Parcel: 13B 219

To: Director of Planning,

Dear Sir, Madam,

Ref: **OBJECTION TO**

Project # P21-0647

Block and Parcel: 13B 219

I am writing to express my **objection to** the Change of Use requested by the owners of the above-mentioned property.

It is clear that at the time of the original application to planning to construct the new dwelling that the true purpose was not disclosed as I am confident that planning would not have approved a 1500 - 5 bedroom property for the use of Airbnb. The original home had 5 bedrooms and 5 1/2 bathrooms to which I note that the family room / den was converted to an additional bedroom and possibly the garage to another bedroom. These bedrooms could be found on Airbnb for rent and range from \$165 a night.

As the new dwelling was constructed on the same land as the existing house we the neighbours of Marbel Drive were not notified of the new build. When we saw it being constructed we spoke to the owner who advised that she was building more rooms for Airbnb. We voiced our concerns as Marbel Drive a quiet, residential area and with 10 / 12 rooms for rent with 2 persons per room the area would become over run with cars and loud noise from the pool and outdoor areas. As it is the current house had very little parking and now with this new structure there is even less parking. On any given day you can find extra cars on the road or parked in a vacant lot of land across the road which has also become a dumping ground for this house. The garbage is piled high as there is also not sufficient garbage bins for the property.



We trust that the planning board will review this application carefully and recognize the intent of the owner was to outwit the planning department and the neighbours as the intent was never to be a single family home but instead an income, generating Airbnb rental property.

I sincerely hope this board does consider my response to your decisions.

Sincerely yours,

Shelley Do Vale

Owner of Block and Parcel 13B21

Cell 345-916-4281

## Peacey, Jessica

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**From:** Theresa DaCosta <tise@candw.ky>  
**Sent:** Tuesday, September 28, 2021 2:09 PM  
**To:** Peacey, Jessica; Department of Planning  
**Subject:** [EXTERNAL] Objection for 13B 219 change of use  
**Attachments:** Doc - Sep 28 2021 - 2-07 PM.pdf

Dear Board,

Please see attached objection to the proposed change of use for 13B 219.

Kr,  
Jeffrey DaCosta

MScanned with TurboScan.

Sent from my iPhone

**Mr. Jeffrey DaCosta**  
**Joint Proprietor of 13B 218**  
P. O. Box 31671 SMB  
Grand Cayman KY1-1207

27 September, 2021

Chairman  
Central Planning Authority  
P. O. Box 1036  
Grand Cayman KY1-1102

Dear Chairman & Board Members,

**RE: Change of Use for 13B 219**

I hereby write to submit my objection to change of use for 13B 219. I submit that it was the intention of the property owner from the beginning to deceive the planning board as to the use of the property. Immediately upon commencement of building works I contacted planning department to obtain an explanation as to why myself nor any neighbours received notice of building works. In particular myself, as I am the immediate neighbor next door. I walked next door and the contractor informed me that he was building an Airbnb. I then went to planning to review the plans and was kindly shown such. At that time I discussed with Ron Sanderson my dismay that myself nor any neighbours were informed of the building.

The property owner knew that if they applied for a duplex that the neighbours would not need to be notified or give consent. Therefore she commenced along this route. When myself and the neighbours became aware we brought it to the planning departments attention and appealed. The property owner chose to still proceed at her own risk after being made aware that to proceed with construction during an appeal was at her risk of potential loss. She used this as a tactic to gain sympathy for her investment in the property. I think this strategy undermines the neighbours and our views on the proposal. From the onset it was clear to see that this was never intended as a duplex. Firstly, the aesthetic is not cohesive with the original building and the addition is merely just bedrooms and en suite bathrooms. Anyone looking at the plans can see that this was not intended for family use as a duplex is intended and merely rental rooms. The living space and gallery kitchen are miniscule and disproportionately contrast the numerous bedrooms. The scale of the living quarters is inadequate for the number of bedrooms.

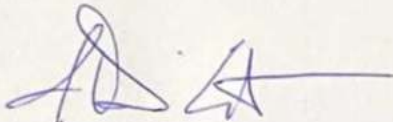
This addition creates a 16 person bed rental which is a small hotel. If the property owner wanted to build apartments or rooms for Airbnb she should have submitted plans accordingly. It is unconscionable to submit and try to escape the requirements that other applicants have to fulfill. Apartment submissions have a parking requirement and many complexes have far less bedrooms than the submission by 13B 219 and yet have parking requirements.

There is inadequate parking alone for the original house that has been converted to an eight ( 8 ) rental room Airbnb nor adequate garbage disposal for the original house. Cars are parked

illegally across the road and trespassing on that property because of inadequate parking on 13B 219. This is not legal parking and in fact not a consideration for overflow parking as it is private property and not owned by 13B 219.

I trust that the abled Board will review the points raised and not allow the change of use. I appreciate your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey DaCosta', with a long horizontal line extending to the right.

Jeffrey DaCosta

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Friday, September 24, 2021 3:48 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] OBJECTION TO PROJECT # P21-0647

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

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**From:** Wilson Do Vale [mailto:wilson@candw.ky]  
**Sent:** Thursday, September 23, 2021 10:30 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] OBJECTION TO PROJECT # P21-0647

To: Director of Planning,

Dear Sir, Madam,

Ref: **OBJECTION TO**  
Project # P21-0647  
Block and Parcel: 13B 219

I am writing to express my **OBJECTION** to the Change of Use requested by the owners of the above mentioned property. Below please find explanation which support my decision.

Just by looking at the project built, it is clear that the construction was not initially done for home dwelling purpose. As the extra almost

1,500 Sqf constructed has more bedrooms than living space to be enjoyed by a normal family home owner. We also have to consider that

The original house is big and it had originally 5 bedrooms, it came to my attention that one or two rooms were created in the house making it 7

Which they were originally rented through Airbnb prior to the new construction been built. Now the whole construction has almost 7,300 sqf.

Which there are lets say 12 bedrooms or more. The road will not accommodate the traffic for all of these potential guests.

Marbel Dr is a small quite home family dwelling street, it will not support the traffic of cars on the street as it is visible that on the project

It was not consider to save extra space for the cars to be parked when the guests of all the rooms arrive. As it is right now we can see cars

Parked either on and empty lot across the street or on the road. **THERE IS NOT** enough car park for the house on the lot.

I sincerely hope this board do consider my response in your decisions.

Sincerely yours,

Wilson Do Vale  
Owner of Block and Parcel 13B21  
Cell 345-916-1054

Sent from [Mail](#) for Windows

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Friday, September 24, 2021 3:47 PM  
**To:** Peacey, Jessica  
**Subject:** FW: Planning Application objection - parcel 13B219

**Follow Up Flag:** FollowUp  
**Flag Status:** Flagged

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**From:** Alana Stickland [mailto:alana.stickland@hotmail.com]  
**Sent:** Thursday, September 23, 2021 12:44 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Cc:** Scott Stickland <scott.stickland@solpetroleum.com>  
**Subject:** [EXTERNAL] Planning Application objection - parcel 13B219

Good afternoon Director,

I am writing to object to the planned 'change of use' for Block and Parcel 13B219 owned by JL Investment. I, along with my husband Scott, are the owners at 1 Camelot Drive, Unit 2 (Block and parcels 13B26H2 and 13B26H4). Our return address is 10 Market Street, Suite 935, Grand Cayman Ky1-9006.

We are writing to object as the original house on this property was already operating as a vacation rental pre-pandemic, and additional traffic with this addition would continue to be parked all over both sides of the street as was already happening before the pandemic. This only allows for 1 car to pass through right at the intersection of Derby Link, as well as on the speed bump, which is already a blind corner to turn in and out of. We have young children and are always having to quickly jump out of the way when additional vehicles are parked in front of this unit. I can see that they have added a parking pad at the new addition of the "duplex", but given the configuration and size, it would be difficult to park more than 2 cars there, which is likely why people staying there currently are parking on the opposite side of the street rather than on the parking pad.

Given that existing house seems to operate more like a bed and breakfast, there were often many different couples who were renting a room at this location (as there were always multiple cars with 'rental' parked on the street). As you can see below, the existing house advertised up to **16 people across 6 rooms**, which would likely equate to 4-6 cars). I'm unsure of how many rooms have been built in the addition or "duplex", but I would assume this has at least doubled, with the intention of renting out as a multi-unit complex all along. Even as it was being constructed, I asked the construction workers what was being built, and they said it was a bunch of rental rooms. As my husband already noted below, I don't believe this was ever intended to be a "duplex", and permission after the fact is rather shady in my opinion. Having the existing 16 people, plus potentially doubling this number with this new addition, equaling **over 30 people**, does not seem to classify as low density residential to me.

I've attached the link to one of the booking sites the existing unit is available on, as well as screen shots to show how they currently will rent out the who house at 14+2 people (16) or individual rooms. If you type in 24 Marbel Drive Grand Cayman, you will be able to see others sites.



Thank you for your consideration.

Alana Stickland

[https://www.booking.com/hotel/ky/addison-lee-cayman-villa.en-gb.html?aid=356980;label=gog235jc-1DCAs0f0IYYWRkaXNvbi1sZWUtY2F5bWFnLXZpbGxhSDNYA2h\\_iAEBmAEJuAEXyAEM2AED6AEBiAIBqAIDuALQ6LKKBsACAdICJDU0MjRlMjA1LTA3NmEtNDBlZC1hOWE1LWVmM2NmMGExYzQ4ZdgCBOACAQ;sid=c3addeabdbad549b6702accd1b730fe1;dist=0&keep\\_landing=1&sb\\_price\\_type=total&type=total&](https://www.booking.com/hotel/ky/addison-lee-cayman-villa.en-gb.html?aid=356980;label=gog235jc-1DCAs0f0IYYWRkaXNvbi1sZWUtY2F5bWFnLXZpbGxhSDNYA2h_iAEBmAEJuAEXyAEM2AED6AEBiAIBqAIDuALQ6LKKBsACAdICJDU0MjRlMjA1LTA3NmEtNDBlZC1hOWE1LWVmM2NmMGExYzQ4ZdgCBOACAQ;sid=c3addeabdbad549b6702accd1b730fe1;dist=0&keep_landing=1&sb_price_type=total&type=total&)

Guest house

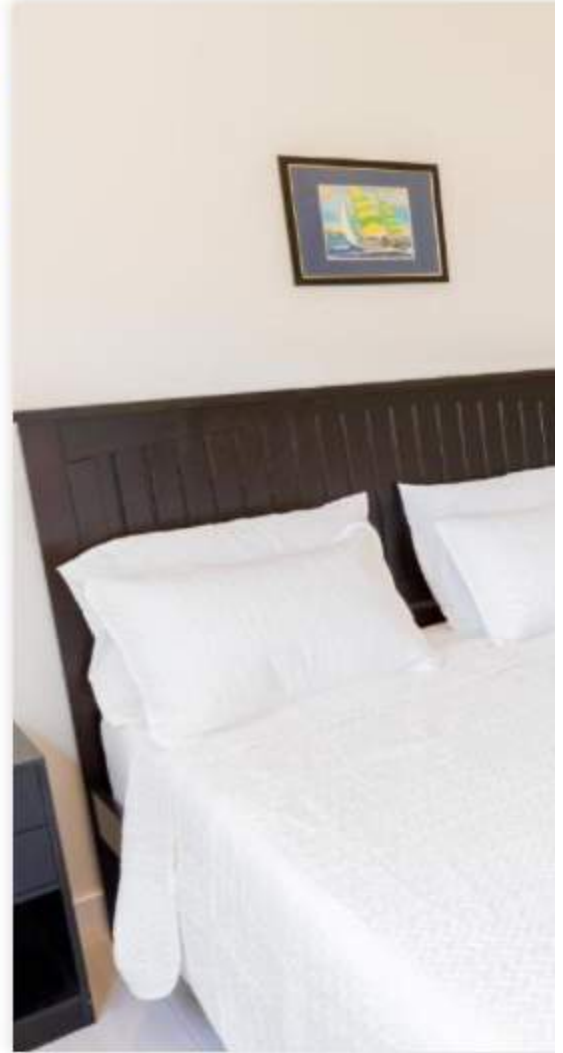
# Addison Lee Cayman Villa


































Great for



24 Marbel Drive, KY1-1208 George Town, Cayman Islands – **Excellent location**



**Extra health & safety measures**

Sleeps	Accommodation Type
 × 14 +  	<p>▶ <a href="#"><u>Six-Bedroom House</u></a></p> <p><b>Bedroom 1:</b> 1 extra-large double bed </p> <p><b>Bedroom 2:</b> 1 large double bed </p> <p><b>Bedroom 3:</b> 1 large double bed </p> <p><b>Bedroom 4:</b> 1 large double bed </p> <p><b>Bedroom 5:</b> 1 double bed </p> <p><b>Bedroom 6:</b> 1 large double bed </p>
  +  	<p>▶ <a href="#"><u>Deluxe King Room</u></a></p> <p>1 extra-large double bed </p>
 	<p>▶ <a href="#"><u>Deluxe Queen Room</u></a></p> <p>1 large double bed </p>
 	<p>▶ <a href="#"><u>Deluxe Double Room</u></a></p> <p>1 large double bed </p>
 	<p>▶ <a href="#"><u>Double Room with Private External Bathroom</u></a></p> <p>1 large double bed </p>
 	<p>▶ <a href="#"><u>Double Room with Private External Bathroom</u></a></p> <p>1 double bed </p>
  	<p>▶ <a href="#"><u>Deluxe Double Room (2 Adults + 1 Child)</u></a></p> <p>1 sofa bed  and 1 large double bed </p>

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**From:** Scott Stickland <[swstickl@gmail.com](mailto:swstickl@gmail.com)>  
**Sent:** September 21, 2021 7:37 PM  
**To:** [planning.dept@gov.ky](mailto:planning.dept@gov.ky) <[planning.dept@gov.ky](mailto:planning.dept@gov.ky)>  
**Cc:** Alana Stickland <[alana.stickland@hotmail.com](mailto:alana.stickland@hotmail.com)>  
**Subject:** Planning Application

Dear Director,

I am Scott Stickland the owner of Block and Parcel: 13B26H4 and 13B26H2.

I am writing to object to the application for planning permission related to the change of use for Block and Parcel: 13B219 for the following reasons.

1. The change of use to multi-dwelling from single family home is not consistent with the nature of the neighbourhood. I believe all homes in close proximity are single family dwellings (judging by the outside and activity on the street).
2. There appears to be insufficient parking to accommodate the number of rooms they plan to have occupied (they generally park in a vacant lot across the street - I am not sure they are the owners of that lot as well).
3. I am surprised that they are applying at this stage now that the structure has been built and specifically designed as a multi-person dwelling (I would have assumed that this would have been done with the original plans). If this is the case the owners were not forthcoming with there intentions.
4. The building looks like a hotel. I believe they plan to rent out single rooms. It feels like a business versus a real estate play. I would assume this nature of business would require Cayman ownership to comply with the spirit of the law.
5. The development will bring significant traffic and activity to the neighborhood. I have small children and would not want them to be impacted by this.

I would be pleased to discuss with your further as required.

I have copied my wife Alana who is the joint owner of the blocks and parcels I noted above.

Thank you,  
Scott

Scott Stickland  
Vice President, Finance  
Cell: 345-525-5252

## Appendix 'C'

Tuesday, November 16th, 2021

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

Good day,

This letter serves to state our objection to the proposed development submitted for construction on block and parcel 2C204 on North West Point Road in West Bay, Grand Cayman. We reside at 518 North West Point Road, block and parcel 1E34.

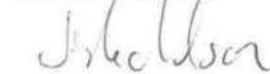
The developers for this proposed condominium complex have repeatedly submitted applications to the Department of Planning and have consistently been denied permission to build due to the size and scale of this complex. Unless significant changes are made to their planning proposal, the community will continue to object to its construction. The development of such a large structure will undoubtedly create traffic congestion, noise pollution, and will set a bad precedence for future development. Presently, there are no other structures of this size in the surrounding community. A development of this size and scale is not wanted or needed. It is our hope that planning permission will continue to be denied. Thank you for your time and consideration.

Kind regards,

Amanda Nicholson



Jarrett Nicholson



P.O. Box 2128  
Grand Cayman  
KY1-1105  
Cayman Islands

Hello. I have not received a notice of this application and I am at 495 NW Point, 2C116, Dunbar Properties Ltd. I wish to submit an objection to this application on that basis of density and increase in traffic to our neighborhood. This development is right on the bend at NW Point where we have had several accidents and a few deaths recently. Cars come around that bend in the road very fast and cannot be seen due to the bend. This amount of additional cars this development would add to the current situation is dangerous and scary. Please accept this email as my formal objection. Best regards, Joyce Dunbar



**ADEL LTD**

Mr and Mrs Upperton  
Villa Adel  
497 North West Point Road, West Bay  
P.O. Box 3 WB  
Grand Cayman, KY1-1301  
CAYMAN ISLANDS

Email: [claire7983@outlook.com](mailto:claire7983@outlook.com) [ellyupperton@msn.com](mailto:ellyupperton@msn.com)  
949 3562 (H) 525 3562 (C)

10 November 2021

Via Email: [planning.dept@gov.ky](mailto:planning.dept@gov.ky)  
[nicholas.popovich@gov.ky](mailto:nicholas.popovich@gov.ky)

Director of Planning  
Planning Department  
Government Administration Building  
133 Elgin Avenue  
P.O. Box 113  
George Town  
Grand Cayman KY1-9000  
Cayman Islands

Copy: Mr Nicholas Popovich

Dear Sir,

**RE: NOTICE OF APPLICATION FOR PLANNING PERMISSION WEST BAY 2C 204 dated  
1 November 2021**

**P21-0968 NWPR Group Ltd**

We have recently received a further planning notice for Planning Permission from NWPR Group Ltd in relation to the development of the above property per the attached copy. The detail provided reads:

**"32 units with a total of 68 bedrooms, a rooftop pool, two pools with spas to the seafront (3 pools total), LPG generator, 2 buried gas tanks (1000 gallon each), signage and site hoarding."**

This was preceded by a planning application dated **24 September 2021** which we were informed on 19 October was to be heard by the CPA on 24 November 2021 at 1pm:

**"30 units with a total of 60 bedrooms, a rooftop pool, two residences (8 bedrooms), two pools with spas to the seafront (32 units, 68 bedrooms, 3 pools total), LPG generator, two buried LPG tanks (1000 gallons each), signage and site hoarding."**

**We are writing to register our strong objection to the application referenced above because it majorly impacts our residence on 2C 68 and is worse than the same development of apartments and houses as was previously applied for in November 2020 and which was refused by the CPA in their letter of 7 May 2021. It now has an Oceanfront apartment block of 3 apartments with 2 huge apartments (exactly the same as the 2 previous houses) plus the addition of a 3rd single storey apartment.**

#### **PLANNING HISTORY OF BLOCK AND PARCEL 2C 66 and 67 NOW COMBINED AS 2C 204**

**November 2020** Notice of Application for Planning Permission for a residential development consisting of 32 units with a total of 69 bedrooms, café, a rooftop communal pool, 2 pools with spas and 2 trellises to the beachfront, LPG generator, 2 buried LPG tanks (1000 gallons each).

**3 February 2021** Meeting of CPA/03/21 It was minuted that Ms Upperton objected for the following reasons: Quote:

- “Her house is single storey and would be next to this proposed mammoth development.
- There will be parking 8ft from her boundary and there is too much asphalt and no landscaping.
- She feels the intent is to put up a 5<sup>th</sup> storey with shade tents and mechanical rooms on the roof.
- Given the site gradient, the building exceeds the allowable height.
- The proposal shows extreme massing and is out of character with the area.
- The proposal will impact the enjoyment of their property, the apartments will affect the front area of their home and .... The houses are aggressively intrusive next to their bedroom and they will be overlooked by a tall concrete wall.
- The site is on a dangerous bend on NW Point Road.”

**12 February 2021**

Letter of Adjournment from CPA for the following reasons:

1. "Comments from the fire department regarding the proposed fire access lane must be submitted for consideration by the Authority.
2. Dumpster location.
3. The Applicant must submit a revised site plan showing the entry/exit driveway turning radii extending to the property boundary not the physical road. The revised site plan must also show the driveway leading to the 2 houses with a minimum width of 12'.
4. The Applicant must provide revised elevations and cross sections that clearly demonstrate that the apartment building complies with the maximum allowable building height of 4 storeys/55'. In this regard, the Applicant is directed to the definition of building height in the Development and Planning Regulations.
5. The applicant must demonstrate to the Authority that the proposed setbacks and design of the 2 houses have taken into account the potential impact from wave action."

**28 April 2021**

**Meeting of CPA/09/21**

#### **PLANNING DEPARTMENT ANALYSIS**

**Suitability** The Authority needs to determine if the site is suitable for apartments.

**Building Height** The Authority needs to determine if the rooftop structures, including shade tents, can be considered exempt from the calculation of building height per Regulation 8(4). If they are exempt the building height would comply with the exception of the seaside elevation which would have a **building height of between 59' and 65'** depending on the measuring point.

**7 May 2021** Letter of Refusal of Planning Application P20-1021

**"1) In this instance, the Authority is of the view that the mass, scale and height of the proposed development are not harmonious and compatible with the existing development on the adjacent properties which are significantly smaller buildings in terms of mass, scale and height.**

**2) The Authority is of the view that the mass and scale of the proposed apartment building is such that front and side setbacks are proposed resulting in little open space or room for lush, tropical landscaping and to provide sufficient screening for privacy from adjacent properties.**

3) In this instance, the Authority is of the view that the location is not suitable for apartments with the proposed mass and scale which are not in keeping with the character of the existing developments in the area.

4) ... repeats the provisions from Section 3.03 of The Development Plan and the views expressed above in reason 2) would be applicable.

5) In reviewing the architectural elevation plans submitted by the applicant it is clear that the seaside elevation exceeds the maximum allowable height of 55' per Regulation 8(2)(f) of the Development and Planning Regulations (2020 Revision). .... and the Authority is of the view that the applicant did not demonstrate any merits of this application that warranted approval of additional building height."

**24 September 2021** Notice of Application for Planning Permission P21-0968 2C 204.  
(Received by Adel Ltd 2 October 2021) To be heard by the CPA on 24 November 2021.

**1 November 2021** Notice of Application for Planning Permission P21-0968 2C 204.  
(Received by Adel Ltd 4 November 2021) To be heard by the CPA on 24 November 2021.

We believe the approval of this application would grant permission in contravention of:

- The Development Plan 1997 and
- The Planning Laws and Regulations (2020 and 2021).
- Regulation 8(2) - Height and Storeys
- Regulation 9(1) - Massing and Characteristics of Neighbourhood
- Regulation 9(6) - Density and Coverage
- Section 3.03 Of the Development Plan 1997

## **OBJECTION 1 Development and Planning Act (2021 Revision) Section 15(5)**

**Our first objection is to contend that this is not a new Application (P21-0968) as in all major aspects this Application is exactly the same as previously submitted (P20-1021) with few changes.**

- 1** Most of the plans and drawings are exactly the same as the previous application of November 2020 especially the elevations of the High Rise Apartment building and the Oceanfront 2 huge double storey apartments/houses with the addition of a third single storey apartment not previously included and incongruously placed between the two residences. It is now worsened as there is further concrete construction to the seaside making it an overdevelopment block of 3 apartments/houses.
- 2** These plans do not fully address the concerns of the Authority and their reasons for refusal of the Planning Application by NWPR Ltd. as outlined in their letter of the CPA dated 7 May 2021.
- 3** We believe that this new Application is a worse Application as it now includes an apartment block on the ironshore beside the ocean.  
There are a few minor changes to the external areas of the site. Minor changes are removal of café and kitchen, less parking, fire lane changes, plants on our boundary to the road, Oceanfront large apartments/houses block is still in line of sight of us and our neighbours, no seaside construction (yet).  
It has worsened now as there is a further apartment beside the ocean adding increased concrete construction.
- 4** **“Subject to Section 48, the decision of the Authority on any application made to them under this section shall be final.”**
- 5** Therefore, our objection is based upon the Rejection of Planning Permission by the CPA Board dated 7 May 2021 of the previous Application of NWPR Ltd dated November 2020 and February 2021.

## **OBJECTION 2 Suitability, Mass, Scale and Proportion**

We believe that this development in the residential area of N W Point is inappropriate massing, scale, proportion and design both for the area of N W Point and the immediate neighbourhood of our home.

The massing, scale, proportion and design is also inconsistent with the historic architectural traditions of our Islands. Our single storey house is more than 60 years old.

In no way does the magnitude of this **enormous** development have the appearance of appropriate residential development in scale and massing. The covered area of the High Rise Apartment building is 60,524 sq.ft. and the covered area of the Oceanfront Apartment block is 14,811 sq.ft., making a site total of 75,335 sq.ft. of concrete.

Therefore, it is a grossly ugly, inappropriate overdevelopment lacking any merits of any description. It does not provide a high standard of accommodation, amenity, open space and landscaping as found in our neighbourhood.

### **Decision of the Authority dated 7 May 2021**

**“Reason for Refusal 1)** .....puts a responsibility on the Authority to ensure that harmonious and compatible land use with adjacent properties and their zones are achieved.

In this instance, the Authority is of the view that the mass, scale and height of the proposed development are not harmonious and compatible with the existing development on the adjacent properties which are significantly smaller buildings in terms of mass, scale and height. The authority is of the view that the much larger proposed development will negatively impact the ability of the adjacent land owners to enjoy the amenity of their property due to the visual **intrusion** and **overshadowing** from the much larger proposed development.”

## **OBJECTION 3 Height/Storeys**

The Applicants have consistently claimed that the height of the building is 55’ **on all four sets of drawings** without making any adjustments to the height as required by CPA after the first meeting dated 3 February 2021.

The building height to the roof does not take into account the constructions on the fifth storey (shown in gray), nor the roof safety barrier etc. Most emphatically, the gradient on the site is

approximately 15'. The seaside elevation of the High Rise Apartment Block, as a result of the gradient of the land, is well over 55' adjacent to our home.

**The Planning Regulations in a Beach Resort/Residential Zone state that the maximum height of a building "shall not exceed 55 feet or 4 storeys, whichever is the less".**

Our objection is that the Height and the Number of Storeys contravene the Regulations resulting in a dominating building of huge magnitude which particularly impacts our home as it is only approximately 40 feet from our property.

#### **Decision of the Authority Dated 7 May 2021**

**"Reason for Refusal 5)** "In reviewing the architectural elevation plans submitted by the applicant it is clear that the seaside elevation exceeds the maximum allowable height of 55' .... The Authority is of the view that per Regulation 8(13) the applicant did not demonstrate that there was sufficient reason and exceptional circumstance to warrant allowing the additional building height. .... **and the Authority is of the view that the applicant did not demonstrate any merits of this application that warranted approval of additional building height."**

#### **OBJECTION 4 Characteristics of the Neighbourhood**

- **Regulation 8(11) (e) Regulation 9(1) (2020)**

We have lived in West Bay for some 40 years on NW Point. Nowhere on NW Point is there anything like this planned development from NWPR Ltd.

The neighbourhood consists mainly of single family, single storey houses on both sides of NW Point Road with many of the properties able to see the ocean.

All the apartment buildings in the neighbourhood are well within height requirements with more spacious building layouts together with amenities available for owners.

The NWPR (Group) Ltd proposal is very obviously trying to maximise the overuse of the lot with two High Density Apartment buildings of over 75,300 sq. ft. The footprint of the High Rise Building is 15,326 sq. ft. with 5 storeys of over 70ft high. The Oceanfront Apartments footprint is 7,047 sq.ft. with 3 storeys which makes two massive buildings totally inappropriate for the lot size. Therefore, this is a very overdeveloped site and sets an unacceptable **precedent** for our neighbourhood .



## Decision of the Authority Dated 7 May 2021

**Reason for Refusal 3)** “Regulation 15(2)(d) states that in locations considered suitable by the Authority apartments can be permitted. In this instance, the Authority is of the view that the location is not suitable for apartments with the proposed mass and scale which are not in keeping with the character of the existing developments in the area.”

### **OBJECTION 5            PRIVACY**

- **Regulation 15(5) (a)(b) (2020)**

#### **Enormous impact on our PRIVACY from the High Rise Apartment Block**

This huge development of High Rise Apartments majorly impinges on our privacy. We are overlooked at the front of our property by a looming High Rise concrete building of a height of over 70 feet within some 20 feet of our property.

We will be directly overlooked by all the apartments on the south and west elevations plus all residents using the pool deck who will be able to see us in our garden on the ocean side where we spend the majority of our time outdoors.

#### **Major impact on our PRIVACY from the Oceanfront Apartment Block**

We are facing a major loss of privacy from the Oceanfront Apartment block. A concrete 3 storey building of over 14,000 sq.ft with a height of 38ft 7ins will overlook and dominate our single storey home immediately abutting our boundary with cars coming and going to the garage and the 2 external parking bays to the south. The Oceanfront Apartment block dwarfs our home, which is only approximately 2000 sq. ft., by a factor of over 6 times. Our bedroom will be in direct view from the sunken recessed seating area by their pool.

Additionally, the Oceanfront Apartment Block is not in keeping with our immediate neighbours as the site plan shows it is **still** too far forward of the line of sight of houses/condominiums of us and our fellow neighbours along the coastline to the south.

A few floral decorations drawn on the plans is insufficient information on landscaping. We are protecting the trees on our side of the boundary in our front garden but the rear is ironshore and unsuitable for the growing of trees. The plans do not “Incorporate sufficient screening to provide privacy from adjacent properties.”

NWPR Ltd have taken no account of our views on the mass, suitability, position, line of sight, environmental impact and privacy to our property, of the Oceanfront Apartments.

#### **Decision of the Authority Dated 7 May 2021**

**Reason for Refusal 2 )** “Section 3.03 of the Plan also directs the Authority to ensure development in the BRR zone provides a high standard of accommodation, amenities and open space. Further, this section of the Plan also states that development other than a detached and semi-detached house and a duplex must provide outdoor facilities including an abundant degree of lush, tropical landscaping while incorporating sufficient screening to provide privacy from adjacent properties.

The Authority is of the view that the mass and scale of the proposed apartment building is such that minimum front and side setbacks are proposed resulting in little open space or room for lush, tropical landscaping and to provide sufficient screening for privacy from adjacent properties.

.....development will generally be permitted if it has the appearance of residential development in scale and massing. **The Authority is of the view that the mass and scale of the proposed development is not in keeping with the residential appearance of the adjacent developments.”**

#### **OBJECTION 6 Environmental Protection**

We are very concerned about the impact on the environment in our area as the 3 Oceanfront Apartments and the High Rise Apartments are being constructed on the Ironshore. The 2 pools for the 3 Oceanfront Apartments/Houses and the recessed seating area will be concreted/cut into the Ironshore impacting the delicate environmental balance.

At the previous meeting of the CPA on 28 April 2021, we were horrified to hear the Applicants recommending pouring concrete down the natural fissure on the site.

There is major impact of weather- related problems on North West Point (Hurricanes, Tropical Storms, Norwesters etc.)

**Ironshore should be protected not destroyed.**

## **OBJECTION 7 North West Point Road Safety**

This huge Development is on a very dangerous bend and camber on North West Point Road. We have witnessed many serious accidents over the years at the top of our road. In fact, the worst accident was 4 days after the meeting of the CPA on the 28<sup>th</sup> April 2021 when planning permission was refused.

On Sunday 2<sup>nd</sup> May 2021, **Mr Shemaiah Tafari Kaya Grant**, a loving Father of 4 young children, was killed exactly opposite the proposed entrance to the POINT WEST High Rise Apartment block. His memorial cross and wreaths record his death on the dangerous bend on NW Point Road. We were first up to the road and witnessed his death, a harrowing experience.

We trust the Royal Cayman Islands Police Force will attest to this record of accidents.

We and our neighbours are **seriously** concerned about exiting our property safely from traffic approaching from the Turtle Farm direction.

There would be a high volume of traffic coming and going from 32 units on this dangerous bend as well as the entrance to Coral Gables subdivision. The consequent traffic demands along North West Point Road would be very significant and seriously compromise the safety of local residents.

## **CONCLUSION: CPA Rejection Letter dated 7 May 2021**

We contend that this Planning Application dated 1 November 2021 is essentially the same as the previous Application of November 2020 in respect of the size, scale and proportion of the High Rise Apartment building and the dominating Oceanfront Apartments/Houses. Any changes the applicants have made are confined to the exterior to the 2 buildings with the exception of the removal of the café and kitchen from the High Rise Apartment building.

It was rejected by the Authority in May 2021 and should be rejected again. The Developers should not be allowed to keep reapplying until they get what they want.

This planning application should not be allowed to establish a **PRECEDENT** of **Gross OVERDEVELOPMENT**.

Finally, we respectfully trust you have noted that our objections to this Planning Application by NWPR Group Ltd P21-0968, concern the Suitability, Mass, Scale and Proportion, Height and Storeys, Characteristics of the Neighbourhood, Overlooking and Loss of Privacy, Environmental Protection and last, but not at all least, the impact on all of us on Road Traffic Safety and Security by this Application.

This application remains the same essentially as the previous application which was refused by the CPA.

This whole project of High Rise Apartments together with Oceanfront overlarge apartments/houses remains a major OVERDEVELOPMENT on this plot of land.

We respectfully ask that this Planning Application be refused.

After owning our home for 40 years, we are devastated to be put in this position.

Thank you for taking account of the merits of our objections.

Yours faithfully,  
**ADEL LTD.**

*Claire Upperton*

*John G. Upperton*

Claire and John Upperton

For Adel Ltd. Shareholder and Director

Block and Parcel 2C 68

[claire7983@outlook.com](mailto:claire7983@outlook.com)

[ellyupperton@msn.com](mailto:ellyupperton@msn.com)

PO Box 3 West Bay Grand Cayman KY1 1301

## Appendix 'D'

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Block 2C Parcel 204 Grand Cayman

# Point West Planning Application

## Supporting Presentation



*Aerial rendering of Point West Proposal*

**A** luxury residential development consisting of 32 units in total with 29 units in a four storey condominium building close the road and 3 units in a much smaller scale building closer to the sea.

This application is a redesign of a previously refused planning application the same parcel that has been changed to respond to the previous concerns of the CPA and objectors alike.

The following report is a support document for the CPA review of the submitted application for the Proposed Point West Development on Block 2C Parcel 204 on the shore of North West Point.



# Location and Similar Buildings within the same Zone

The proposed development is site on Block 2C Parcel 204 in West Bay, Grand Cayman. Opposite Invicta Drive with a mix of surrounding apartments and single family homes.

Many new apartment developments have been approved in the exact same Planning Zone and built within close proximity and within the neighborhood in recent years and several of these have similar set backs, number of stories and building height as this proposed development.

Some examples of completed or Planning Approved residential apartment type buildings within the vicinity of the proposed development include the following:

1. Dolphin Point - CPA approved and scheduled to start Construction in 6 months, 4 storeys and a basement (5 parcels away) approximately 500' to the South East.





2. Bonnies Arch - existing apartment building, 2 and 3 stories including grade level parking (4 parcels away) approximately 350' to the South East.



3. Lighthouse Point and Lighthouse Point residence - existing multi residential unit resorts, 3 storeys with Commercial use and parking at grade level (3 parcels away) approximately 800' to the North West.





4. Other apartment complexes in the immediate neighborhood include Andres by the Sea, Serrana. Villas d'Therese, West Point Town Homes and a couple of other new multi residential developments under construction. The diagrams below show the location of these developments within the SAME Beach Resort Residential Zone and in close proximity to this application.









# Design Concept

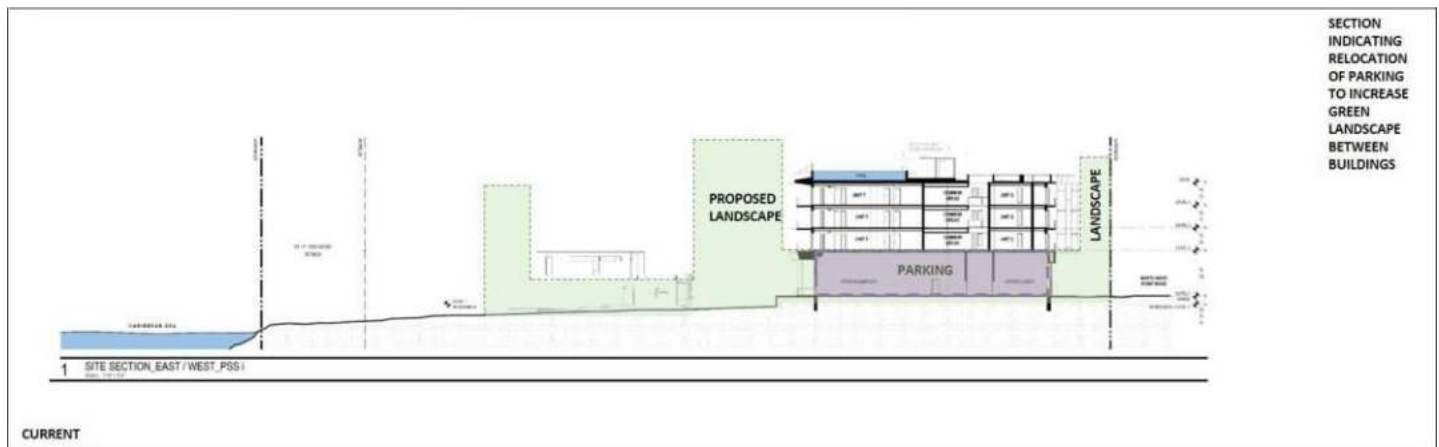
Point West has been designed by Gensler Architects as a Luxury Condominium Development with a small scale apartment building with just 3 units, closer to the sea proposed as only two stories in scale to compliment the house scale on the adjacent property. As well as a larger 4 storey apartment building building closer to road more in keeping with the other residential developments recently constructed or under construction in close proximity.



This stepping down of the site means that the larger building has been built as far away from the ocean as possible to protect it from storm related damage that occurs in this area regularly. The smaller scale building has been placed closer to the sea and lower down to afford ocean views to condominium building and whilst they are set back much further than the minimum set back it is accepted that the swimming pools maybe washed through in the event of a catastrophic storm.

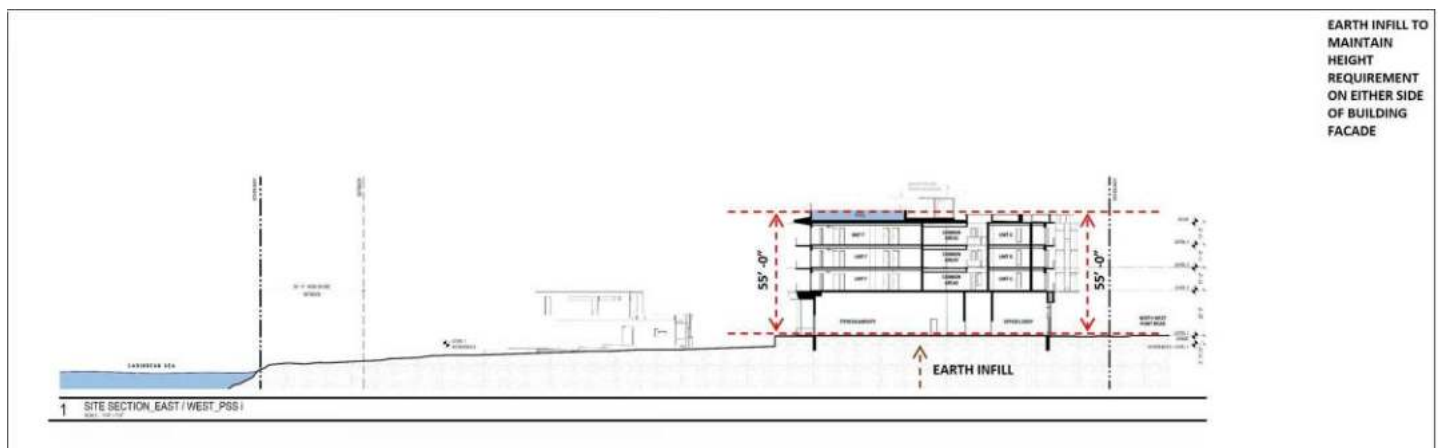
## LANDSCAPE

The property has been designed to be very heavily landscaped to help reduce the massing on the road front and also to afford a privacy buffer between this project and adjacent properties. Also, rather than asphaltting the entire property for parking the developers have opted to park under the building as part of the 4 storeys allowed and as is common with several properties nearby. They have also elected to grasscrete the fire lane and all other access roads in an effort to provide more green to the site.



## BUILDING HEIGHT

The height of the building has been determined by the 55' limit on the road front and has is maintained at this level as a flat roof on the larger building and the surrounding grade has been increased to maintain this requirement rather than letting the grade slope naturally. This is common practice amongst many developments of this type in Grand Cayman, including, Tides, the recently approved four storey project approved on South Sound 7D parcel 7, and Aura just to name a few in Beach Resort Residential Zones. This also also includes Dolphin Point and Serrana that are both 4 storeys with mezzanines and roof top amenities within the same zoning and same neighborhood as this project.





## FORM AND MASSING

The form and massing of both buildings has been designed to ensure no continuous facade with multiple glazing faces and balconies to break up the sides of the building as per CPA guidelines and the guard rails on the roof have been set away from the edge of the building face to help reduce the overall massing.



## POOL LOCATIONS

The main pool for the Condominiums has been placed on the roof as is allowed by recent changes to the Planning Regulations. This has the positive effect of reducing the footprint of the development on the site (allowing for more landscaping) and also reducing the development's foot traffic around the site, thus affording the adjacent properties privacy from the inhabitants of the Condominiums on the road front.



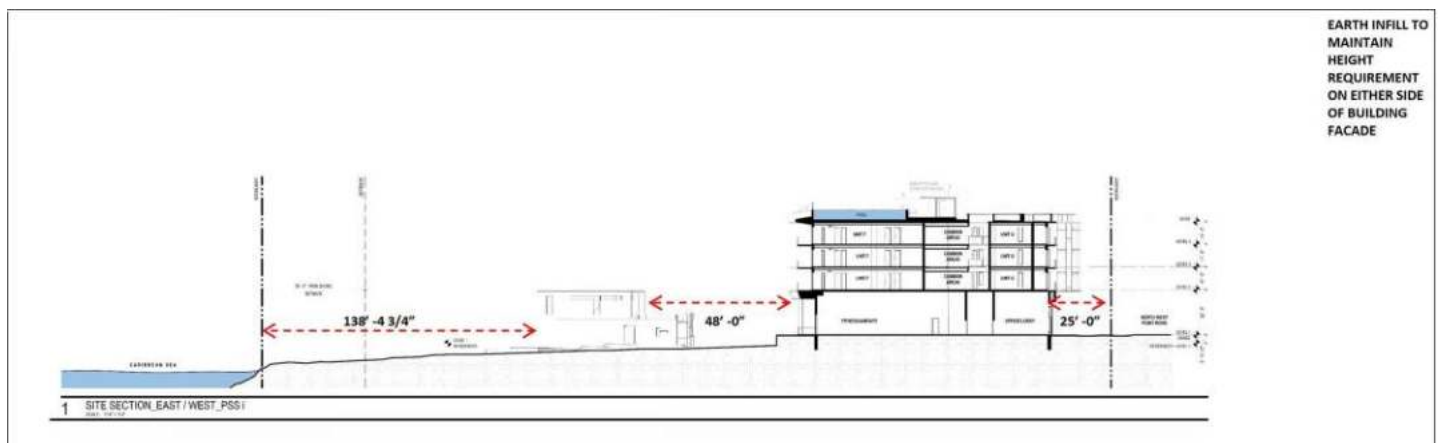
## BUILDING LOCATIONS ON SITE

The location of the main Condominium building is close the road and as far away from the sea front as possible, with the smaller apartment building being placed approximately in line with the house on the adjacent property. The smaller building and the heavily landscaped communal grounds provide a privacy buffer between the adjacent property and the main building. The smaller scale (2 storey) building with just 3 units is placed in a similar position to the existing house on the adjacent property with the denser building being closer to the road.



## SHORELINE SETBACK

The proposed ocean front setback is far in excess of the minimum required by Planning Law both as protection from the regular storm wave action in the area and also to maintain the aspect for the existing home on the adjacent property.





# Planning Considerations and Regulations

This site is neighbor to several similar sized projects within the immediate area, including many apartment type multi family residences within close proximity.

The proposed project meets all the Cayman Islands Planning Laws and Regulations and has fewer bedrooms and a significantly larger Coastal Setback than is allowed in the regulations.

The design is sympathetic to the adjacent property and has included for heavy landscaping buffering to reduce its massing impact.

Planning Data for this proposed development is as follows:

Zoning: Beach Resort Residential

Site Area: 1.5996 acres + 0.00911 acres (purchased from NRA) = 1.6087 acres

Planning Data	Allowed	Proposed
Coastal Setback	50'min	varies in excess of 135' to buildings and minimum of 75' for pool decks
Side Setbacks	20'min	20'
Road Set back	25'min	varies from 25' to 30'
Site Coverage	40%	32%
Number of Stories	up to 4	4 for road front building and 2 for ocean front building
Height above Grade	55'	55'
Number of Apartments	32 max	32
Number of Bedrooms	96 max	68
Parking Spaces	48 required	49 provided

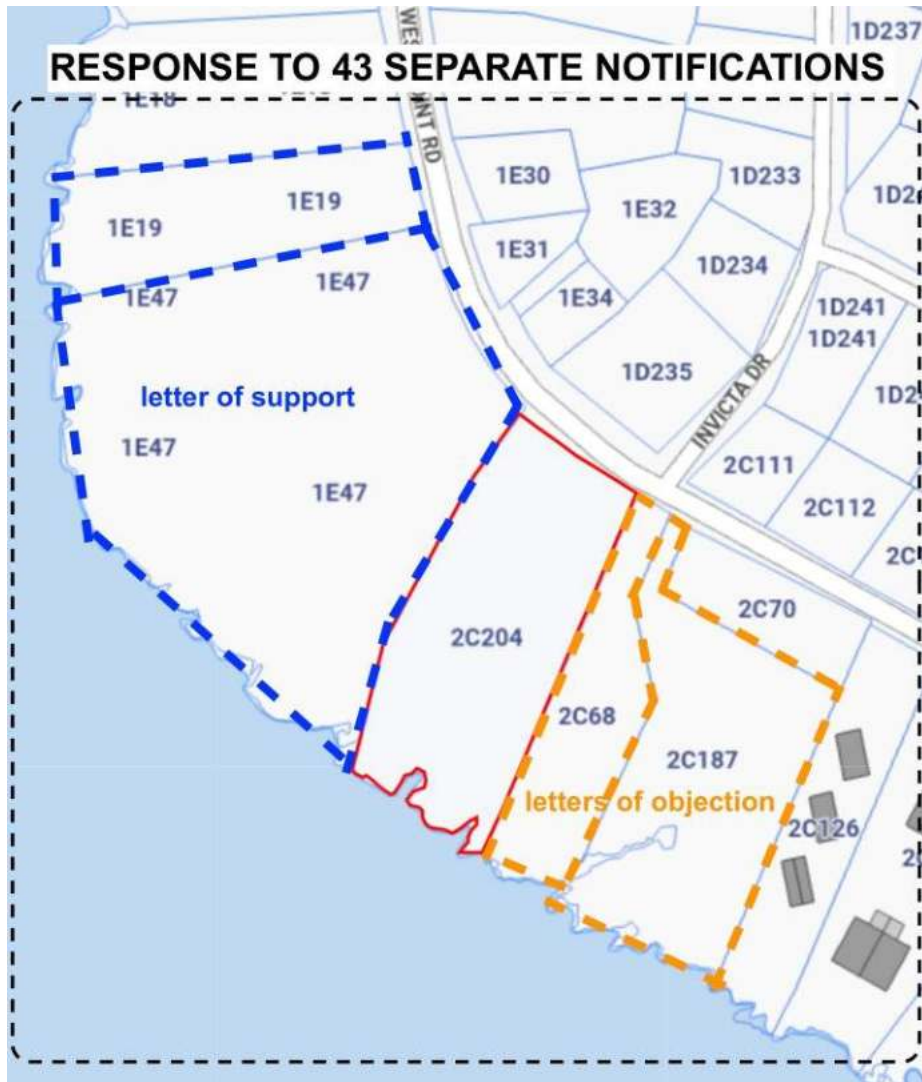
Proposed refuse collection is from an enclosed DEH dumpster and access has been agreed with DEH.

Fire Department Access is via a grasscrete driveway and has been agreed with the Cayman Island Fire Service.

Water is serviced by a waste water treatment plant that meets the Water Authority's requirements.

# Support letter and Response to Objectors

Following the notification 43 property owners (determined by CPA as the owners within the neighborhood affected by this application), the proposed development has received Two letters of objections from two separate parcels to the South and one letter of support for two separate parcels to the North.



The letter of support is from:

The owners of Block **1E Parcel 47** and **1E parcel 19** (immediately adjacent properties to the North)

The supporter of the project confirms in their letter that they believe the proposed development to be harmonious and compatible with their future plans on the bot parcels directly to the North as well as existing approvals like Dolphin Point and Serrana in the immediate area.

The supporting adjacent owners have gone further to commit to sharing a fire access lane between their property and this proposal in the event of CPA approval for this project, and attached a the agreed from of Easement between both properties to facilitate this.

The letter and email of objections are from:

Ms. Joyce Dunbar for Dunbar Properties on **Block 2C Parcel 187** (one parcel South from the proposed development) - whose objection is based upon "Density and the increase in traffic in the neighborhood."

and

Ms. Claire and Mr. John Upperton for Adel Ltd on **Block 2C Parcel 68** (immediately adjacent property to the South) - whose detailed objection is based upon 7 separate points

The Upperton's concerns are addressed individually below and Ms. Dunbar's concerns are also addressed below:

### **1. "Development and Planning Act (2021 Revision) Section 15(5)"**

*Objector contends that "this is not a new Application (P21-0968) as in all major aspects this Application the same as previously submitted (P20-1021) with a few minor changes".*

**RESPONSE: We refer the CPA to the final chapter of this report which expands on the Design changes in response to the previous application's refusal.**

We submit that this application is significantly different from the previous application for several reasons:

- Increased set back of the ocean front from the High Water Mark
- Increase of landscaped areas between the proposed buildings and adjacent properties including native vegetation and also vertical landscape screening to car parking and addition of green roofs to the building on the ocean front.
- Relocation of fire access lane to a shared fire access between this proposal and the adjacent property to the North.
- Change in the massing and material of the building to break up the presence of the project on adjacent properties.
- Significant reduction in asphalt roadways and open fire lane on objectors boundary with the relocation of condominium parking away from the boundary and change of the Fire Lane to grasscrete.
- Removal of Trellis Structure and Water Entry steps to the sea.
- This project is solely residential use and no longer has any Commercial / Cafe use in it.
- Change in site layout to be two apartment buildings
- Reduction on overall height and compliance with Planning Regulations in relation to roof height with introduction of landscaped areas and planters around the road front building.

## 2. ***“Suitability, Mass, Scale and Proportion”***

The objector believes that *“this development in the residential area of N W Point is inappropriate massing, scale, proportion and design both for the area of N W Point and the immediate neighbourhood of their home.”*

*“The massing, scale, proportion and design is also inconsistent with the historic (our house of more than 60 years) architectural traditions of our Islands.”*

*“In no way does the magnitude of this mixed use development have the appearance of residential development in scale and massing. It is a grossly ugly, inappropriate overdevelopment lacking any merits of any description. It does not provide a high standard of accommodation, amenity, open space and landscaping as found in our neighbourhood.”*

***RESPONSE: The Parcel that this application has been submitted for is situated within the middle of a Beach Resort Residential Zone that stretches for a significant length of North West Point Road. There are several examples of recently approved, under construction and built apartment developments on either side of this application and within close proximity - This has been highlighted in the the first chapter of this report LOCATION.***

This development is Residential Use only and NOT Mixed Use, and it provides a very high standard of accommodation, amenities and open space and the developers are proposing unusually high levels of landscaping for this type of development.

## 3. ***“Height/Storeys”***

Objectors states that the *“ building height to the roof does not take into account the constructions on the fifth storey (shown in gray), nor the roof safety barrier etc. and most emphatically, the gradient on the site is approximately 15’. The seaside elevation, as a result of the gradient of the land, is well over 55’ adjacent to our home.”* and continue to state:

*“Our objection is that the Height and the Number of Storeys contravene the Regulations resulting in a dominating building of huge magnitude which particularly impacts our home as it is only approximately 40 feet from our property.”*

***RESPONSE: The proposed building height meets the current Planning Regulations of 55’ - both in terms of calculation of the building height above surrounding grade as well as the non habitable ancillary spaces on roof areas. We believe it would be unfair to use a different interpretation of the regulations for this proposal compared to other recently approved development in close proximity and also in the same beach resort residential zone as this project.***

The larger apartment building on this site does not overshadow the objectors property, it is approximately 60’ away from the adjacent objector’s home. The proposed smaller two story apartment building in line with this objector’s home is between 25 and 30’ away from the objector’s home.

We would like to highlight that the objector’s home, rear building and pool and deck are all constructed within the setback and the case of the pool deck right up against the shared boundary. If the objector’s buildings complied with the current regulation’s Setbacks (as this application does) the distance between them would be significantly more. It seems unjust for an objector to have a building the contravenes

current setback regulations to object to a proximity of an adjacent property building that complies with the setback regulations

The extensive landscape between the objector's home and the larger building provides a transition between both properties and the larger proposed building is purposely set back as far away from the adjacent home so as to maximize privacy and prevent overshadow.

Below are some shadow modeling diagrams showing that the proposed development does NOT overshadow the objectors property.



SPRING EQUINOX 7AM SHADOW  
ANALYSIS  
NTS



SPRING EQUINOX 4PM SHADOW  
ANALYSIS  
NTS

#### 4. “Characteristics of the Neighbourhood”

- **Regulation 8(11) (e) Regulation 9(1) (2020)**

The objector says : “We have lived in West Bay for some 40 years on NW Point. Nowhere on NW Point is there anything like this planned development from NWPR Ltd.”

“The neighbourhood consists mainly of single family, single storey houses on both sides of NW Point Road with many of the properties able to see the ocean.”

**RESPONSE:** We submit that there are many examples of similar developments on NW point road, some within a few lots away, in the same Beach Resort Residential Zone with many similar characteristics to this development, including height, density, use and architectural style.

We refer the CPA to the first chapter of this report “Location and Similar Buildings in the same Zone” for examples of such properties.

## 5. “Privacy/2 Houses”

The objector states *“This huge mixed use development majorly impinges on our privacy. We are overlooked at the front of our property by a looming high rise concrete building of a height of over 70 feet within some 20 feet of our property.”*

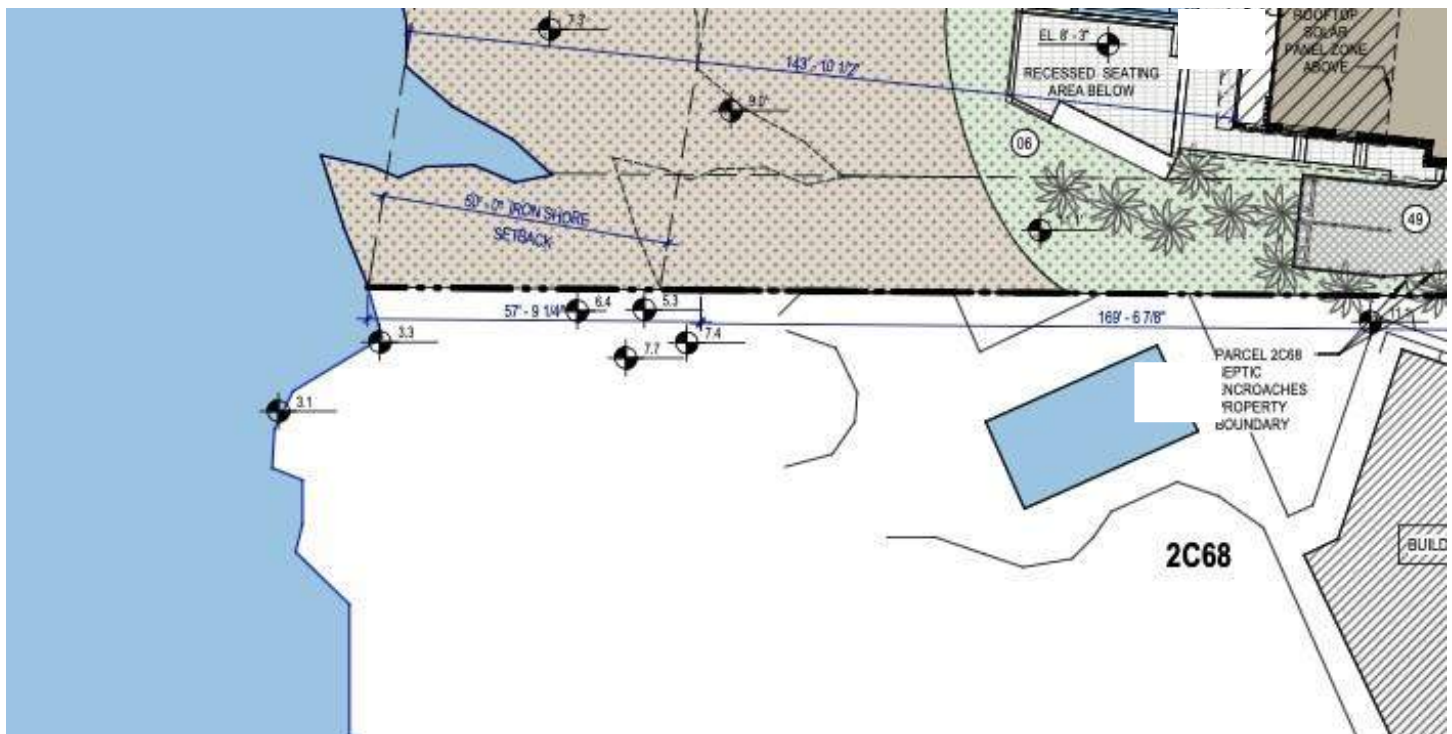
*“We are facing a major loss of privacy from the South Residence. A concrete 3 storey building of 6,842 sq.ft (some 3 times larger) with a height of 38ft 7ins will overlook and dominate our single storey home immediately abutting our boundary with cars coming and going to the garage and the 2 external parking bays. Our bedroom will be in direct view from the sunken recessed seating area by their pool. We can see a grassy roof area on the top of the South residence which we ask whether this is accessible by a staircase on the South Residence further impinging on our privacy.”*

*“Additionally, the 2 residences are not in keeping with our immediate neighbours as the site plan shows they are still too far forward of the line of houses/condominiums of us and our fellow neighbours along the coastline to the south.”*

**RESPONSE:** *This proposal is NOT Mixed Use, it is solely Multi Family Residential (apartments) similar in height and scale to many similar approved developments on the same road and within the same zone, in close proximity to the objectors property.*

*The developers are proposing to mitigate the objectors privacy concerns with heavy landscaping between both properties but would like to reiterate that the two story building adjacent has only one two storey apartment adjacent to the objectors home and it complies with the set backs (unlike the objectors’ home).*

*The developers have also taken careful measures to move the ocean front building further away from the ocean which brings the pools further away from the ocean than the objectors pool. The developer has also elected to splay the wall on the edge of the new pool deck inward and recess the seating and outdoor area to further shelter this from the neighbors, with increased setback from the minimum required in favor of both privacy and views for the objectors property.*





## 6. “Environmental Protection”

*The objector is “very concerned about the impact on the environment in our area as the 2 residences and Apartments are being constructed on the Iron-shore. The 2 pools for the 2 houses and the recessed seating area will be concreted/cut into the Iron-shore impacting the delicate environmental balance. We were horrified to hear the Applicants recommending pouring concrete down the natural fissure on the site”.*

**RESPONSE:** *The proposed impact of this development on the iron shore is minimal and the fissure that the objector refers to, is no more than a couple of inches wide in the location with is being bridged. The structural engineers have confirmed that NO concrete is to be “poured down natural fissure” but rather a simple foundation will bridge the very small gap over 140’ away from the shoreline in the iron-shore”*

**We would further highlight to CPA that both the adjacent objectors property and the other objector whose parcel is one parcel South have significant examples of concrete paths, decks and seawalls both within ocean front setback and within the iron shore that they are suggesting the proposed developer will be damaging.**



## 7. “North West Point Road Safety”

*The objector states : “This huge Development is on a very dangerous bend and camber on North West Point Road. We have witnessed many serious accidents over the years at the top of our road. In fact, the worst accident was 4 days after the meeting of the CPA on the 28th April 2021 when planning permission was refused.”*

**RESPONSE:** *The developers of this property, do not see how adding a development like this will make the roads more dangerous in the area and they certainly support anything that can be done to improve road safety.*

**Rather than working at odds with the objector, they would like to suggest that perhaps working together to better light and sign post the existing dangerous corner to improve the road safety in this location would benefit all parties.**



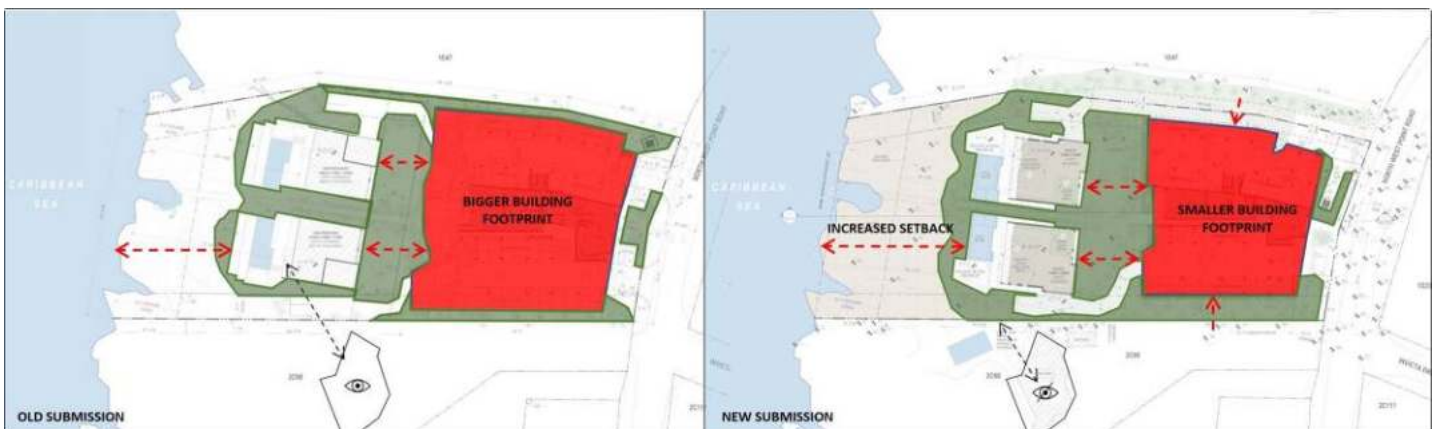
# Design changes - response to previous refusal

A planning application on the same parcel of land by the same developer was refused by CPA for several reasons listed below... we have added the developer's design responses to the previous refusal after each point.

**Reason 1.** *The Authority was of the view that the Mass, Scale and Height of the proposed development was not harmonious and compatible with the existing development on the adjacent properties and this would negatively impact the ability of adjacent land owners to enjoy their property due to Visual intrusion and overshadowing from the much larger proposed development.*

This new proposal seeks to mitigate this concern in a couple of ways:

- A reduction in the mass of the building with the set back of handrails at roof top level, the change in material of the lower part of the condominium building, the relocation of the main building closer to the road has increased the distance between the main condominium building and the adjacent home.
- The increase in side setback and the removal of condominium surface parking from within these setback to increase the landscape buffer to 22' between the larger building and the adjacent property and they have also increased the set back of the smaller 2 storey apartment building to align better with the house on the adjacent property. This will prevent interrupted views for the existing house on the adjacent parcel and remove any previous overshadowing concerns.

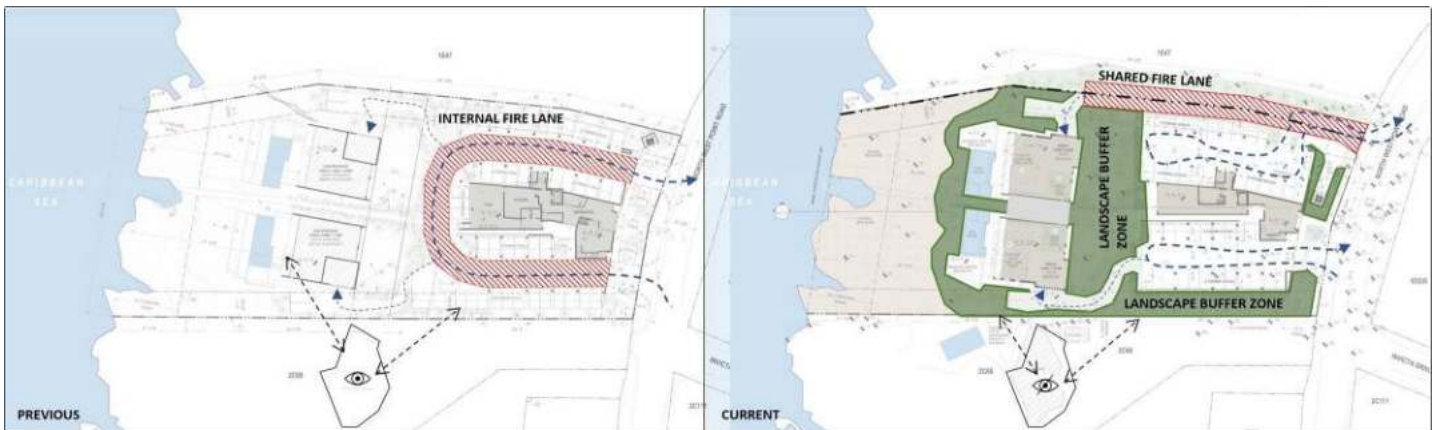


We would highlight that the developers have chosen to increase these set backs despite the home on the adjacent property contravening their own set back from the shared boundary.

**Reason 2.** (and also point 5) *The Authority is of the view that the the mass and scale of the proposed apartment building was such that the minimum Front and Side setbacks proposed resulted in little open space or room for lush, tropical landscaping to provide sufficient screening for privacy from adjacent properties.*

The developers response to this has been to remove parking and driveways from the side set back areas and between the buildings and substitute this with lush, tropical landscape. They have taken specific measures to significantly increase (triple) the the landscape buffer between this building and the adjacent property to the South. Including landscape screening, agreement for a shared fire lane with the adjacent property to the North, and added lush communal landscaping between the buildings as well as the inclusion of a rainwater cistern to store water for the proposed landscaping. A landscape plan has been included in the Planning Submission to document this and the Aerial Imagery provided further highlights this commitment.

We would also highlight that the legally required setbacks defined in the regulations have been adhered to and no variation to setbacks have been requested in this application.



**Reason 3.** *Regulation 15 (1) of the Development and Planning Regulations (2020 revision) states that development will generally be permitted if it has the appearance of residential development in Scale and Massing. The Authority was of the view that the mass and scale of the previous development proposal was not in keeping with the residential appearance of the adjacent developments.*

We believe that this regulation refers to all forms of development within a beach resort residential zone, but for the avoidance of any confusion, the developers have elected to remove the previous commercial element (cafe) from this development, so the entire proposed project is residential only. The reference to Apartments and Scale and Massing are covered in the next response listed below.



**Reason 4.** *Regulation 15 (2)(d) states that in locations considered suitable by the Authority apartments can be permitted. In the instance of the previous proposal the Authority was of the view that the location is not suitable for apartment with the proposed mass and scale not in keeping with the character of existing developments in the area.*

The developer has based the proposal's mass and scaling to be compliant with the regulations and has been guided by several apartment buildings within the immediate vicinity that have been already constructed, recently approved or are currently under construction. These include Dolphin Point Club, Sea Dreams, Bonnies Arch, Serrana and Light House point (as previously highlighted in this report).



**Reason 5.** *Regulation 15(5) essentially repeats the provision of Section 3.03 of the Development Plan and views expressed in Reason 2 (above) would be applicable.*

The **response to Reason 2** (above) addresses this point.

**Reason 6.** *The Authority is of the view that per Regulation 8(13) the applicant did not demonstrate that there was sufficient reason and exceptional circumstance to warrant allowing additional building height. The applicant went to great length to provide examples of other buildings on the island where the maximum allowable building height may have been exceeded, but provided no input as to what specific elements of the previously proposed project warranted additional building height. Additionally, many of the examples cited by the applicant were in locations zoned Hotel/ Tourism which allows buildings of greater height than the BRR zone. In land use planning there is no strict precedent, and each application must be considered on its own merits and given its own location and the Authority is of the view that the applicant did not demonstrate any merits of this application that warranted approval of additional building height.*

The developers design response to this has been to submit a proposal that does not request any additional height above the allowed building heights in the regulations for Beach Resort Residential Zones and it is compliant with the regulations with a maximum height of 55' above surrounding grade.

This proposal is 55' above the road level and surrounding grade and where the site naturally slopes down, additional landscaped areas and planters have been included to meet the regulation's requirements to maintain the 55' height above surrounding grade. This is a common approach of many developments within Grand Cayman and has been accepted by CPA for many developments in Beach Resort residential Zones as well as other Zones. The closest example being the Dolphin Point Club which is located 500' (3 land parcels) away from this proposal on the same side of the road and in the same Zone.

**Additional design adjustments and other factors different to the previous application to note for consideration are as follows:**

- Increased set back of the ocean front from the Sea by a further **14'** from the High Water Mark
- Increase of landscaped areas between the proposed buildings and adjacent properties including native vegetation and also vertical landscape screening to car parking and addition of green roofs to the smaller building.
- Relocation of Fire lane to shared fire access between this proposal and the adjacent property to the North.
- Change in the massing and material of the building to break up the presence of the project on adjacent properties.
- Inclusion of Solar Power and Rain Water harvesting to the proposed project.
- Significantly less asphalt with relocation of condominium parking away from the boundary and change of the Fire Lane to grasscrete.
- Removal of water entry steps to the sea and concrete pool decks in front of smaller ocean front building
- This project is solely Residential Use and no longer has any Commercial Use (cafe) in it.
- Reduction on overall height and compliance with Planning regulations in relation to Roof height.
- This project is fully compliant with all current Planning Regulations and is requesting no variances.

## Appendix 'E'

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Director - Planning  
Planning Department  
Government Administration Building  
133 St. John's  
P.O. Box 113  
George Town  
Cayman Islands KY1 9000  
Cayman Islands

5 November 2021

Dear Mr. Molloy

We write to express our support for the recent planning application submitted for Block 20 Parcel 100. We are the owners of the replacement parcel of the site in Block 15, Parcel 47 and 10) remaining of more than 2 acres that is has the same zoning as the applicant, Beach Resort Residential. The contents of the application and memorandum of compliance with the development code, the proposed massing and integration in respect with other nearby developments in the West Point, South Point and Little Point C.L.L., Light House Point, the new high-rise hotel, Condominiums and recently we are the first to see that such a residential development has been included in this land's block in project and not in the proposed planning application shows that the developer has improved a project that is located in the same area and we are excited to have such quality development at our next 200. A project such as this will benefit the local community and continue the improvement in the quality of accommodation in the area.

In the recent report of successful planning application, we have confirmed to the applicant that the applicant's 50% of the site will be used for the development and 50% for the development. The terms of the agreement have been agreed and is attached in Schedule A.

Please let us know if we can offer any further information or support and we look forward to the board's approval of the application.

Kind Regards,



Norman Kiri, Director, A55 Director Limited  
As a director of West Beach North West Ltd.

**Schedule A: Exemption**

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## Appendix 'F'



# HAB DEVELOPERS

779 Crewe Road, George Town  
Grand Cayman KY1-1005  
CAYMAN ISLANDS

11<sup>th</sup> May 2020

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

Dear Sirs

## **STRATA PLAN NO. 317 (ROSEDALE GARDENS)**

As you know, Rosedale Gardens was initially designed by HAB Developers Ltd ("**HAB**") in 1998, and shortly thereafter the existing residential blocks (Tiffany, Piccadilly, Eden and Damask) (together, the "**Existing Buildings**") were built. HAB is now in a position to proceed with the development of Rosedale Gardens by adding further residential townhouses and various amenities such as the much-desired residents' clubhouse and an additional pool. Please find enclosed, for your perusal, promotional material for the proposed development of Rosedale Gardens and a draft site plan dated 19 December 2019 (the "**Site Plan**").<sup>1</sup>

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

### ***ExCom Concerns***

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

#### 1. Too many buildings in the development area.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Error! Unknown document property name.**

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

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

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

7. Private gardens for proposed new buildings not acceptable.

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

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

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

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

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

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

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

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

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

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

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

**Error! Unknown document property name.**

12. The parking lot at the end of Damask needs to be completed.

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

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

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

***Further changes to the Proposed Development Plan***

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

There is one less building and 36 fewer residential units in the New Plan;

The clubhouse is included in the New Plan;

There is an additional swimming area including an adult swimming pool and children's splashing area in the New Plan; and

The Original Plan has been restructured such that Phase 5 and its strata lot no longer appear on the New Plan.

***Consent***

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

Please deliver the completed Consent Letter to the Rosedale Gardens administration office and/or via email to [harilyn.b@haboddenrealty.com](mailto:harilyn.b@haboddenrealty.com) no later than 5:00pm on Tuesday 26<sup>th</sup> May 2020.

Yours sincerely

Encl.

**Error! Unknown document property name.**

## Appendix 'G'

Strata Plan 317 (Rosedale Gardens)  
765 Grewe Road, George Town  
P.O. Box 32319  
Grand Cayman KY10-1209  
Cayman Islands

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



**Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "200428" – "Rosedale Phase, 14 apartment blocks which comprise 84 apartments ..."**

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

The Executive Committee of Strata 317 (Rosedale Gardens) (the "Executive") objects to the planning application by HAB Developers Ltd on Block and Parcel 200428 on the following grounds:

- 1) Too many additional units to the current development – the Executive is concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Grewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) Not enough parking spaces for residents and visitors – While this proposed application might provide the legally required "minimum" number of parking spaces, this is insufficient for the current needs of today's residents. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.

**Strata Plan 317 (Rosedale Gardens)  
768 Crewe Road, George Town  
P.O. Box 33349  
Grand Cayman KY10-1209  
Cayman Islands**

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “Southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will severely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe Road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosevale – Koa’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Executive or a majority of Owners to amend the strata plan** further to the consent letter HAB sent to the property manager on 11 May 2020 seeking consent by 26 May 2020, and HAB were advised by the property manager, that the Executive could not comment until they consulted an attorney, which they could not do at the time, given the Covid 19 crisis. As far as the Executive are aware, HAB, requires 51% Owner approval under the law to alter the original development plan, which they have not received.
- 7) **Insufficient notice of planning application was given** – Only 1 member of the Executive has received this planning permission until now (supposedly sent on July 15, 2020 but not received until July 26, 2020). In addition, a survey of owners has revealed that most of them have NOT received this notice. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or lack of delivery) of this notice has made it impossible for the owners of Strata 117 to properly comment on the application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and I am very concerned that the developer would again abandon the project, leaving a further mess.



**Strata Plan 317 (Rosadale Gardens)  
765 Dawa Road, George Town  
P.O. Box 32319  
Grand Cayman KY10-1209  
Cayman Islands**

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

Kind Regards,

**The Executive Committee, Strata 317**

Andrea Bodden  
Amarh Lee  
Cyle Fairington  
Ricky Funder  
Tanya Meyerhoff  
Joni Steffen  
Hanna Frewern  
Stefan Twinn

Monday, August 3, 2020 at 9:45:17 AM Eastern Standard Time

**Subject:** Exec Objection re Application for planning permission  
**Date:** Monday, 3 August 2020 at 9:45:55 AM Eastern Standard Time  
**From:** Tanya Meyerhoff  
**To:** Tanya Meyerhoff  
**Attachments:** Executive Objection to HAB Developers re Rosedale.pdf

[EMAIL FROM EXTERNAL]

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**From:** Stefan Twinn <stefan.twinn@gmail.com>  
**Sent:** Sunday, August 2, 2020 8:37 PM  
**To:** planning.dept@gov.ky <planning.dept@gov.ky>  
**Cc:** Amaris Cae <acae@candak.ky>; Andrea Boddan <andrea@candak.ky>; Lisa Terry <L.Terry@charterland.ky>; Hannah Trewein <hannahtrewein@gmail.com>; Ricky Hanks <ricky@tebt.com.ky>; Joni Stoffen <stoffen.joni@gmail.com>; Kyle Farnington <kyle.farnington@live.com>; Tanya Meyerhoff <tanyameyerhoff@hotmail.com>  
**Subject:** Objection to Application for planning permission

Good Morning

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

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

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

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

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

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

appeal.

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

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

Kind Regards,

The Executive Committee,

Strata Plan 317 (Rosedale Gardens)  
765 Crown Road, George Town  
P.O. Box 12319  
Grand Cayman KY10 1209  
Cayman Islands

Andres Dodden  
Amar's Coe  
Ogle Farrington  
Ricky Randal  
Tanya Meyerhoff  
Juri Steffen  
Hanna Treweert  
Stefen Twinn

## Peacey, Jessica

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**From:** Hannah Trewern <hannahtrewern@gmail.com>  
**Sent:** Thursday, August 6, 2020 8:41 AM  
**To:** Peacey, Jessica  
**Subject:** Re: FW: [EXTERNAL] Objection to planning application 20D/428  
**Attachments:** objection HT.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jessica,

Please see attached objection letter.

Kind regards,

Hannah Trewern

On Wed, Aug 5, 2020, 2:59 PM Peacey, Jessica <[Jessica.Peacey@gov.ky](mailto:Jessica.Peacey@gov.ky)> wrote:

Hi Hannah

Thank you for your email.

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

Many thanks

**Jess Peacey MRTPI**

**Department of Planning | Cayman Islands Government**

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

\* [jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky) | [www.planning.ky](http://www.planning.ky)

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

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

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

Dear Planning dept,

Please find attached my objection to planning application.

Kind regards,

Hannah Trewern

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objection HT

Hannah Trewern  
108 Rosedale Gardens  
P.O. Box 11556  
Grand Cayman KY1-1009  
Cayman Islands

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

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current “Green Space”
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “**minimum**” number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

Hannah Trewern  
108 Rosedale Gardens  
P.O. Box 11556  
Grand Cayman KY1-1009  
Cayman Islands

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I was the only member of the executive committee to receive my “planning application” notice. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Hannah Trewern



## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:55 PM  
**To:** Peacey, Jessica  
**Subject:** FW: Objection to Planning Application by HAB Developers Ltd - B 20D P 428 - Rosedale  
**Attachments:** 2020-08-04 Individual objection to HAB re Rosedale - Andrea Bodden Damask 118.docx  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Andrea Bodden [mailto:andrea@candw.ky]  
**Sent:** Tuesday, August 4, 2020 7:04 PM  
**To:** Department of Planning  
**Subject:** Objection to Planning Application by HAB Developers Ltd - B 20D P 428 - Rosedale

Dear Director of Planning,

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

Kind regards,  
Andrea Bodden



Virus-free. [www.avast.com](http://www.avast.com)

Andrea Bodden  
765 Rosedale #118 Damask, Crewe Rd., GT  
P.O. Box 684  
Grand Cayman KY1-1107  
Cayman Islands

August 4, 2020  
Director of Planning  
P.O. Box 113,  
Grand Cayman  
Cayman Islands  
KY1-9000

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents and ultimately decrease the value of our property.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current “Green Space”
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “**minimum**” number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road and in addition is very **unsightly**.

**Andrea Bodden**  
**765 Rosedale #118 Damask, Crewe Rd., GT**  
**P.O. Box 684**  
**Grand Cayman KY1-1107**  
**Cayman Islands**

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents for a period of two years (which is the approximate timeframe given by HAB for the project to be completed), in addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan**—I have not consented to the changes proposed to the development.
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days from the date of the notice being posted, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application, thus, in effect, not allowing them their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,  
Andrea Bodden

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

Tom Dahlstrom  
2438 san pietro circle  
palm beach gardens  
Florida, 33410  
My unit #201 Tiffany Building, Rosedale  
Block 20D Parcel 428H21

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:55 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] objection to planning application  
**Attachments:** ci.png; Scan\_20200804 (2).png; ci2.png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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

Hello,  
Please see attachment for my Objection  
Regards,  
Tom Dahlstrom

traffic to pedestrians crossing the road. In addition to it being unsightly.

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of

Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,





## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:55 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Objection to planning application  
**Attachments:** Scan\_20200804.png; Scan\_20200804 (2).png; Scan\_20200804 (3).png

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** tom, maria dahlstrom [mailto:gardencourt ltd@gmail.com]  
**Sent:** Tuesday, August 4, 2020 4:47 PM  
**To:** Department of Planning  
**Subject:** [EXTERNAL] Objection to planning application

Hello,  
Please find my letter of objection attached.  
regards,  
Maria Dahlstrom

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

Maria Dahlstrom  
2438 san pietro circle  
palm beach gardens  
Florida, 33410  
My unit #201 Tiffany Building, Rosedale  
Block 20D Parcel 428H21

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming

traffic to pedestrians crossing the road. In addition to it being unsightly.

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of

Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Maria Dahlstrom

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## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:55 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Objection to planning application  
**Attachments:** STwinn objection to HAB re Rosedale.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Stefan Twinn [mailto:stefan.twinn@gmail.com]  
**Sent:** Tuesday, August 4, 2020 4:46 PM  
**To:** Department of Planning  
**Subject:** [EXTERNAL] Objection to planning application

Good Afternoon,

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

Kind Regards,

Stefan Twinn  
516-1924

Stefan Twinn  
765 Crewe Rd, P.O. Box 12044  
Grand Cayman KY1-1010  
Cayman Islands

August 4, 2020  
Director of Planning  
P.O. Box 113,  
Grand Cayman  
Cayman Islands  
KY1-9000

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

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

I "**Stefan Twinn**" owner of " **GTE 20D 428H9**" object to the planning application by HAB Developers LTD on Block and Parcel 20D428 on the following grounds:

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

**Stefan Twinn  
765 Crewe Rd, P.O. Box 12044  
Grand Cayman KY1-1010  
Cayman Islands**

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

**Stefan Twinn**

**Owner**

**GTE 20D428H9**



## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:54 PM  
**To:** Peacey, Jessica  
**Subject:** FW: Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "20D428" - Rosedale Gardens  
**Attachments:** 20200804124722813.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Casey Goff [mailto:CaseyGoff@jacquesscott.com]  
**Sent:** Tuesday, August 4, 2020 11:53 AM  
**To:** Department of Planning  
**Cc:** Ronda Goff; nmarius@charterland.ky  
**Subject:** [EXTERNAL] Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "20D428" - Rosedale Gardens

Good morning,

Please see attached my formal objection to the proposed development citing concerns of inconsistency of the visual appearance of proposed and existing developments, along with concerns relating to a reduction in value of existing property as a result of the new development.

Kindest Regards

Casey Goff  
Food Division Manager



Jacques Scott Group Ltd

PO Box 488 Grand Cayman KY1-1106 Cayman Islands  
T 345 949 7600 C 345 916 5502 F 345 949 2316

[CaseyGoff@JacquesScott.com](mailto:CaseyGoff@JacquesScott.com)

[www.jacquesscott.com](http://www.jacquesscott.com)

Casey Goff  
765A Crowe Road, Unit 101  
PO Box 31406, Grand Cayman  
Cayman Islands, KY1-1206

August 4, 2020  
Director of Planning  
P.O. Box 1153,  
Grand Cayman  
Cayman Islands  
KY1-9000

**Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel  
"200428" – "Rosedale Phase, 14 apartment blocks which comprise 84 apartments ..."**

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

Casey Goff object to the Planning application by HAB Developers LTD on Block and Parcel 200428 on the following grounds:

- 1) Too many additional units to the current development – I am concerned that the addition of 14 apartment blocks which will comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crowe Road residents.
  - a) Congestion within the Strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of common "Green space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 14 buildings)
  - g) Only one lift to service all 14 properties
- 2) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will be a "modern" design which does NOT fit in with the current "southern contemporary" look of the existing buildings. As this will be a single estate with one entrance it is important that the look remain consistent so as not to disadvantage the current owners and possibly devalue their property.
- 3) Crowe Road cannot accommodate this many additional units/residents – Crowe Road is already at capacity with traffic congestion during times of the day – it will take 30-45 minutes to go from Rosedale Phase's gas station in the morning and even longer to make the return journey in the evening. In addition, there are already "large" developments currently being built on the opposite side of Crowe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crowe Road and affect the local traffic flow, restaurants and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 4) HAB did not receive approval from the Owners to amend the strata plan – Have not been told to their changes proposed to the cove common.

Casey Goff  
765A Crewe Road, Unit 101  
PO Box 31406, Grand Cayman  
Cayman Islands, KY1-1206

- 5) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 6) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

  
Casey Goff

## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:53 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Rosedale - Owner objection to HAB developers Planning Application  
**Attachments:** Individual objection to HAB re Rosedale.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Lucy Muyanga [mailto:mwongel@yahoo.com]  
**Sent:** Tuesday, August 4, 2020 10:04 AM  
**To:** Department of Planning  
**Subject:** [EXTERNAL] Rosedale - Owner objection to HAB developers Planning Application

TO THE PLANNING DEPARTMENT.

SEE ATTACHED, MY FORMAL OBJECTION TO HAB DEVELOPERS PLANNING APPLICATION.

Thanks,

Lucy Muyanga  
929 2799

LUCYM MUYANGA  
ROSEDELAGE GARDENS #121, PO BOX 510  
GRAND CAYMAN KY1 -1106  
CAYMAN ISLANDS

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

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current “Green Space”
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “**minimum**” number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

LUCYM MUYANGA  
ROSEDELAGE GARDENS #121, PO BOX 510  
GRAND CAYMAN KY1 -1106  
CAYMAN ISLANDS

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/ residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owner to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

LUCY M UYANGA

## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:53 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Objection to application Block and Parcel 20D428  
**Attachments:** J Steffen objection letter.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Joni Steffen [mailto:steffen.joni@gmail.com]  
**Sent:** Tuesday, August 4, 2020 10:02 AM  
**To:** Department of Planning  
**Cc:** Joseph Steffen  
**Subject:** [EXTERNAL] Objection to application Block and Parcel 20D428

Good morning,

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

Please feel free to contact me if you have any questions.

Kind regards,  
Joni Steffen  
Owner and resident  
#106 Rosedale Gardens



Joni Steffen  
266 Crowe Road; 106 Rosedale Gardens  
P.O. Box 69 George Town  
Grand Cayman KY1-1102  
Cayman Islands

August 3, 2022  
Director of Planning  
P.O. Box 113,  
Grand Cayman  
Cayman Islands  
KY1 9000

**Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel  
"20D428" - "Rosedale Phase, 14 apartment blocks which comprise 84 apartments ..."**

I have accepted this written notice as my formal objection to the above referenced planning application.


Joni Steffen, object to the planning application by HAB Developers LTD on Block and Parcel 20D428 due to the following grounds:

- 1) Too many additional units to the current development - I am concerned that the addition of 14 apartment blocks which comprise 84 units will severely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crowe Road residents.
  - a) Congestion within the same property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Elimination of off-street car at the current "Green Space"
  - f) Insufficient communal facilities for residents (e.g. gym, pool, garden for the bulk right)
  - g) Only one (1) entrance/exit to property
- 2) Not enough parking spaces for residents and visitors - While this proposed apartment might provide the legally required "minimum" number of parking spaces, this is insufficient for the current needs of today's residents. As an example, Strata 317 currently has two (2) assigned parking spaces for each unit and additional unassigned visitor parking spaces. These residents are now standing on the edges of the assigned parking. Even with all of this available, the strata still has considerable problems with people parking on the road side. Road side parking creates a dangerous hazard to the residents, especially children, as well as the view of the building to the pedestrians crossing the road. In addition, it is being unsightly.

Joni Steffen  
765 Crews Road; 105 Rosedale Gardens  
P.O. Box 67 George Town  
Grand Cayman KY1-1102  
Cayman Islands

- 3) Facade / Style of proposed buildings do not fit with the current style of buildings – The proposed buildings will have a "modern" design which does NOT fit with the current Southern Hemisphere style of the existing buildings. Strata will be a single strata with one entrance – it is noted that the maximum number of residents to not discourage the current owners and quite likely, given the proposed design of the new units, devalue their property. Further, the proposed building density is much too high, leaving not enough green space to be enjoyed by a much larger number of residents.
- 4) Heavy equipment / construction vehicle traffic – As there is only one (1) entrance and one (1) road going through the property, the addition of heavy equipment and construction vehicles will severely impact the safety of lifestyle for the current residents. In addition to damaging the current accessways.
- 5) Crews road cannot accommodate this many additional units/residents – Crews Road is a narrow roadway with insufficient parking for most of the day. It is a road 25-45 mph. As a general formula for knowledge – in the corner of Crews Road and Ayres West in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crews Road in close proximity to each other. This will greatly increase the traffic along Crews Road and affect the lives of all Crews Road residents and people coming from the eastern corner. An accident of 24 mph will devastate the area and make living conditions unbearable.
- 6) H&R did not receive approval from the Owners to remove the strategic plan. I never consented to the changes proposed to the development.
- 7) Insufficient notice of planning application was given. I was not reached by "planning application" notice. A copy was just delivered to me from another owner. Considering that the allowed timeframe for objections is 2 calendar days, the delivery (or lack of delivery) of the notice has made it impossible for the owners of Strata 817 to properly comment on this application. This is also violating the notion of the relevant "Right to Appeal".
- 8) The developer has an unfortunate history of being unable to complete the development. For over 10 years, the residents of Rosedale have suffered with the ruins of buildings that were left behind after the developer ran into financial difficulty and was unable to finish the project. According to the numerous property listings and defect investigations, the ruins are a sight and danger, and I am very concerned that the developer will be again absent on the project, leaving a ruinous mess.

Kloe Beggs Ms.



Joni Steffen  
Owner and Resident

## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Monday, October 11, 2021 9:53 AM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Fwd: Objection to application Block and Parcel 20D428  
**Attachments:** J Steffen objection letter.pdf

**From:** Joni Steffen [mailto:[steffen.joni@gmail.com](mailto:steffen.joni@gmail.com)]  
**Sent:** Thursday, October 7, 2021 12:37 PM  
**To:** Department of Planning <[Planning.Dept@gov.ky](mailto:Planning.Dept@gov.ky)>  
**Cc:** Joseph Steffen <[jsteffen@gmail.com](mailto:jsteffen@gmail.com)>  
**Subject:** [EXTERNAL] Fwd: Objection to application Block and Parcel 20D428

Good morning,

Please accept the below letter as my continued concerns related to the proposed development of Rosedale (referred to as project P19-1436 on the Department of Planning website).

As an existing resident, if this further development is approved, I'm very concerned about how the developer plans to mitigate the disruption to our daily lives living in construction zone for an undetermined amount of time.

Kind regards,  
Joni

----- Forwarded message -----

**From:** Joni Steffen <[steffen.joni@gmail.com](mailto:steffen.joni@gmail.com)>  
**Date:** Tue, Aug 4, 2020, 10:01  
**Subject:** Objection to application Block and Parcel 20D428  
**To:** <[planning.dept@gov.ky](mailto:planning.dept@gov.ky)>  
**Cc:** Joseph Steffen <[jsteffen@gmail.com](mailto:jsteffen@gmail.com)>

Good morning,

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

Please feel free to contact me if you have any questions.

Kind regards,  
Joni Steffen  
Owner and resident  
#106 Rosedale Gardens

## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:53 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Objection re planned development at Rosedale Gardens  
**Attachments:** Individual objection to HAB re Rosedale Gardens.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**From:** Chad Evans [mailto:chadmevans90@gmail.com]  
**Sent:** Tuesday, August 4, 2020 9:59 AM  
**To:** Department of Planning  
**Subject:** [EXTERNAL] Objection re planned development at Rosedale Gardens

Dear Sirs

Please find attached to this email my written objection to the planned development at Rosedale Gardens on block 20D parcel 428.

Should you require anything further, please do not hesitate to contact me.

Kind regards

Chad M. Evans  
765 Crewe Road, #124 Rosedale Gardens, George Town  
P.O. Box 184  
Grand Cayman KY1-1501  
Cayman Islands

Director of Planning  
P.O. Box 113  
Grand Cayman KY1-9000  
Cayman Islands

4 August 2020

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

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

I, **Chad M. Evans**, object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the roadside. In addition to it being unsightly, roadside parking causes a **dangerous hazard** to the residents, especially children, as it obscures the view of oncoming traffic to pedestrians crossing the road.

**Chad M. Evans**  
**765 Crewe Road, #124 Rosedale Gardens, George Town**  
**P.O. Box 184**  
**Grand Cayman KY1-1501**  
**Cayman Islands**

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance, it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale Gardens to Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale Gardens. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale Gardens have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,



**Chad M. Evans**

## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:53 PM  
**To:** Peacey, Jessica  
**Subject:** FW: Objection to planning Application by HAB Developers on Block and Parcel 20D428 - Rosedale Phase  
**Attachments:** Document 5.pdf  
  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Borislav Djordjic [mailto:boka2000@hotmail.com]  
**Sent:** Monday, August 3, 2020 7:07 PM  
**To:** Department of Planning  
**Subject:** [EXTERNAL] Objection to planning Application by HAB Developers on Block and Parcel 20D428 - Rosedale Phase

Good day,

To whom it may concern please note that I would like to file official Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel 20d428 - Rosedale Phase, 14 apartment blocks which comprise 84 apartments.

Kindly see attachment as my official objection to the development.  
Please let me know if you have received this email or should I come and bring it in physical format.

Thank you in advance for your time and consideration.

Truly yours,  
Borislav Dordic



Borislav Dordic  
765 Crew Road, Rosedale Apartment 120; Block 20D, Parcel 428H28 and P.O. Box 31793  
Grand Cayman KY1-1207  
Cayman Islands

August 3, 2020  
Director of Planning  
P.O. Box 113,  
Grand Cayman  
Cayman Islands  
KY1-9000

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

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

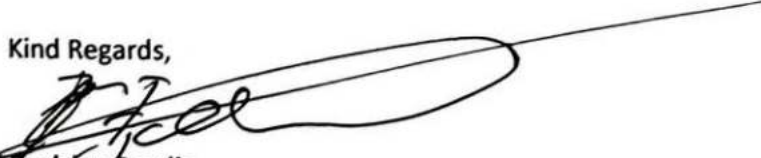
I Borislav Dordic object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

**Borislav Dordic**  
**765 Crew Road, Rosedale Apartment 120; Block 20D, Parcel 428H28 and P.O. Box 31793**  
**Grand Cayman KY1-1207**  
**Cayman Islands**

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

  
Borislav Dordic

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:53 PM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Objection to Planning Application by HAB Developers - Block 20D Parcel 428  
**Attachments:** Amaris Coe - Objection to Planning Application by HAB Developers - Block 20D Parcel 428.pdf  
**Importance:** High  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Amaris Coe [mailto:[acoe@candw.ky](mailto:acoe@candw.ky)]  
**Sent:** Monday, August 3, 2020 3:18 PM  
**To:** Department of Planning  
**Subject:** [EXTERNAL] Objection to Planning Application by HAB Developers - Block 20D Parcel 428  
**Importance:** High

Good afternoon Mr. Pandohie,

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

This objection is on my behalf as owner the of Block and Parcel, 20D 428H14 (206 Rosedale).

Kind regards,

Amaris Coe

Amaris Coe  
P.O. Box 54  
Grand Cayman KY1-1101  
Cayman Islands

August 2, 2020

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

Dear Mr. Pandey,

**Re: Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "200 428" – "Rosedale Phase, 14 apartment blocks which comprise 94 apartments ..."**

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

I, Amaris Coe, object to the planning application by HAB Developers LTD on Block and Parcel 200 428 on the following grounds:

- 1) Too many additional units to the current development – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 3, 7 and in addition adversely affect the living conditions of all new-to-be residents:
  - a) Congestion within the strata property;
  - b) Increased traffic within the strata's property;
  - c) Insufficient car parking;
  - d) Additional noise pollution;
  - e) Decrease of natural "Green Space";
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings);
  - g) Only one (1) entrance/exit to property;
- 2) Not enough parking spaces for residents and visitors – While the proposed application might satisfy the legally required "minimum" number of parking spaces, this is insufficient for the current needs of today's residents. As an example, Strata 117 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road side. Illegally parking causes a dangerous hazard to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being unsightly.



Amaris Coe  
P.O. Box 54  
Grand Cayman KY1-1101  
Cayman Islands

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe Road cannot accommodate this many additional units/residents** – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the Strata Plan** – I have not consented to the changes proposed to the development.
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising us of our lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Yours sincerely,



Amaris Coe

## INTERFACING APPLICATION FOR PLANNING PERMISSION

Singapore

REPORT: DAN TONER CO. 281-10      PAY DATE: NOVEMBER 1968 A & C Ground Coy

SUBJECT: Small Signal Corps, Fort Ord

I have reviewed this copy of this report and hereby certify that it contains all information requested by me as of:

DATE: 02/15/70

Signed: [Signature]      Date: 02/15/70

NOTE: The notice must be sent at least three days prior to the date upon which the application is submitted to the Department of Planning.

## Peacey, Jessica

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**From:** Louisa Gibson <louisa\_g@hotmail.co.uk>  
**Sent:** Tuesday, August 11, 2020 3:52 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Re: Rosedale - Owner objection to HAB developers Planning Application  
**Attachments:** Individual objection to HAB re Rosedale - Louisa Gibson.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Jessica

Yes, this was a template provided by the executive committee of Rosedale however it is very well written hitting all of the points which are of concern to me (and most other owners). I have added my Block and Parcel Number and a couple of corrections and signed the document.

I hope this is sufficient.

Regards,  
Louisa Gibson

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**From:** Peacey, Jessica <Jessica.Peacey@gov.ky>  
**Sent:** 11 August 2020 14:20  
**To:** Louisa Gibson <louisa\_g@hotmail.co.uk>  
**Subject:** RE: Rosedale - Owner objection to HAB developers Planning Application

Can you please send across the corrected objection.

Thanks

**Jess Peacey MRTPI**  
**Department of Planning | Cayman Islands Government**  
+1 345 244-6501 (Main ) +1 345 244- 6526 (Direct) +1 345 936-6550 (Mobile)  
\* [jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky) | [www.planning.ky](http://www.planning.ky)



**DEPARTMENT OF PLANNING**  
Cayman Islands Government

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

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**From:** Louisa Gibson [mailto:louisa\_g@hotmail.co.uk]  
**Sent:** Thursday, August 6, 2020 7:23 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Re: Rosedale - Owner objection to HAB developers Planning Application



Yes I do. Thanks. I will work on it tomorrow.

Sent from my iPhone

On 6 Aug 2020, at 6:36 PM, Peacey, Jessica <[Jessica.Peacey@gov.ky](mailto:Jessica.Peacey@gov.ky)> wrote:

Louisa

Reviewing your objection it appears to be a template that you need to amend/complete. Do you wish to do this?

Thanks

**Jess Peacey MRTPI**

**Department of Planning | Cayman Islands Government**

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

\* [jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky) | : [www.planning.ky](http://www.planning.ky)

<image001.png>

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

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**From:** Department of Planning

**Sent:** Wednesday, August 5, 2020 2:53 PM

**To:** Peacey, Jessica

**Subject:** FW: Rosedale - Owner objection to HAB developers Planning Application

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**From:** Louisa Gibson [[mailto:louisa\\_g@hotmail.co.uk](mailto:louisa_g@hotmail.co.uk)]

**Sent:** Monday, August 3, 2020 2:42 PM

**To:** Department of Planning

**Subject:** [EXTERNAL] Rosedale - Owner objection to HAB developers Planning Application

To whom it may concern,

Please see my attached objections as the owner of 110 Rosedale Gardens.

Please confirm receipt.

Thanks,

Louisa Gibson

<Individual objection to HAB re Rosedale.docx>

Louisa Gibson  
Block 20D Parcel 428H2  
110 Rosedale and P.O. Box 10499 APO  
Grand Cayman KY1-1005  
Cayman Islands

August 11, 2020  
Director of Planning  
P.O. Box 113,  
Grand Cayman  
Cayman Islands  
KY1-9000

**Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel  
“20D428” – “Rosedale Phase, 14 apartment blocks which comprise 84 apartments, one, two  
and three bedroom. The application includes a swimming pool, clubhouse, fence and signs.”**

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current “Green Space”
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “**minimum**” number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

**Louisa Gibson  
Block 20D Parcel 428H2  
110 Rosedale and P.O. Box 10499 APO  
Grand Cayman KY1-1005  
Cayman Islands**

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development.
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,



**Louisa Gibson**

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:53 PM  
**To:** Peacey, Jessica  
**Subject:** FW: Owner objection to HAB developers - Rosedale  
**Attachments:** Individual objection to HAB re Rosedale.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Tanya Meyerhoff [mailto:tanyameyerhoff@hotmail.com]  
**Sent:** Monday, August 3, 2020 10:11 AM  
**To:** Department of Planning  
**Subject:** Owner objection to HAB developers - Rosedale

Dear Sir/Madam,

Please find enclosed letter of objection in relation to the captioned matter.

Kind Regards,  
Tanya Meyerhoff

Your Name  
Your address and P.O. Box George Town  
Grand Cayman KY1-1000  
Cayman Islands

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

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current “Green Space”
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “**minimum**” number of parking spaces, this is insufficient for the current needs of today’s resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

Your Name  
Your address and P.O. Box George Town  
Grand Cayman KY1-1000  
Cayman Islands

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,



**Tanya Meyerhoff**

## Peacey, Jessica

---

**From:** Department of Planning  
**Sent:** Wednesday, August 5, 2020 2:52 PM  
**To:** Peacey, Jessica  
**Subject:** FW: Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "20D428"  
**Attachments:** Objection to HAB re Rosedale.docx  
**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** Kyle Farrington [mailto:Kyle\_Farrington@live.com]  
**Sent:** Monday, August 3, 2020 8:57 AM  
**To:** Department of Planning  
**Subject:** Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "20D428"

Good day,

Please see the attached objection to the Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "20D428"

I have not yet received the Planning letter in the mail but one of the executive committee members for Rosedale have.

Does my attached objection letter need to be signed or does the attached suffice?

Regards,  
Kyle Farrington  
Owner - 112B Rosedale Gardens



Kyle Farrington  
112B Rosedale Gardens, 765 Crewe Road and P.O. 30282  
Grand Cayman KY1-1202  
Cayman Islands

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

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current “Green Space”
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required “**minimum**” number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned “visitor” parking spaces. There is also, “overflow” parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

**Kyle Farrington**  
**112B Rosedale Gardens, 765 Crewe Road and P.O. 30282**  
**Grand Cayman KY1-1202**  
**Cayman Islands**

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

**Kyle Farrington**

**Peacey, Jessica**

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**From:** Department of Planning  
**Sent:** Wednesday, August 12, 2020 11:36 AM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Objection to planning (HAB) Rosedale  
**Attachments:** Objection to Planning Marcello Carbini.pdf

**From:** Marcello C [mailto:cmarcello69@gmail.com]  
**Sent:** Thursday, August 6, 2020 1:53 PM  
**To:** Department of Planning  
**Cc:** Franco Plona; Jennifer Andres  
**Subject:** [EXTERNAL] Objection to planning (HAB) Rosedale

To whom it may concern,

Please find attached my signed objection letter for the planning application by HAB developers LTD.

Kind regards

Marcello Carbini

Marcello Carbini  
765 Crewe Road Rosedale #109  
Block 20D Parcel 428 H 1  
P.O Box 11033  
Georgetown, Grand Cayman  
KY1-1007  
Cayman Islands

August 6, 2020  
Director of Planning  
P.O. Box 113,  
Grand Cayman  
Cayman Islands  
KY1-9000

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

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

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is

Marcello Carbinì  
765 Crewe Road Rosedale #109  
Block 20D Parcel 428 H 1  
P.O Box 11033  
Georgetown, Grand Cayman  
KY1-1007  
Cayman Islands

insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings –** The proposed buildings will be of a "modern" design which does NOT fit in with the current "southern contemporary" look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic –** As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents –** Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose's gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan –** I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given –** I have not received my "planning application" notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK or



Marcello Carbini  
765 Crewe Road Rosedale #109  
Block 20D Parcel 428 H 1  
P.O Box 11033  
Georgetown, Grand Cayman  
KY1-1007  
Cayman Islands

delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.

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

Kind Regards,



Marcello Carbini

## Peacey, Jessica

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**Subject:**

FW: FW: Re Objection to : Application for Permission from HAB Developers LTD of Block and Parcel #20D428 ( Please see my objection below)

**Jess Peacey MRTPI**

**Department of Planning | Cayman Islands Government**

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

\* [jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky) | : [www.planning.ky](http://www.planning.ky)



**DEPARTMENT OF PLANNING**  
Cayman Islands Government

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

**From:** Sharon Wyckoff <[sharonwyckoff@hotmail.com](mailto:sharonwyckoff@hotmail.com)>

**Sent:** Wednesday, August 19, 2020 2:25 PM

**To:** Peacey, Jessica <[Jessica.Peacey@gov.ky](mailto:Jessica.Peacey@gov.ky)>

**Subject:** Re: Revised Objection to : Application for Permission from HAB Developers LTD of Block and Parcel #20D428

Objection : I strongly object to the proposed development on the following ground • Increased traffic • Even though there are numerous apartment buildings at the beginning of Tropical Gardens Road, we do not wish that a precedent be set by allowing apartments into the interior of Tropical Gardens/Palmdale, etc. Especially in view of still so many vacant lots still being available. The area in question should remain for single family unit dwellings to be consistent with the vast majority of properties in the surrounding area as can be seen on enclosed marked up registry plan. Not to do so would result in loss of privacy for existing properties, not to mention the detrimental socioeconomic impact of the increased population density of people, cars and traffic.

- A development of the proposed kind will, due to its nature and size, interfere with the present tranquil and peaceful atmosphere of the area, where crime is presently virtually non existent.
- Tropical Gardens/Palmdale is an extremely quiet area, where children can still ride bikes without far, which would lose its character by nature of traffic from such a large development.
- Our concerns on access issues are as follows: a) The proposed exit of the development into Tropicana Crescent would create a major intersection with the main thoroughfare of Tropical Gardens. b) There are already serious concerns regarding the dangerousness of the Tropical gardens corner on Crewe Road. Multiple accidents already occur along this section of road. To add an intersection to an already dangerous location does not make sense. It is not a question of just ensuring a steady flow of traffic as this corner will be made even more dangerous. This stretch of Crewe Road already suffers from a very high volume of steady traffic from 5:30am to 1:00am with periods of congestion at peak commuting times. An additional 200 to 400 residents' cars requiring access on an already congested corner will only add to the potential for a serious accident. For instance, making a right turn to George Town out of the proposed entrance will be made difficult and confusing as you attempt to join the flow of 20 traffic, made even more difficult at night. Should there be two or more cars waiting in the right turn lane to turn into the proposed complex a driver exiting from the complex, having been beckoned, is likely to collide with through traffic heading to George Town as his vision would be obscured. This will be a major accident blackspot. c) An entrance to the complex on parcel 229 from Tropical gardens Road is too close to the exit onto Crewe Road.



This would make the Tropical Gardens Road very congested and also pose many safety concerns for drivers and pedestrians. • The proposed project is the largest apartment development of its kind that Cayman has seen that is located within, and virtually in the middle of, an existing and established residential area. • There is no indication how property owners, whose property will be devalued as a result of the proposed development will be compensated. • An extremely large project of this kind can very easily have a maintenance problem, especially when rentals are involved, and the development of a slum, or similar conditions, is feasible. • There appears to be no covenants. • With a development of this magnitude there is no guarantee that once the development has been started it will ever be completed or in which fashion it will be finished. • The properties in question area presently a nature habitat with parrots and owls and a multitude of bird life. • There is no guarantee that the developer will respect mature trees nor is there any guarantee that matters will proceed once the area has been leveled. • There is no indication that public works has been considered in regard to such a major development with respect to all aspects of the socioeconomic impact and all traffic access issues. • The proposed on-site sewerage treatment plant raises the following points: i. How can a major industrial works such as a sewerage plant (and a sewerage plant for numerous hundred people is major) be permitted next to a family residence. ii. A sewerage plant if constructed will make adjacent residences absolutely valueless and significantly reduce the value of empty plots. iii. What guarantee is there that the sewerage plant is totally noiseless? iv. Is the proposed sewerage plant below ground or above ground and will the structure esthetically fit into the neighbourhood? v. How will seepage be controlled and most im

## Peacey, Jessica

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**From:** Department of Planning  
**Sent:** Friday, October 1, 2021 11:18 AM  
**To:** Peacey, Jessica  
**Subject:** FW: [EXTERNAL] Re application for planning permission on Block and Parcel 20D/ 428 owned byHAB Developers

-----Original Message-----

**From:** Veronica Evans [mailto:vero@candw.ky]  
**Sent:** Wednesday, September 29, 2021 2:34 PM  
**To:** Department of Planning <Planning.Dept@gov.ky>  
**Subject:** [EXTERNAL] Re application for planning permission on Block and Parcel 20D/ 428 owned byHAB Developers

My concern is with road entry and exit. If these will be on Crew Rd it is ok, but using the entrance and exit through Tropical Gardens will only increase the traffic problem.

Veronica Evans  
P.O Box 2294  
Grand Cayman Ky1-1107

Sent from my iPhone

## Peacey, Jessica

---

**From:** Allison Bodden <allibee27@gmail.com>  
**Sent:** Monday, October 11, 2021 4:12 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Objection to Planning Application P19-1436  
**Attachments:** 20211011161150841.pdf

Dear Ms. Peacey

Please see attached.

Regards  
Allison Bodden

Sent from my Galaxy

ALLISON BODDEN  
RYAN EBANKS  
PO Box 11050  
Grace Cayman KY1-1007  
Cayman Islands  
918 2532  
926 8744

October 11, 2021

Director of Planning  
Government Administration Building  
Grace Cayman KY1 5020  
Cayman Islands

Dear Sir

**Objection to Application by HAB Developers Ltd ("HAB") on 200428 – Project  
PJ9 1436**

Please receive this letter notice as our formal objection to the above referenced planning application. We, Allison Bodden and Ryan Ebanks (the "objectors"), of PO Box 11050, Grace Cayman KY1-1007, Cayman Islands, object to the planning application by HAB on Block and Parcel 200428 on the following grounds:

- a) Too many add-on buildings to the current development – While there would be the addition of 14 apartment units which comprise 34 units, will adversely affect the living conditions for the current residents of Strata 117 and in addition adversely affect the living conditions of all other beach residents.
  - b) Congestion within the strata property;
  - c) Increased traffic within the strata property;
  - d) Inadequate visitor parking;
  - e) Additional noise pollution;
  - f) Decrease of current Green Space;
  - g) Inadequate maintenance for both numbers of units (2 pools and 1 gym for 18 buildings);
  - h) Only one (1) entrance to property;
- 2) Not enough parking spaces for residents and visitors – While this proposed application might have the legally required minimum for 1 car of parking spaces, this is insufficient for the current needs of the property's residents. As an example – Space 127 is currently an assigned parking space to each unit and no other unassigned visitor parking spaces – there is also no visitor parking on the strata of the undeveloped land. Even with all of this available, the strata still has a lot of cars on the ground with parked parking on the road and in addition to this being unsightly, new visitor parking spaces are dangerous to the health and safety of all those who live there as the view of incoming traffic to pedestrians crossing the road.

- 3) **Facade / Style of proposed buildings does not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single stratum with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe Road cannot accommodate this many additional units/residents** – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale to Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already two large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – We have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – We have not received a Planning Application notice nor, we understand, was the Strata Executive Committee notified. It was only by chance that we happened to find the application on the Planning Department's website. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application, thus disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish; incomplete parking; lack of common property lighting; and defective irrigation. The ruins are unsightly and dangerous, and we are very concerned that the developer would again abandon the project, leaving a further mess.

Yours sincerely

  
Allison Bodden

  
Ryan Ebanks

## Peacey, Jessica

---

**From:** Wright, Faith <faith.wright@pspb.ky>  
**Sent:** Monday, October 11, 2021 4:30 PM  
**To:** Peacey, Jessica  
**Subject:** Individual Objection to HAB Rosedale Development  
**Attachments:** Objection to HAB Development.pdf

Dear Jessica

Please see attached.

Kind Regards

**Faith A. Wright | Chief Financial Officer | Public Service Pensions Board**



133 Elgin Avenue | Government Administration Building | P.O. Box 912  
Grand Cayman KY1-1103 | Cayman Islands  
Direct (345) 244-7141 | Main (345) 945-8175 | Fax (345) 949-3573  
Email: [faith.wright@pspb.ky](mailto:faith.wright@pspb.ky) | Website: <https://www.pspb.ky>

## Disclaimer

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This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd.**

Faith A. Ebanks, CPA  
765 Crewe Rd. P.O. Box 11650 George Town  
Grand Cayman KY1-1009  
Cayman Islands

11 October 2021  
Director of Planning  
P.O. Box 113,  
Grand Cayman  
Cayman Islands  
KY1-9000

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

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

I, **Faith Amaryllis Ebanks** object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:


- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.



Faith A. Ebanks, CPA  
765 Crewe Rd. P.O. Box 11650 George Town  
Grand Cayman KY1-1009  
Cayman Islands

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

  
Faith A. Ebanks, CPA  
Owner Unit #102

## Peacey, Jessica

---

**From:** Chad Evans <chadmevans90@gmail.com>  
**Sent:** Monday, October 11, 2021 5:04 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Objection to Application- 20D428 — Project P19-1436  
**Attachments:** Scan Oct 11, 2021 45951 pm.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ms Peacey

Please find attached written formal objection regarding the subject matter.

Should you require anything further, please do not hesitate to contact me.

Kind regards  
Chad



**CHAD M. EVANS**  
765 Crewe Road  
124 Rosedale Gardens  
PO Box 184  
Grand Cayman KY1-1501  
Cayman Islands  
929 8041

October 11, 2021

Director of Planning  
Government Administration Building  
Grand Cayman KY1-9000  
Cayman Islands

Dear Sir

**Objection to Application by HAB Developers Ltd ("HAB") on 20D428 – Project P19-1436**

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

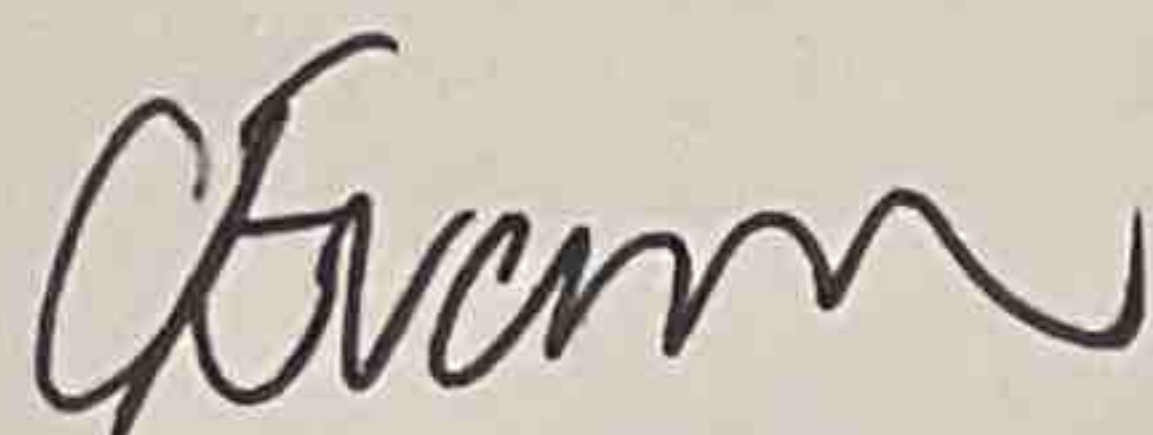
I, Chad Evans, owner of Unit 124 at Strata 317, Rosedale Gardens apartments, object to the planning application by HAB on Block and Parcel 20D248 on the following grounds:

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required minimum number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has 1.5 assigned parking spaces to each unit and additional unassigned visitor parking spaces. There is also, overflow parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. In addition to it being unsightly, road-side parking causes a dangerous hazard to the residents, especially children, as it obscures the view of oncoming traffic to pedestrians crossing the road.



- 3) **Facade / Style of proposed buildings does not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single stratum with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.
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- 5) **Crewe Road cannot accommodate this many additional units/residents** – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale to Jose's gas station in the morning and even longer to make the return journey in the evening. In addition, there are already two large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
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Yours sincerely



Chad Evans



**List of Applications to be Presented at CPA/24/21 (ADDENDUM)**

<b>2.25 NATIONAL HOUSING DEVELOPMENT TRUST (Eric Cronier) Block 49C Parcels 12 &amp; 15 (P21-1019) (\$1,500,000) (MW) .....</b>	<b>2</b>
<b>2.26 GEMINI DEVELOPMENT LTD. (John Doak Architecture) Block 8A Parcel 129 (P21-0826) (\$15,000) (MW) .....</b>	<b>6</b>

## **ADDENDUM FOR CPA/24/21 TO BE HELD ON NOVEMBER 24, 2021**

### **2.25 NATIONAL HOUSING DEVELOPMENT TRUST (Eric Cronier) Block 49C Parcels 12 & 15 (P21-1019) (\$1,500,000) (MW)**

Application for (48) lot subdivision with lot width variance.

#### **FACTS**

<i>Location</i>	North Side Rd., North Side
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	10.9 ac. (474,804 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

#### **BACKGROUND**

*N/A*

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

- 1) Subdivision Design
- 2) Lot Width (15' vs. 60')
- 3) LPP Location & Size

#### **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:

#### **Water Supply:**

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

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

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

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

### **Wastewater Treatment:**

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

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

### **National Roads Authority**

*None received at this time.*

### **Department of Environmental Health**

*N/A*

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

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

The Department was consulted on the acquisition of this parcel in 2019. The site comprises approximately 10 acres of undisturbed primary habitat. It is predominantly dry forest and shrubland, with seasonally flooded mangroves along the boundary with Malportas Pond. The Department's preference is to prioritise lands previously impacted (man-modified) for future development, in order to preserve the biodiversity of the islands. Malportas Pond is not a Protected Area, however there is National Trust land along the northern boundary, to the west of the subject property. It is identified as an Important Bird and Biodiversity Area by BirdLife International.

Notwithstanding the above, at the time of acquisition we recommended the retention of a 200 foot buffer at the interface with Malportas Pond (the southern boundary of the subject site). We note that the attached subdivision plan has a 75 foot buffer, however



this is to the edge of the proposed parcel and approximately 15 feet of that buffer is depicted as hard structures (parking and sidewalks). We strongly recommend that a 200 foot buffer from Malportas Pond to be included to ensure that any proposed development will not encroach into the mangrove wetland area. It appears that there are various ways that this could be accomplished, for example, by reducing the road width from 30 feet to 22 feet in consultation with the National Roads Authority. Another potential option would be to relocate the LPP along the eastern boundary to the south, joining with the existing buffer. Public amenity could be provided by a boardwalk to the pond and a platform for bird watching so that the people living in the subdivision have a natural area to enjoy.

A 200 foot buffer will ensure that any proposed development will not encroach into the mangrove wetland area, which not only serves as an important protective buffer for the pond, but is also very costly to fill. At the very least, we recommend that no less than 150 feet of buffer be incorporated.

### **Fire Department**

At this time the Fire Department has no comments and no objection to the proposed and will save comment for Future Development. As per Standard Fire Prevention Code 1994 6031.3.1 and 603.1.3.2. Where public water supply is inadequate or not available and approved water source shall be provided.

Fire hydrant in no case shall distance exceed 1000ft.

### **APPLICANT'S LETTER**

*None received at this time.*

### **OBJECTIONS**

*N/A*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is requesting planning permission for a Government Low Cost Housing for a (48) Lot Subdivision with lot width variance to be located on North Side Rd., North Side.

45 typical Lots ranging from 5,500 sq. ft. to 7,000 sq. ft.

2 LPP Lots at a total of 82,740 sq. ft. (+1.89 Ac.)

1 Road Parcel 97,500 sq. ft.

## **Zoning**

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

## **Specific Issues**

### **1) Subdivision Design**

Several lots have parcel boundaries that are not perpendicular from the road parcel and create odd lot shapes. Due to this design, several lots do not comply with the minimum lot width of 60 feet. Odd shaped lots may cause conflicts with neighbouring parcels in the future over confusion to location of shared boundaries.

The Department requests the CPA specifically consider the design for Lots 5, 6, 9, 11, 12, 13, 14, & 41.

### **2) Lot Width**

The proposed development will cover Parcels 12, 15, which are zoned Low Density Residential. All of the proposed lots comply with Regulation 9 (10) (a) of the Development and Planning Regulations (2021 Revision) with regard to lot size; however, not all the proposed lots are the required minimum 60 feet wide by 80 feet deep. Lots 5, 9, 11, 12, 13, 28, 36, and 41 do not have a minimum of sixty feet in width and Lot 17 not being 80 feet in depth.

### **3) Location of LPP**

The subdivision includes 2 LPP parcels 82,740 sq. ft. (17.4%) at the sites east and southern boundary. At the Southern boundary the applicant has come to an agreement with DOE to retain an 80' Buffer from Malportas Pond (49A1). As the proposed area for LPP1 has no intention of being cleared, the Department questions whether the proposed area for LPP2 is sufficient for the proposed subdivision.

The parcels within 450' radius were notified and no objections were received.

**2.26 GEMINI DEVELOPMENT LTD. (John Doak Architecture) Block 8A Parcel 129 (P21-0826) (\$15,000) (MW)**

Modification to Site Design; Relocate Lift Station to 6' From Boundary

**FACTS**

<i>Location</i>	Powery Rd., West Bay
<i>Zoning</i>	<b>Hotel Tourism</b>
<i>Notification result</i>	No objections
<i>Current use</i>	Approved Apartments under construction

**BACKGROUND**

June 19, 2019 – Apartments (9 units) with (9) Pools & 4' Fence– the application was considered and it was resolved to grant planning permission (CPA/12/19; Item 2.7)

September 11, 2019 – (9) Lot Raw Land Strata Subdivision - the application was considered and it was resolved to grant planning permission. (CPA/19/19; Item 2.4)

January 22, 2020 –Modify-(9) Lot Land Strata Subdivision – the application was considered and it was resolved to grant planning permission. (CPA/02/20; Item 2.25)

April 19, 2021 – Modification- Revise Unit 9 Additional Floor Area, Lengthen Pool 9 & Add Motorized Gates - the application was considered and it was resolved to grant planning permission.

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

- 1) Side Setback (6'-0" vs. 20'-0")

**APPLICANT'S LETTER**

*None received at this time*

**OBJECTIONS**

*N/A*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a Modification to Site Design; Relocate Lift Station to 6' From Boundary to be located on Powery Rd., West Bay.

## **Zoning**

The property is zoned Hotel Tourism and the Department would offer the following comments regarding the specific issue noted below.

### **Specific Issues**

#### **1) Side Setback**

Regulation 10(1)(f) of the Development and Planning Regulations (2021 Revision) states *“the minimum side setbacks are a minimum of 20’-0”* The proposed relocation places the lift station at 6’-0” from the southern side boundary a difference of 14’-0” respectively.

The Authority should assess under Section 8(13) if there are exceptional circumstances and sufficient reason to grant the setback variance.