

## **Central Planning Authority**

**Minutes of a meeting of the Central Planning Authority held on April 13, 2022 at 10:00am in Conference Room 1038, 1<sup>st</sup> Floor, Government Administration Building, and Elgin Avenue.**

### **11<sup>th</sup> Meeting of the Year**

**CPA/11/22**

**Mr. Ian Pairaudeau (Chair) (left at 4:00)**

**Mr. Handel Whittaker (Deputy Chair) (Acting Chair 2.4, 2.6, 2.8 and 2.29 to end of Agenda)**

**Mr. Joshua Bernard**

**Mr. Gillard McLaughlin (left at 4:25)**

**Mr. Charles Russell Jr.**

**Mr. Windel Scott (apologies)**

**Mr. Peter Campbell**

**Mr. Kenneth Ebanks**

**Ms. Danette McLaughlin (apologies)**

**Ms. Shakina Bush (apologies)**

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

**Ms. Celecia Bancroft**

**Mr. Ashton Bodden (left at 3:30)**

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

**Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)**

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

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**APPLICANTS ATTENDING THE AUTHORITY'S MEETING**

<b>APPLICANT NAME</b>	<b>TIME</b>	<b>ITEM</b>	<b>PAGE</b>
Eamon McErlean	10:30	2.1	5
Gifford Palmer	11:00	2.2	16
Swadnik Ltd.	11:30	2.3	20
Rosedale	1:00	2.4	28
Coral Sands	1:30	2.5	38
Dwight Allen	4:00	2.6	48

**1. 1 Confirmation of Minutes CPA/09/22 held on March 30, 2022**

**Moved:** Handel Whittaker

**Seconded:** Joshua Bernard

**Confirmed**

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

<b>ITEM</b>	<b>MEMBER</b>
2.4	Ian Pairaudeau
2.8	Ian Pairaudeau



## **2.0 APPLICATIONS**

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

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

Application for proposed house & pool.

**Appearance at 10:30**

#### **FACTS**

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

#### **BACKGROUND:**

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

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

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

- 1) The applicant shall submit a revised site plans showing:
  - a) the road side wall setback a minimum of 4' from the road side property boundary;
  - b) the front steps setback a minimum of 10' from the road side property boundary;
  - c) new access stairs in line with the existing public access to the sea which allow persons to gain access over the existing wall; and
  - d) all landscaping removed from the public access to the sea.

In addition to Building Permit requirements, conditions (2-3) listed below shall be met before a Building Permit can be issued.

- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 4) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 5) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 6) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.
- 7) Any lighting proposed as part of these works should be designed in such a way so as to ensure that the point source of light or any reflective surface of the light fixture shall not directly, indirectly, or cumulatively illuminate the beach, nor shall it be directly or indirectly visible to an observer standing on the beach, so as not to impact turtle nesting.

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

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

Reasons for the decision:

- 1) With the exception of the high water mark setback, side setbacks and solid waste storage setback, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required solid waste storage setback and the side setbacks per Regulations 8(7) and 15(4)(b)(i) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
  - a) The solid waste storage will be screened by existing vegetation on the adjacent parcel and it will be next to the adjacent driveway, not the dwelling, thus satisfying the intent of the Regulation. Further, it is noted that the solid waste storage areas for other dwellings in the area have the same or similar setbacks.
  - b) The characteristics of the proposed development are consistent with the character of the surrounding area. In fact, the Authority notes that the side setbacks for the dwellings on either side of the subject site are much less than what the applicant is proposing.
  - c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - d) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.
- 3) The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(f) of the Development and Planning

Regulations (2021 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:

- a) the elevation of the property and its environs;
- b) the geology of the property;
- c) the storm/beach ridge;
- d) the existence of a protective reef adjacent to the proposed development;
- e) the location of adjacent development; and
- f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that:

- There is a protective reef adjacent to the property and this will assist in minimizing storm surge thus allowing the proposed development to be closer to the high water mark.
  - There are existing developments on adjacent properties with similar setbacks from the high water mark and the proposed house and pool are in line with those developments. Further, the Authority notes that the proposed house and pool are situated behind the existing seawall. As such, the setback of the proposed development is consistent with the established development character of the area and it will not detract from the ability of adjacent land owners from enjoying the amenity of their lands. Additionally, the Authority notes that the propose house and pool
- 4) In order to comply with Regulation 8(18), the Authority must include a condition of approval requiring a revised site plan showing the wall along the road setback 4' from the property boundary.
  - 5) For safety reasons there needs to be adequate distance between the front steps and the road and the Authority has included a condition of approval in this regard.
  - 6) The Authority is of the view that the objectors did not raise grounds for refusing permission. More specifically:
    - The Authority is of the view that a land owner has the right to elevate their homes and amenities (such as a pool) to ensure safety from wave action, especially given current climate change predictions. The Authority does not agree that this design element causes undue harm to the adjoining owners.
    - The development of this site with a dwelling is no different than the development of the neighbouring parcels and will be graded in a similar manner. No evidence has been provided to demonstrate that the reasonable grading of the site will cause demonstrable harm to adjoining properties.
    - Per Regulation 8(18), the Authority is offered no legal discretion to vary the 4' wall setback requirement.
    - The proposed development complies with the height limitations in the Beach Resort/Residential zone and the Authority is of the view that there are no

architectural elements that are out of keeping with the area.

- The issue of ensuring usable public access to the beach has been addressed through a condition of approval.

## **AGENCY COMMENTS**

The following comments have been received to date:

### **Department of Environment**

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

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

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

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

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

## **OBJECTIONS**

### **Letter #1**

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

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

*I do have the following concerns:*

*1. The request for variance for pool setback is not simply about the setback. The pool and contiguous patio are set at a height that is 5' above road grade and above the grade of the*

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

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

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

*4. The request for these variances is the result of the house design that contemplates three highly unusual features for this traditional neighbourhood. The height of the home as proposed appears to be around 55'. My home and that of the adjacent neighbour are under 30' tall. The proposed home will tower 25', effectively looking like more than two stories, above our rooflines. Backfilling the lot to increase the grade by some 5' is a result of the design that incorporates two double car garages. No single family home in our area has that capacity of garage space. I would be very concerned if this garage capacity would enable the home at some point to be duplexed. The variance regarding the front wall is only required as a result of the design of the garages. No other homes on my street have garages located below street grade. There is no justification to 3 design a home with below grade garages that results in a narrow tall structure that dominates the street. While the roof line is arched, this only results in an even taller structure than a flat roof would otherwise provide.*

*5. Lastly I would bring to your attention the fact that Mr. McErleans lot includes a public beach access right of way. There is nothing on the site plan that explains the impact of this design and the proposed grade of the site on the beach access. Currently, our community uses the beach access for fishing and recreation by accessing the beach from an existing staircase. The variance for the pool at a grade 5' above the existing sea retaining wall*

*does not address any issues related to accessibility via the public beach access point. It is unclear as to whether he will build a privacy wall or add another staircase for beach access and at what grade either will be established. This would obviously be of concern to the larger community, specifically residents at Lantern Point who are frequent users but do not have the opportunity to comment at this point of the process.*

*With respect, the proposal at hand significantly impedes my private enjoyment and investment in my own home. It maximizes the size of a home on a small parcel of land with features that are extreme and out of character for this street.*

*I trust you will take into consideration these concerns.*

## Letter #2

*We have seen the [REDACTED] complaint about the proposed house to be built on Prospect Point owned by Eamon McErlean.*

*Our specific concerns are as follows:*

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

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

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

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

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

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

*The front wall is not a concern to us.*

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

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

## APPLICANT'S LETTERS

### Letter #1

*We would like to request variances for the above noted project.*

*However, we would firstly like to point out that this house already had planning approval with the variances we are now requesting. We have not changed the sq. ft. or design of the building. This is simply just a resubmission. The client had planning approval back in July 2014 but due to personal reasons he had to leave island and this is why the home was never built. He is now back and ready to build.*

*- “East side setback variance – 20ft. requires 15’ proposed” Please note that this is zoned beach resort residential. As we are only applying for a home, we feel that the 15ft setback is adequate.*

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

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

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

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

*We hope the board will find this acceptable.*

## Letter #2

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

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

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

## PLANNING DEPARTMENT ANALYSIS



## **General**

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

The proposal is for a house and pool.

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

## **Zoning**

The property is zoned Beach Resort Residential.

## **Specific Issues**

### **1) HWM setback (39' vs 50')**

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

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

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

### **2) Side setbacks (15' & 16' vs 20')**

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

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

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

### **3) Front stairs setback**

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

### **4) Wall location**

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

### **5) Septic setback (7' vs 20')**

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

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

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

## **6) Solid Waste setback (0' vs 6')**

Regulation 8(7) states that solid waste enclosures shall be setback a minimum of 6 feet from property boundaries.

The proposed solid waste enclosure is setback 0 feet from the east boundary.

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

At 10:30am, Eamon McErlean appeared as the applicant and Declan O'Brien appeared as his agent. Toby Jenkins and Tom Jenkins appeared as objectors. Summary notes are provided as follows:

- Mr. O'Brien indicated that he represents Mr. McErlean and that he had prepared a detailed letter, but was told it was too late to include it in the Agenda. Mr. McErlean began to hand out copies of the letter to the members and the Chairman stopped him and explained that approval has to be granted to accept the letter at this point and the objectors have to agree to it being accepted. Mr. Jenkins advised that as he hasn't seen it before he objects to it. Mr. O'Brien explained he had tried to submit it 9 days ago. Mr. McErlean noted that he thought the objections were going to be withdrawn and they didn't realize there was a hard deadline for submissions.
- Mr. O'Brien advised there had been a previous approval with variances granted, but that expired. He referred to other houses in the area with variances. He read the applicant letters from the Agenda.
- Mr. McErlean ask the Authority if his letter had been read and the members replied they had. He then proceeded to provided several comments:
  - He expressed surprise that there were objections, it seems they don't want anyone building while they are trying to sell their homes.
  - Half the buildings on the road are of a similar height and there is Lantern Point as well.
  - His balcony will be 30' 10" above sea level and the Jenkins' is 24'
  - He is asking for 15' side setbacks and notes that both objectors have structures closer than 10'.
  - There will be no runoff.
  - The a/c units will be on the roof so there will be no noise.
  - If the front wall is setback 4' there will be very little space for turning and everyone else has walls in this location so it would be out of character.
  - The building is not unusual and others have double garages.
  - This will never be a duplex.

- Regarding the public beach access the Jenkins' blocked it off when they bought the property. They put in a gate and hired a security guard to prevent people from using it.
- His deck will only be 3' higher than the Jenkins'.
- There will be lush landscaping.
- The Authority asked for the input of the objectors.
- Mr. Jenkins provided several comments:
  - When they moved in they found there was a misuse of the public beach access and he got advice that he could be responsible if something happened so he block it off so it could be fixed up and it is open now.
  - The security camera was not hooked up to anything it was just there as a deterrent.
  - Yes, Lantern Point is of a certain height, but it is 1000' away.
  - When you put the proposed height 20' away then it angles straight down.
  - It will be better for the neighbourhood if there is a house there, but one like the other houses in the area.
  - This will be like a guard tower looking down on everyone.
  - They don't care if the site is under construction, they are just deciding whether or not to move to Seven Mile Beach.
  - They are concerned about the grade being changed as it will lead to flooding.
  - If the grade goes up then the privacy wall is just a curb.
  - They are concerned this will become a duplex.
  - They are also concerned with having 4 cars on the property.
- Ms. Jenkins stated that they understood another house had been approved before, but they didn't think that was relevant to this application so they didn't address it. They welcome a house next door, but one with more due diligence to the heights in the area. Mr. McErlean approached the Nutts', but not them. He gave them a letter he wanted them to sign without seeing the plans. She is concerned with such a tall structure with below grade garages.
- The Authority advised that notification of neighbours is not required for a house unless there is a request for a setback variance so the only thing for consideration are the setbacks.
- Ms. Jenkins noted that the setback variances are required because of the size of the building he wants to build. She made a comment regarding density and height being attached to setbacks.
- Mr. O'Brien explained they are complying to what would normally apply to a house, 15'. He noted the height of the house is 43', not 55'.
- There was a general discussion about the public access and the existing stairs and

whether they are blocked and it appears that they are not blocked, but are covered with foliage. Mr. McErlean advised that he would ensure there is open access to the stairs.

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

Application for a house, pool and 5’ wall.

**Appearance at 11:00**

**FACTS**

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

**BACKGROUND**

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

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

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

- 1) The applicant shall submit revised plans showing:
  - a) compliance with all minimum required setbacks; and
  - b) the wall with a maximum height of 4'.

In addition to Building Permit requirements, conditions (2-3) listed below shall be met before a Building Permit can be issued.

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

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

Reason for the decision:

The Authority considered the application and determined that with the inclusion of a condition requiring compliance with all minimum required setbacks planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision).

## **AGENCY COMMENTS**

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

### **National Roads Authority**

*As per your memo dated November 16<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 NRA has no objections or concerns' regarding the above proposed fence as it is located on a road classified as an Access Road.***

### **Department of Environment**

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

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

## **APPLICANT'S LETTER**

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

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

- (1) Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site's development potential:*** *While we have complied with the required minimum 20ft front and rear setback, we would also like to request for a setback variance due to the odd shape/orientation of the lot. Because of the odd shade of the lot, we have to move the house placement towards the left part of the parcel. There is a proposed perimeter fence and these areas will also be heavily landscaped, which will serve as a privacy screen for both properties. We hope that the CPA board will find this acceptable since there is no other place we can properly fit these areas other than its current proposed location.*
- (2) Under Regulation 8 (13)(b)(iii), the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare:*** *The proposed 5ft perimeter wall (fence) was intended to be built to give privacy and additional security within the development.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Setback Variance**

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

#### **2) Wall Height**

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

## **SUPPLEMENTARY ANALYSIS**

No changes have been made to the plans.

At 11:00am, Gifford Palmer appeared as the applicant and Mary Ann Villanueva appeared as his agent. Summary notes are provided as follows:

- Ms. Villanueva noted that the application had been adjourned on January 19 because of the need for setback variances. She noted that Mr. Palmer is willing to revise the plans and shrink the house to accommodate the setbacks.
- The Authority clarified that if there would be no variances at all with the changes then the application can be approved administratively.
- Ms. Villanueva noted that the plans were based on their clients plans and were presented with the need for variances, but they are now willing to revise the plans.
- The Authority asked if the wall height remains at 5' and Ms. Villanueva replied it will be reduced to 4'.
- Ms. Villanueva noted that if they had received the decision letter from January 19 they would have revised the plans. The Executive Secretary checked the records and advised the letter had been uploaded to OPS on February 2, 2022.

**2.3 SWADNIK LTD. (Architectural Designs) Block 28D Parcel 166 (P21-0642) (\$1,200,000) (MW)**

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

**Appearance at 11:30**

**FACTS**

<i>Location</i>	Galaxy Way., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.40 ac. (17,424 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	7,226 sq. ft.
<i>Total building site coverage</i>	21.9%
<i>Allowable units</i>	6 units
<i>Proposed units</i>	6 units
<i>Allowable bedrooms</i>	9.6 bedrooms
<i>Proposed bedrooms</i>	12 bedrooms
<i>Required parking</i>	9 spaces
<i>Proposed parking</i>	9 spaces

**BACKGROUND**

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

**Decision:** It was resolved to refuse planning permission for the following reasons:

- 1) The applicant failed to demonstrate that the location is suitable for apartments per Regulation 9(8) of the Development and Planning Regulations (2021 Revision). It is the Authority's view that the immediate area is characterised primarily by detached dwellings and the proposed apartments would not be in keeping with this established character and therefore the location is not suitable for apartments.
- 2) The application does not comply with the maximum allowable number of bedrooms per Regulation 9(8)(c) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant



failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the additional bedrooms.

- 3) The application does not comply with the minimum lot size requirement per Regulation 9(8)(f) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser lot size.
- 4) The application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the lesser setback.

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

#### **Wastewater Treatment & Disposal**

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

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

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

### **Water Supply**

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

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

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

*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**

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

#### **General Issue**

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

#### **Road Capacity Issues**

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

<b><i>Expected Daily Trip</i></b>	<b><i>AM Peak Hour Total Traffic</i></b>	<b><i>AM Peak 16% In</i></b>	<b><i>AM Peak 84% Out</i></b>	<b><i>PM Peak Hour Total Traffic</i></b>	<b><i>PM Peak 67% In</i></b>	<b><i>PM Peak 33% Out</i></b>
<b><i>40</i></b>	<b><i>3</i></b>	<b><i>1</i></b>	<b><i>2</i></b>	<b><i>4</i></b>	<b><i>3</i></b>	<b><i>1</i></b>

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

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

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

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

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

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

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

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

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

*Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*

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

### **Solid Waste Facility:**

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

*Table 1: Minimum Enclosure Dimensions*

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height
6	5.00	7.50	2.50

### **Swimming Pool:**

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

## **Department of Environment**

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

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

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

## **Fire Department**

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

## **APPLICANT'S LETTER**

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

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

*We hope that the CPA will favourably consider our proposal.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Suitability**

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

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

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

### **2) Bedroom Density**

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

### **3) Lot Size**

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

### **4) Rear Setback**

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

## **SUPPLEMENTAL ANALYSIS**

No changes have been made to the plans.

At 11:30am, Jay Welcome appeared on behalf of the applicant. Summary notes are provided as follows:

- The Authority noted that his letter says there are similar complexes in the area, can he say where?
- Mr. Welcome replied with several comments:
  - there are duplexes mainly
  - there is a mixed variety of occupancy in the area
  - there is industrial (gas station), institutional (school), religious (church), commercial (plaza) and Wendy’s so there is a mixed variety of occupancy in the area
  - all behind the site is residential and there are different occupancy rates with R3 for houses, duplexes and townhouses

- adjoining the parcel boundary is R3
- The Authority noted he is quoting the building code, but his letter says there are other multi-family developments in the area.
- Mr. Welcome advised there is a 3 unit complex by the Church. The Church rents them, but it is an apartment complex.
- The Authority noted that those apartments were approved with the Church.
- The Authority raised the other reasons for the adjournment, namely the lot size, bedroom density and rear setback.
- Mr. Welcome explained that the setback variance is for the steps.
- The Authority asked about the bedroom density.
- Mr. Welcome noted that they are asking for two point something over the allowable. The Authority advised density is rounded up, either it is a bedroom or it is not.
- Mr. Welcome advised he could take out the closets and call them studies, but they would prefer bedrooms as it is more marketable.
- The Authority asked if he would cut the number of units down to 5 and Mr. Welcome replied no, he would cut down the number of bedrooms, the number of units is okay.
- The Authority advised that the lot is too small for apartments.
- Mr. Welcome explained he is asking for a variance based on .4 acres and noted that this is similar to another application he presented to the Authority where the lot is a lot bigger than is needed for a house, but is smaller than is needed for apartments.
- The Authority noted that they could put a duplex on this size lot.
- Mr. Welcome replied that when subdividing, developers do it based on what is happening and needed at that time.
- Mr. Welcome explained the Authority is put here to use their discretion regarding suitability and this is more positive for the area. He noted that the Regulations give guidance, they are the start, not the ending. He noted that it is not unreasonable to ask the CPA to approve this otherwise it wouldn't get here. The CPA can use its discretion based on the area which is mixed. You can apply for anything anywhere, but you have to poll and the radius varies. You can submit a commercial application in a residential zone. Polling is the most important factor and there were over 60 owners notified and there are no objections.
- The Authority noted that when some applicants ask for more occupancy they provide more parking. Mr. Welcome noted he has 9 parking spaces and there are guidelines to follow. The Authority agreed and then noted that he wants to stretch those guidelines for the number of bedrooms. Mr. Welcome noted there is a big pool area so maybe he could fit in 2 or 3 parallel spaces.
- The Authority asked again if Mr. Welcome could show where other apartments are located on lots under 25,000 square feet. Mr. Welcome's reply was vague and

confusing and he did not identify any other parcels.

- The Authority explained that no applicant should expect the starting point is for the CPA to use its discretion and give variances. The starting point is compliance with the Regulations, it is his job to show why the CPA should use discretion.

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

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

**An appearance was scheduled for 1:00. The applicant was present and available for the meeting, but the objectors were not. As this was the second opportunity to consider the application, the Authority deemed natural justice to have been served and could proceed to review the application. The Authority also determined that since the comments from Fire and NRA were now available there was no need to hear from the applicant.**

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

### **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**

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



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

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

- 1) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 2) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 3) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 4) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 5) The applicant shall submit a construction operations plan to the satisfaction of the Central Planning Authority indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes. Additionally, the plan must specify that hours of operation are limited to 8am to 5pm Monday through Saturday with no operations on Sunday. Finally, the plan must show a separate construction access road other than the existing access road for the existing Phase 1.

In addition to Building Permit requirements, conditions (6-8) listed below shall be met before a Building Permit can be issued.

- 6) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool

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

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

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

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

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

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

Reasons for the decision:

- 1) The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2018 Revision). This determination includes the specific assessment that

per Regulation 9(7) of the Development and Planning Regulations (2018 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:

- There are no physical constraints on the site that would prevent the development of apartments.
  - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) The Authority is of the view that there are no objections that raise grounds for refusing permission. More specifically:
- The proposed development complies with the provisions of the Development and Planning Regulations (2018 Revision), including maximum density allowances.
  - No evidence has been provided to support the statements regarding congestion, traffic, parking, noise, green space, amenities or the entry/exit.
  - The Authority is satisfied with the architectural design per Regulations 9(1) and (2) and would note further that any applicant is not bound to conform to the existing architectural styles in the surrounding areas.
  - The Authority acknowledges that there will be some disturbance in terms of noise, dust, etc, during the construction phase, but this is simply an inherent element of development, just as it was with the construction of the first phase of this overall residential development. Further, there is a condition of approval requiring the submission of a Construction Operations Plan that will assist in controlling certain elements of the construction process.
  - The Authority is satisfied that Crew Road can accommodate the traffic from the proposed development and this position is supported by the National Roads Authority.
  - Strata Plan issues are not within the remit of the Central Planning Authority and are not a material planning consideration.
  - The Authority is satisfied that the applicant complied with the notification process as set out in the Development and Planning Law and Regulations.
  - The past history of an applicant is not a material planning consideration.
  - No evidence has been provided to support the claim that the proposed development will disrupt the ability of the surrounding owner from enjoying the amenity of their properties and the area.
  - There is no evidence that the proposed development will devalue property values and that is not a material planning consideration.
  - Covenants or the lack thereof are not material planning considerations.

- The Authority has no control over the development being completed or not, this is not addressed in the Development and Planning Law or Regulations.
- The development must be serviced by an aerobic waste water treatment plant as this is a requirement of the Water Authority since there is no public sewerage line in this area and this is standard procedure for all such developments. The plant will have to be serviced and maintained in accordance with the requirements of the Water Authority.

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

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

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

<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>		

Clubhouse		200	200	200
<b>TOTAL</b>				19,100

- *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**

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

**Fire Department**

*Please note the scale provide is incorrect.*

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

**APPLICANT'S LETTER**

Appendix A

**OBJECTIONS**

Appendix B

**PLANNING DEPARTMENT ANALYSIS**

**General**

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

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

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

**Zoning**

The property is zoned Medium Density Residential.

**Specific Issues**

**1) Suitability**

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

The application seeks to expand an existing apartment complex.

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

## **SUPPLEMENTAL ANALYSIS**

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

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

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

<b><i>Expected Daily Trip</i></b>	<b><i>AM Peak Hour Total Traffic</i></b>	<b><i>AM Peak 20% In</i></b>	<b><i>AM Peak 80% Out</i></b>	<b><i>PM Peak Hour Total Traffic</i></b>	<b><i>PM Peak 65% In</i></b>	<b><i>PM Peak 35% Out</i></b>
<b>559</b>	<b>43</b>	<b>9</b>	<b>34</b>	<b>52</b>	<b>34</b>	<b>18</b>

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

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

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

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

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

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



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

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Crewe Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>*

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

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

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

**2.5 CORAL SANDS (AMR Consulting Engineers) Block 13EH Parcels 174 (P21-0739) (\$37,800) (MW)**

Application for seawall (4'-11") and 8' wide beach access ramp.

**Appearance at 1:30**

**FACTS**

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

**BACKGROUND**

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

**Decision:** It was resolved to refuse planning permission for the following reason:

- 1) The application does not comply with the minimum require setback from the high water mark per Regulation 8(10)(b) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that the applicant failed to adequately justify the lesser setback per the provisions of Regulation 8(11).

**AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

**Department of Environment**

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

***Site Overview***

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

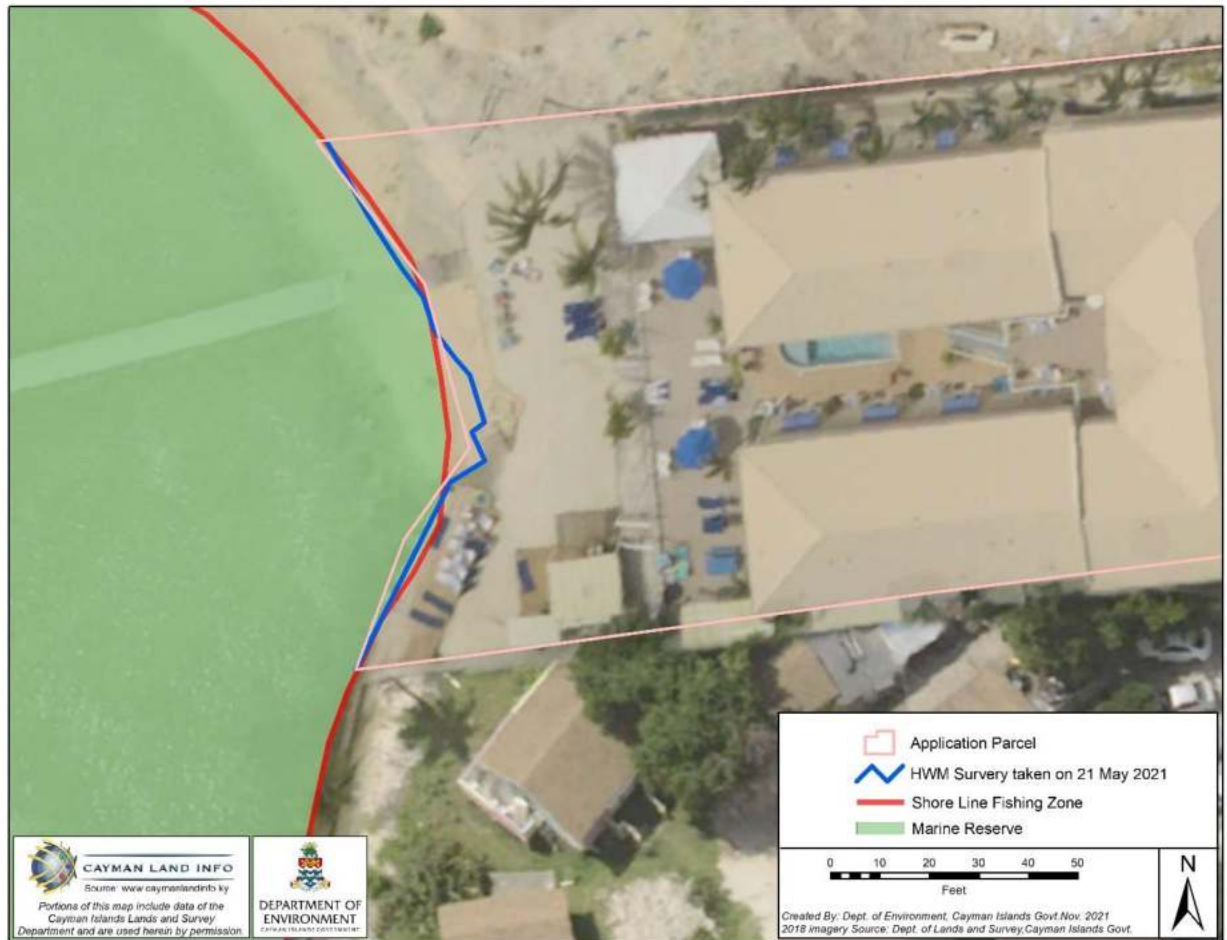


Figure 1: LIS 2018 aerial image showing application site outlined in pink.

### ***The Initial Proposal***

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

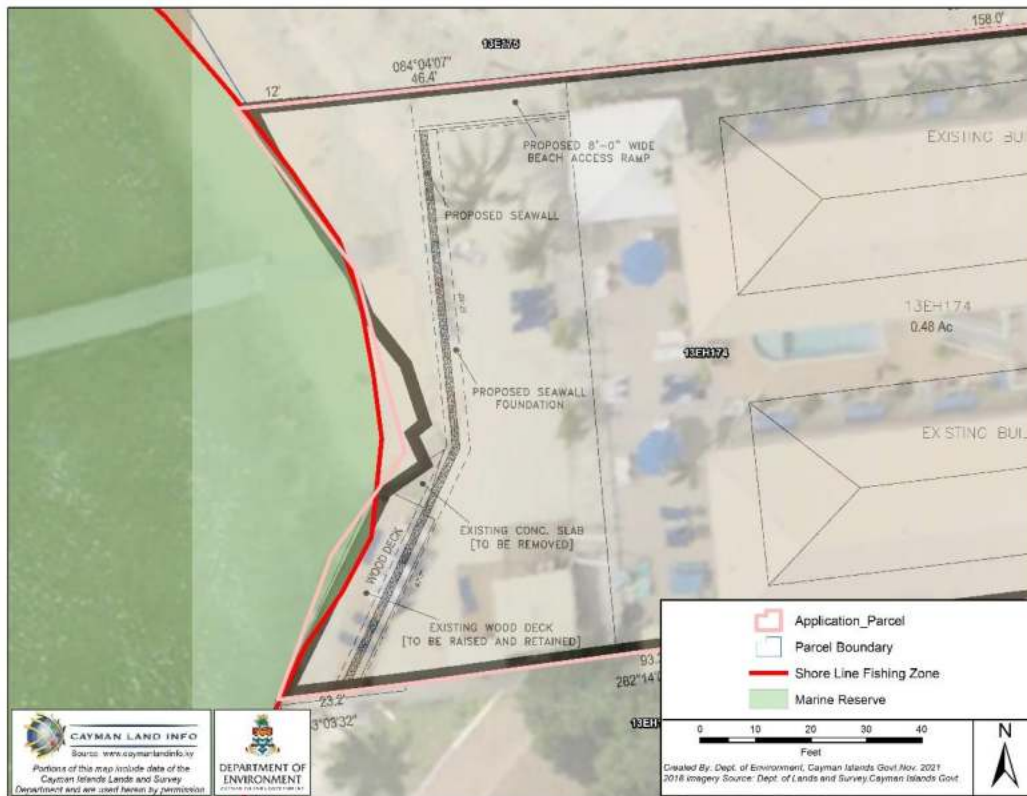
- *the construction of an 8 ft wide beach access ramp along the northern boundary;*
- *the construction of a seawall near the water's edge;*
- *the removal of the existing concrete pad; and*
- *raising the existing wooden deck.*

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

*Therefore, the DoE reached out to the applicant's contractor via email to confirm the construction methodology and proposed mitigation measures for the works. The contractor confirmed that:*

- they have obtained permission from NCB Group for access for the cement pump truck and backhoe via the existing construction site immediately to the north (Block 13E Parcel 175);
- No heavy equipment except for a backhoe will be used on the beach;
- The backhoe will be used to dig the trench for the seawall;
- The wall will be framed using wood and precut steel;
- There will a silt containment fence installed to assist with keeping sediment out of the marine environment; and
- The cement truck will be stationed on the NCB site and the pumping of the cement for the seawall and ramp will happen in one day.

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



*Figure 2: Original site plan overlaid onto LIS 2018 aerial imagery (Plan Source:AMR Consulting Engineers, August 2021)*



*Figure 3: LIS 2018 aerial imagery showing the originally proposed seawall and ramp*

### ***Summary of Meeting with the Contractor and Property Manager***

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

*The DoE noted the impacts of the construction of another seawall which took place within the past six months which had major negative impacts on a Marine Protected Area. Photos which documented these impacts were shared during this meeting (see Figures 4 and 5).*





*Figure 4: Showing turbidity & sedimentation in the Marine Protected Area from seawall construction (Source DOE, 30 April 2021 and 15 July 2021 respectively)*



*Figure 5: Photos showing the distance of the sea in relation to seawall during construction (Source DOE, 30 April 2021 and 15 July 2021 respectively)*

*The property manager confirmed that the rationale for the wall stems from the construction of the adjacent wall along the boundary with the NCB site, which will remove the option of sand being brought to the site for any future nourishment. The wall is an attempt to prevent wave activity removing sand from the beach. The wooden skirting/wall along the water edge (that has been on installed for at least 15 years) will be removed and the existing concrete pad will remain, along with raising the existing wooden deck.*

*The property manager also advised that the proposed seawall will be constructed using*

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

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

### **Revised Plans**

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

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

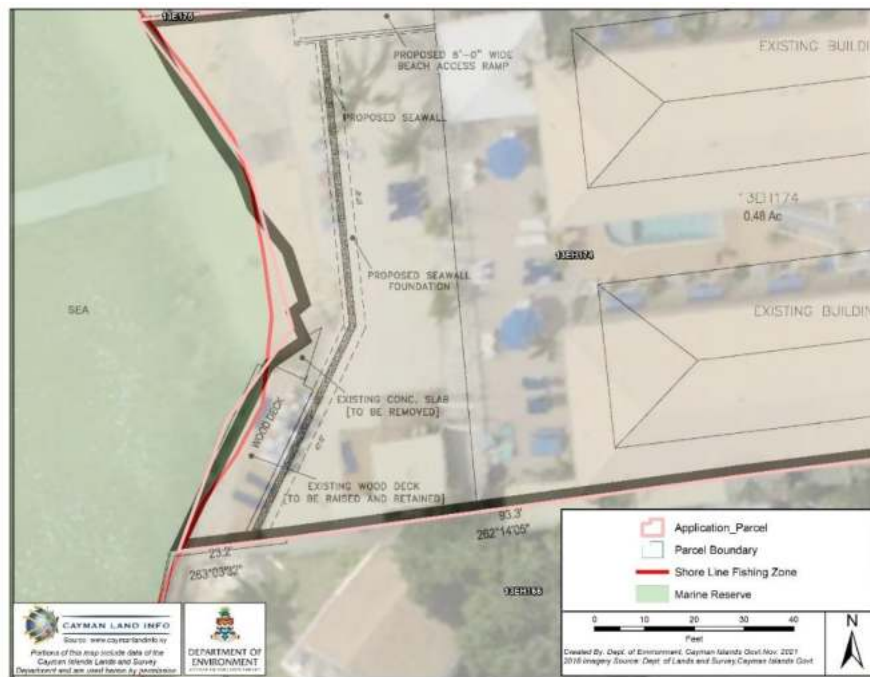


Figure 5: Showing revised plans overlaid onto LIS 2018 aerial imagery (Plan Source: AMR October 2021)

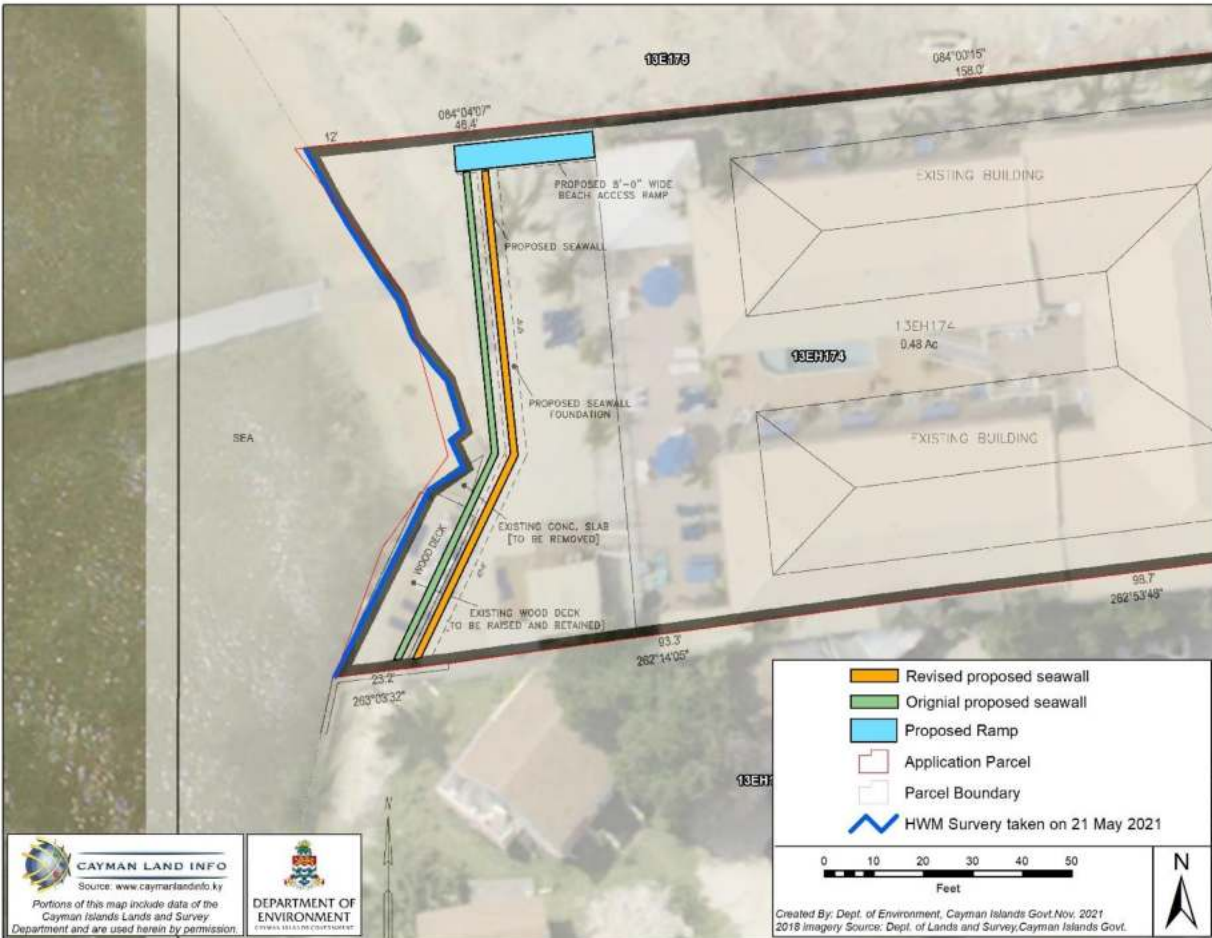


Figure 6: LIS 2018 aerial imagery showing the revised seawall location in relation to the originally proposed location

### DoE Comments

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

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

The presence of a seawall interacting with waves on a beach is a well-documented cause



of long term beach erosion, as shown in Figure 7. Placing the wall in the proposed location is essentially armouring the coastline, and would eventually lead to the exacerbation of coastal erosion seaward of the wall.

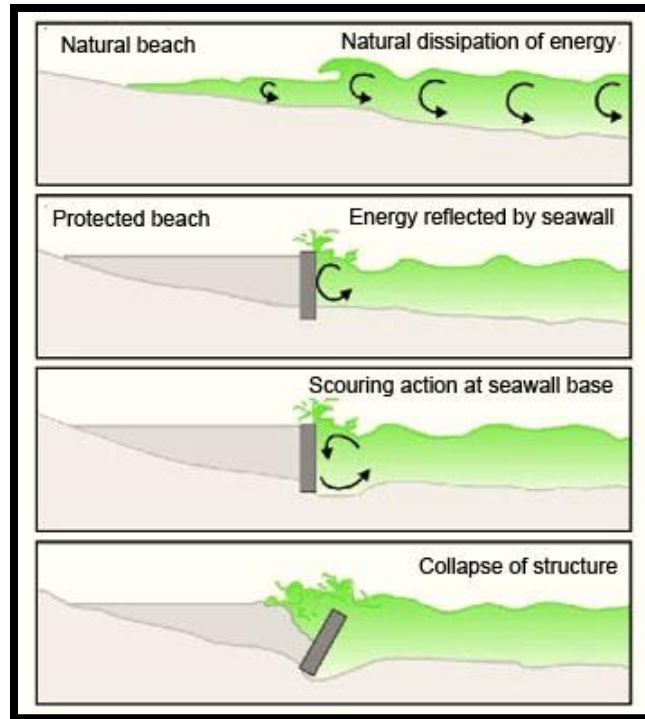


Figure 7: Showing wave energy distribution (source the CT Mirror 2013- Connecticut's trouble with seawalls)

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

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

- Prior to the commencement of works, the contractor shall provide a written construction methodology statement for review and approval by the Department of Environment. The construction methodology shall include but is not limited to, details of the stages and method of construction, details of the equipment required for the works, the access route for equipment and any mitigation measures proposed to prevent run-off and debris from entering the Marine Protected Area, the location of stockpiled construction materials and a timeline for the duration of works.

- *Works shall stop during inclement weather conditions during exceptionally high tides*
- *Construction materials and debris shall be stockpiled at least 30 feet landward of the Mean High Water Mark.*
- *No heavy equipment shall be operated or driven along the beach except for a mini-excavator (e.g. a bobcat) to dig the trench required for the seawall.*
- *Silt containment measures shall be put in place to prevent sediment-laden runoff from entering the Marine Protected Area.*

*We also recommend the following condition:*

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

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

### **APPLICANT'S LETTER**

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

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

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

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

#### **Zoning**

The property is zoned Hotel Tourism.

## **Specific Issues**

### **1) HWM Variance**

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

## **SUPPLEMENTAL ANALYSIS**

No changes have been made to the plans.

At 1:30pm, Matt Southgate and Harry Lynch appeared on behalf of the applicant. Summary notes are provided as follows:

- Mr. Lynch explained that he manages the resort and he provided several comments:
  - DOE asked to set the wall back 4’ which they did.
  - They want this seawall because the adjacent one is taking out their beach when water comes in.
  - the seawall will be 7’ from the high water mark so he doesn’t believe they will be disturbing the natural flow of water.
  - they are trying to stop hurricanes and nor-westers from taking away their beach
  - right now they can get to the beach to replenish sand, but when the hotel next door is completed they won’t be able to
- The Authority asked if there curvature in the wall. Mr. Southgate replied there isn’t now, but they could as it would help to dissipate some wave energy.
- The Authority noted it appears that if they add this new wall that the entire beach may wash away. The Authority asked how do they replenish the beach now.
- Mr. Lynch noted that there used to be a wooden wall structure and it helped a bit, but if they make it higher with concrete it will prevent water from eroding the beach. He indicated that if they have to they will use wheel barrows to bring in sand. They are just trying to prevent the entire beach from being ripped out.
- Mr. Southgate noted that they are on beach rock so there won’t be under scouring, but a curved wall could help.
- The Authority asked if between storms there is natural replenishment and Mr. Lynch replied it comes and goes.
- The Authority noted this is a transient beach and Mr. Lynch concurred.
- The Authority asked if the beach has changed over the years and Mr. Lynch noted that the tides vary. The Authority asked compared to 15 years ago and Mr. Lynch

replied it is the same. He noted that it is in front of the wooden structure where the beach replenishes.

- Mr. Lynch referred to the 2013 and 2018 aerials and pointed out the seawall on the site to the south and how erosion occurs because of it.
- The Authority asked what is the height of the wall from sea level and Mr. Southgate replied 4'. The Authority asked the height of the deck from sea level and Mr. Southgate replied 4' or slightly higher.
- Mr. Lynch noted there are 6 steps down to the sea now and when raised there would probably be 3.
- The Authority asked if he realized when that wall goes in there will be no beach. Mr. Lynch noted that it will replenish.
- Mr. Lynch clarified that on the building side of the wall they will place sand for lounge chairs and between that area and the building is concrete.

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

Application for a container.

**An appearance was scheduled for 2:30, but the applicant wasn't present until 4:00.**

**Ian Pairaudeau had left the meeting at 4:00 so Handel Whittaker sat as Acting Chair.**

### **FACTS**

<i>Location</i>	Sandstone Drive
<i>Zoning</i>	<b>MDR</b>
<i>Parcel Size</i>	.2833 AC (12,340 sq. ft.)
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Container to be used for storage.
<i>Building Coverage</i>	13.8%

### **BACKGROUND**

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

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

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

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

On the 12<sup>th</sup> April 2021, a building permit was issued for a 384 sq ft gym/storage building that was conditionally approved on 17<sup>th</sup> September 2020.

October 13, 2021 (CPA/21/21; Item 2.7) – the application was adjourned to invite in the applicant to discuss a concern with the container being used for permanent storage

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

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

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

- 1) The applicant shall submit revised plans showing the container clad in a siding material to the satisfaction of the Director of Planning.
- 2) The applicant is required to apply for and obtain a Foundation Permit from the Director of Planning within 180 days from the date of this decision.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The applicant shall obtain a Certificate of Completion **prior to utilizing the container**.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2018 Revision).

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Suitability**

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

### **SUPPLEMENTARY ANALYSIS**

The applicant has obtained permits for the approved house and gym/storage building, but has now indicated that they wish to keep the container permanently on the parcel.

At 4:00pm, Dwight Allen appeared as the applicant. Summary notes are provided as follows:

- The Authority asked him to explain the application.
- Mr. Allen noted that he needs space for gardening tools and he is 100% sure this won't bother the area.
- There was a discussion about where in Hutland the site is located.
- Mr. Allen advised he would be storing kitchen cabinets and a stove as well.
- The Authority asked if it was a 40' container and Mr. Allen replied it was 20'.
- The Authority asked if it is approved could he put siding on it so it doesn't look like a container and Mr. Allen replied he could do that.
- The Authority asked when will he start the house.
- Mr. Allen replied he has already started the foundation.
- The Authority asked if he wants this permanently and Mr. Allen replied yes.
- The Authority asked what are the setbacks and Mr. Allen replied over 20'.
- The Authority asked if he was putting in a gym and Mr. Allen replied he was.

## **2.0 APPLICATIONS**

### **APPEARANCES (Items 2.7 to 2.31)**

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

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

#### **FACTS**

<i>Location</i>	Abbey Way., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.76 ac. (33,105.6 sq. ft.)
<i>Parcel size required</i>	62,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	10,705 sq. ft.
<i>Total building site coverage</i>	32.76%
<i>Allowable units</i>	11
<i>Proposed units</i>	9
<i>Allowable bedrooms</i>	18
<i>Proposed bedrooms</i>	18
<i>Required parking</i>	11
<i>Proposed parking</i>	20

#### **BACKGROUND**

January 21, 2015 – Land Clearing by Mechanical Means (approved).

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

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

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

- 1) The applicant shall submit a revised site plan showing the sliding gate with a minimum 20' setback from the front property boundary.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website ([www.planning.ky](http://www.planning.ky)) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (7-9) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 8) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 9) The construction drawings for the proposed swimming pool filtration system shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool



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

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

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

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

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

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

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

Reasons for the decision:

- 1) Per Regulation 9(8) of the Development and Planning Regulations (2021 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
  - There are no physical constraints on the site that would prevent the development of apartments.
  - There are other similar multi-family developments in the surrounding area and the proposed development is consistent and compatible with the established building character of the area.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the solid waste storage setback and the lot size, site coverage and side setback, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 3) The proposed application does not comply with the minimum required solid waste storage setback, the minimum required lot size, the maximum allowable site coverage and the minimum required side setback per Regulations 8(8) and 9(8)(f)(h) and (j) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional

circumstance to allow the lesser lot size and setbacks and additional site coverage as follows:

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

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

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

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>
<i>Building #1</i>	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
<i>Building #2</i>	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
<i>Building #3</i>	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
<i>Building #4</i>	<i>3 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>675</i>
<i>Cabana</i>	<i>0</i>	<i>0</i>	<i>0</i>
<b>TOTAL</b>			<b>2,025 GPD</b>

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

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

#### **Water Supply:**

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

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

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

#### **National Roads Authority**

*As per your memo dated January 28<sup>th</sup>, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

#### **General Issue**

***The electronic gate must to be setback at least two (2) cars lengths or 40 feet to allow on-site stacking.***

#### **Road Capacity Issues**

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

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 20% In</b>	<b>AM Peak 80% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 65% In</b>	<b>PM Peak 35% Out</b>
<b>33</b>	<b>3</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>1</b>

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

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

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

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

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

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

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

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Abbey Way. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. **Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.***
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

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

## **Department of Environmental Health**

### **Solid Waste Facility:**

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

***Table 1: Minimum Enclosure Dimensions***

<b>Number of Containers</b>	<b>Minimum Dimensions (feet)</b>		
	<b>Width</b>	<b>Length</b>	<b>Height</b>
<b>9</b>	<b>5.00</b>	<b>12.50</b>	<b>2.50</b>

### **Swimming Pool:**

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

## **Department of Environment**

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

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

## **Fire Department**

Approved for Planning Permit Only 08 Mar 22

## **APPLICANT'S LETTER**

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

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

## **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Suitability**

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

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

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

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

### **2) Lot Size**

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

### **3) Site Coverage**

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

### **4) Side Setback**

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

### **5) Garbage Side Setback**

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



**6) Gate setback**

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

## 2.8 CORELEEN GOODMAN Block 57E Parcel 168 (P21-0979) (\$887,200) (BES)

Application for 3 apartments.

**Ian Pairaudeau declared a conflict and left the meeting room.**

### **FACTS**

<i>Location</i>	Old Robin Road, North Side
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.3017 ac. (13,142.05 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	vacant
<i>Proposed building size</i>	4,436 sq. ft.
<i>Proposed footprint</i>	1,998 sq ft
<i>Total building site coverage</i>	15.2%
<i>Allowable units</i>	6
<i>Proposed units</i>	3
<i>Allowable bedrooms</i>	9
<i>Proposed bedrooms</i>	5
<i>Required parking</i>	5
<i>Proposed parking</i>	5

### **BACKGROUND**

N/A

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

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

- 1) The applicant shall submit a revised site plan showing:
  - a) the easterly access onto Old Robin road deleted;
  - b) the sidewalk extended across the remainder of the road frontage; and
  - c) the driveway and parking area curbed and surfaced with asphalt or concrete.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).

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

In addition to Building Permit requirements, conditions (7-8) listed below shall be met before a Building Permit can be issued.

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

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

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

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

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

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

Reasons for the decision:

- 1) Per Regulation 9(7) of the Development and Planning Regulations (2021 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
  - There are no physical constraints on the site that would prevent the development of apartments.
  - There are other apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 3) The proposed application does not comply with the minimum required lot size per Regulation 9(7)(f) of the Development and Planning Regulations (2021 Revision). The

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

- a) The characteristics of the proposed development are consistent with the character of the surrounding area;
- b) The subject lot size is virtually the same as the adjoining parcel where apartments were approved; and
- c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

#### **Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
<i>Proposed Townhouse</i>	<i>2 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>300</i>
	<i>1 x 3 Bed Unit</i>	<i>300gpd/3-Bed Unit</i>	<i>300</i>
<b><i>TOTAL</i></b>			<b><i>600 GPD</i></b>

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

*level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

### **Water Supply**

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

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

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

### **National Roads Authority**

*As per your memo dated November 10th, 2021 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

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

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

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak 20% In</b>	<b>AM Peak 80% Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak 65% In</b>	<b>PM Peak 35% Out</b>
<b>20</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>

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

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

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

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

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

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

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

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have the applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Old Robin Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. **Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.***
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*



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

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

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

## **Department of Environmental Health**

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

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

*1. This development require six (3) thirty-three (33) gallon bins and an enclosure built to the department's requirements.*

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

*b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

**Table 1: Minimum Enclosure Dimensions**

Number of Containers	Minimum Dimensions (feet)		
	Width	Length	Height
<b>3</b>	2.50	7.50	2.50

## **Fire Department**

The site layout was approved.

## **Department of Environment**

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

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

- *Provision of habitat and food for wildlife;*

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



*Figure 1: LIS 2018 aerial image showing application site outlined in red*

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

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



Figure 2: Site plan overlaid onto LIS 2018 aerial imagery (Plan Source: Design Studio Architecture, October 2021)

## **APPLICANT'S LETTER**

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

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

- 1. The application I have made comprises of a development similar in nature to other properties along Old Robin Road and will not, therefore, be inconsistent with the surrounding area.*
- 2. The Parcel shape and size are largely defined by the location of the adjacent proposed Sailor Way. Whilst the Parcel is narrow at certain points, our application maintains the required setbacks and the building occupies just over 15% of the plot, which is well within the allowable limits.*
- 3. I can confirm that, as the property will be my primary residence, with two small adjoining apartments for income generation as Air B n B rentals it will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood or to the public welfare.*

4. *The property has been designed within the required setbacks and the lot size (and shape), can adequately provide sufficient space for the development with the required amount of parking. As a matter of due process, I have notified all owners within a 150ft radius of my property, who now have an opportunity to respond within the 21-day review period.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

#### **1) Suitability**

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

#### **2) Lot size variance**

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

#### **3) Pavement of Parking Lot**

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

#### **4) Entry/Exit Points**

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

**2.9 NICHOLAS POWERY (Abernethy & Associates Ltd.) Block 4B Parcel 475 (P21-1068) (\$4,779) (BES)**

Application for a 4 lot subdivision.

**FACTS**

<i>Location</i>	Off Judes LN, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel Size proposed</i>	1.88 acre or (81,892.8 sq ft)
<i>Parcel Size required</i>	0.22 ac or (10,000 sq ft)
<i>Current Use</i>	Vacant

**BACKGROUND**

No previous CPA history.

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

- 1) The applicant must provide a copy of the submission made to the Lands and Survey Department for 4B 475 to obtain a minimum 22' vehicular easement over 4B 237 and 238.

**AGENCY COMMENTS**

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

**Department of Environment**

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

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

**National Roads Authority**

*As per your memo dated November 4<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.*

**General Issue**

**The proposed road for the subdivision is located on an un-built section of road, which consists of two road parcels 4B447 and 4B478 and a section of public road. The applicant will need to construct the road to meet minimal NRA specification for subdivision roads**



***(including drainage conveyance requirement), up to the subject parcel.***

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

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

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

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

### ***Infrastructure Issues***

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

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

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

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

### ***Water Authority***

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

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

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

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

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

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

## **APPLICANT'S LETTER**

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

### ***Email from applicant***

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Access**

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

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

#### **2) Lot Width**

The width of lot 4 is 51.9' on the "road" frontage, but the majority of the lots is 125' wide. Regulation 9(8)(g) of the Development and Planning Regulations (2021 Regulations) requires a minimum lot width of 80'.

**2.10 OSMOND ANDERSON (Island Drafting) Block 24E Parcel 304 (P19-0506) (\$471,468) (MW)**

Application for 4 apartments.

**FACTS**

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

**BACKGROUND**

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

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



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

Conditions (1-5) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

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

In addition to Building Permit requirements, conditions (6-7) listed below shall be met before a Building Permit can be issued.

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

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

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

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

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

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

Reasons for the decision:

- 1) Per Regulation 9(8) of the Development and Planning Regulations (2018 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
  - There are no physical constraints on the site that would prevent the development of apartments.
  - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
  - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the lot size and lot width, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
- 3) The proposed application does not comply with the minimum required lot size and lot width per Regulations 9(8)(f) and (g) of the Development and Planning Regulations (2018 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size and lot width as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

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

**Water Authority**

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

**Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>
Proposed Apartments	2 x 1-Bed Units	150gpd/1-Bed Unit	300
	2 x 2-Bed Units	225gpd/2-Bed Unit	450
<b>TOTAL</b>			<b>750 GPD</b>

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

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

- 1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
- 3. Manhole extensions are permitted up to a maximum of 24" below finished grade.*

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

### **Water Supply**

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

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

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

### **National Roads Authority**

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

*The traffic demand to be generated by a residential development of a four (4) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Whirlwind Drive is as follows:*

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
27	2	0	2	3	2	1

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

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

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

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

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

*Tire stops (if used) shall be 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 the use of alternative construction techniques. However, it is critical that the development be designed so that post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:*

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

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

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

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

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

### **Department of Environmental Health**

*DEH has no objections to the proposed in principle. A maximum of (4) 33 gallon bins are required. Note that the enclosure should be located close to the curb as possible without impeding the flow of traffic. The enclosure should be place in front of the landscaping strip.*

### **Department of Environment**

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

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

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

### **Fire Department**

*Approved for Planning Permit Only (10 Sep 19)*

## **APPLICANT'S LETTER**

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

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

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

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

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

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

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

An overview of the proposed site shows the surrounding area to be primarily residential

homes and vacant parcels with apartments within the nearby vicinity.

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

## 2) Lot Size

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

## 3) Lot Width

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

## SUPPLEMENTAL ANALYSIS

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

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

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

## FACTS

<i>Location</i>	Yacht Drive, Vista Del Mar in West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.99 ac. (86,937 sq. ft.)

## BACKGROUND

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

**Decision:** It was resolved to adhere to planning permission CPA/18/21; item 2.12.



Reason for the decision:

Regulation 8(18) does not provide the Authority with legal discretion to vary the required 4' setback.

### **AGENCY COMMENTS**

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

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

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

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

### **APPLICANT’S LETTER**

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

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

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

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Fence Setback from Road**

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

Now, the applicant is seeking a modification to locate the approve aluminum fence 3’ vs 4’ from the road; therefore, the Authority is asked to consider the proposed setback from the road edge.

**2.12 DAVID & CAROL BELL (Robert Towell) Block 17A Parcel 278 (P22-0262) (\$20,000) (AS)**

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

**FACTS**

<i>Location</i>	Lalique Quay.
<i>Zoning</i>	<b>LDR</b>
<i>Parcel Size</i>	.3426 AC (14,923.66 sq. ft.)
<i>Current Use</i>	Residential

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission be modified to allow the wall to be setback 3' from the road side property boundary.

All other conditions of the previous approval remain applicable.

Reasons for the decision:

The Authority acknowledges that when approval was first granted the location of the wall complied with the Development and Planning Regulations. Those Regulations have since changed which places the wall in a legal non-conforming situation. The applicant's proposal to modify the location and provide a 3' setback greatly improves the situation and is accepted by the Authority.

**Background:**

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

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

On 21<sup>st</sup> May 2020 administrative approval was granted for a dock.

**PLANNING DEPARTMENT ANALYSIS**

**General**

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

## **Zoning**

The property is zoned Low Density Residential.

## **Specific Issue**

### **1) Road setback**

When the house and wall were approved in 2020, Regulation 8(18) was not in effect so the wall was approved on the property boundary. The applicant is now applying to revise the driveway design and in doing so is proposing to shift the wall away from the property line by 3'. As the Authority is aware, Regulation 8(18) now requires walls to be setback 4' from the road side boundary.

### **2.13 EXROY ANNON (Modern Dream Homes Construction) Block 38E Parcel 284 (P21-1126) (\$750,000) (EJ)**

Application for a duplex and a house.

## **FACTS**

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

## **BACKGROUND**

N/A

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lot size.

## **APPLICANT'S LETTER**

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

The proposed duplex and house require 12,500 sq. ft. and 10,000 sq. ft. respectively for a total of 22,500 sq. ft. vs 13,506 sq. ft. proposed or a difference of 8,996 sq. ft. under.

If the Authority was to allow the proposed duplex and house, then the subject lot would be over density and the authority should bear in mind that the area is saturated with lots of similar size to the proposed.

#### **2.14 HOME & OUTDOOR (Kozaily Designs) Block 19E Parcel 149 (P22-0180) (JP)**

Application for removal of condition 2 of P20-1044.

### **FACTS**

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

### **BACKGROUND**

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

**Decision:** It was resolved to adhere to planning permission CPA/17/21; item 2.3.

Reason for the decision:

The development has been designed where driveways cross over each parcel and parking areas will be shared between the buildings therefore the Authority is of the view that the two parcels need to be combined.

## **APPLICANT'S LETTER**

See Appendix C

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Heavy Industrial.

### **Specific Issues**

#### **1) Justification**

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

- (i) Combination would result in loss of all access easements. Furthermore, support documents state Lands and Survey would not register a combination without new easements being granted.
- (ii) The land owners have formalised a lease agreement for parking.

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

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

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

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

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

Application for a house & pool.

### **FACTS**

*Location*

Manse Road in Bodden Town

<i>Zoning</i>	<b>Beach Resort Residential</b>
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	16,988 sq ft
<i>Parcel size required</i>	10,000 sq ft
<i>Current use</i>	House
<i>Proposed use</i>	House and Pool
<i>Building Footprint</i>	3,028 sq ft
<i>Building Area</i>	4,325 sq ft

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the deficient setbacks.

### **AGENCY COMMENTS**

The following comments have been received to date:

#### **Department of Environment**

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

#### ***SITE OVERVIEW***

*The subject parcel is located adjacent to a Marine Protected Area, namely a Marine Reserve and*

*based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Act (2013)).*

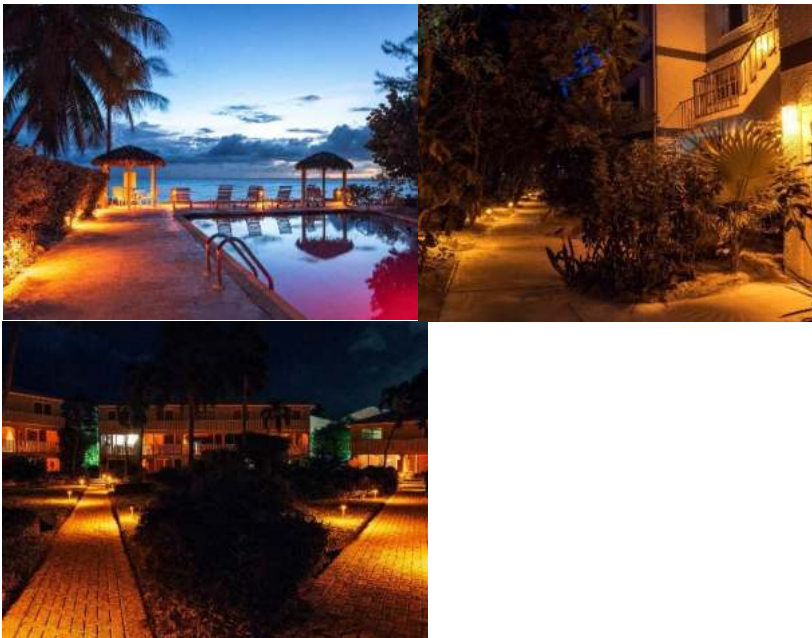
*As per Sections 41 (4) and (5) of the National Conservation Act, 2013 (NCA), this designation of critical habitat means that adverse impacts to the habitat either have to be avoided or be able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation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

## **IMPACTS ON SEA TURTLES**

### **Artificial Lighting Impacts**

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

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



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

### **Construction Impacts**

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

## **CLIMATE CHANGE**

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

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





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

## **IMPORTANCE OF COASTAL VEGETATION**

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

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

## **CONSTRUCTION DEBRIS IMPACTS ON MARINE ENVIRONMENT**

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



***Figures 5-7: DoE site visit photos showing the bits of white polystyrene material littering local development sites. The beads from the first two images made their way into the adjacent Marine Reserve and neighbouring properties. Neighbours complained to the DoE about the pollution. Developers attempted to remedy the situation by cleaning neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment. A screen was then fastened around the building to contain the beads. The last image was taken at a construction site located on the same critical turtle nesting beach coastline as the application site.***





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

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

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

### **DIRECTED CONDITIONS**

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

- 1. In order to conserve critical turtle nesting habitat, the proposal shall be revised so that all hard structures including the pool, pool deck and any other ancillary features are set back a minimum of 75 feet from the Mean High Water Mark (as required in the Development & Planning Regulations).*
- 2. The applicant shall, prior to the issuance of a Building Permit, prepare and submit a turtle friendly lighting plan which minimises the impacts of artificial lighting on*

*sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*

- 3. Lighting shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction and the installation of the fixtures are complete.*
- 4. Prior to the commencement of works, the applicant or applicant's agent shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- 5. No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- 6. Beachside construction fencing associated with the works shall be positioned at least 75ft from the Mean High Water Mark (to maximise turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.*
- 7. All construction material shall be stockpiled landward of the beachside construction fencing.*
- 8. If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the critical turtle nesting beach and adjacent Marine Protected Area offshore.*
- 9. Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1<sup>st</sup> May – 30<sup>th</sup> November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.*
- 10. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.*

*These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources. They are also*

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

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

### **APPLICANT'S LETTER**

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

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

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

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

*Furthermore, we are cognizant that the area is zoned as Beach Resort/ Residential which, requires a minimum 20' front and side setbacks and 75'-0" HWM setback, however, most of the surrounding buildings in the area currently have front and side setbacks up to less than 1'-0" from the boundary lines and less than 75'-0" setback from HWM. This is particularly evident on the adjacent house on Block 44B Parcel 380 which has a side setback of +/-1'-3 1/4" and HWM setback of +/-61'-6". There is clear precedent in the area in terms of setbacks encroachments.*

*As per Regulation 8(13)(b) side setback variances are: (i) consistent with the character of the surrounding area; (iii) will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public*

welfare. Also, as per Regulation 8(11) seaside setback variance may be permitted at a lesser distance than what's prescribe, having regard to: (e) the location of adjacent development.

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

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

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

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







## **PLANNING DEPARTMENT ANALYSIS**

### **General**



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

The proposal is for a house and pool.

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

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

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

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

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

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

#### **2) Side setback**

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

The proposed west side setback is 4'3".

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

#### **3) Septic setback**

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

Setbacks are to be measured to septic tanks and the proposed side setback to the septic is 10 feet.

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

#### **4) Road setback**

Regulation 15(4)(b)(ii) states that the rear setback shall be 25 feet for a two storey structure.

The proposed house is setback 2 feet from the east boundary.

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

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

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

**FACTS**

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

**BACKGROUND**

April 18, 2018 – 2 Story House with Guest Quarters, Pool & Ancillary Features– the application was considered and it was resolved to grant planning permission (CPA/09/18; Item 2.6)

August 13, 2018 – Modification to Omit Carport & gym, Add Caretaker building & Decrease Floor Area- the application was considered and it was resolved to grant planning permission.

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

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the setbacks and fence height. The applicant is also required to submit written reasons for the requested variance.

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

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

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

## **APPLICANT'S LETTER**

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Hotel Tourism.

### **Specific Issues**

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

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

#### **2) Fence Height**

The CPA fence guideline 4.3.1 stipulates that "*In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height*"- The proposed ATF private walled garden fence at the eastern side of the residence would be 6'-11" in height a difference of 2'-11" respectively.

**Supplemental Information**

Current Site Photos



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

Application for proposed temporary auto repair.

**FACTS**

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

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the temporary use of the site as a repair garage and the proposed driveway/parking area surface material.

**APPLICANT’S LETTER**

*We write on behalf of our client Wings Auto Repair.*

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

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

*1. New sidewalk along Seymour drive (main road side only)*

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

*We would also like to members to note the following below*

- The surrounding landowners within 300’ notification radius were notified no objections were received.*
- All parking spaces are 8’6’’x16’ (standard) and a driveway aisle of 22’ (standard) has been provided.*
- There is sufficient spacing for parking and revering within the allocated area.*
- The proposed development meets all setback requirements, and required number of*

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

### **AGENCY COMMENTS**

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

#### **Department of Environment**

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

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

#### **Fire Department**

The Fire Department has written that they approve the drawings.

#### **Water Authority**

##### **Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>	<b>GPD</b>
Auto Repair Shop	1,296sqft	0.1gpd/sqft & 100gpd/WC	230gpd	230gpd
<b>TOTAL</b>				<b>230gpd</b>

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

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

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

#### *Water Resource Protection*

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

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

#### *Water Supply*



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

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

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

### **National Roads Authority**

*As per your memo dated June 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.*

#### *General Issue*

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

#### *Road Capacity Issues*

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

<b>Expected Daily Trip</b>	<b>AM Peak Hour Total Traffic</b>	<b>AM Peak In</b>	<b>AM Peak Out</b>	<b>PM Peak Hour Total Traffic</b>	<b>PM Peak In</b>	<b>PM Peak Out</b>
<b>12</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>1</b>	<b>1</b>

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

#### *Access and Traffic Management Issues*

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



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

*A six (6) foot sidewalk shall be constructed on Seymour Drive and Access Road, within the property boundary, to NRA standards.*

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

#### *Stormwater Management Issues*

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace 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. 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 Environmental Health**

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

- 1. The floor plans for the development were not submitted.*
- 2. The specifications for the paint booth exhaust system was not submitted.*
- 3. The proposed location of the solid waste enclosure does not meet DEH requirements*
  - a. The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing.*
  - b. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure.*
  - c. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility.*
  - d. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line.*
  - e. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

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

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

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

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

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

#### **Zoning**

The property is zoned Light Industrial.

#### **Specific Issues**

##### **1) Access location**

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

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

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

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

## **2) Parking and driveway surface**

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

The Authority should discuss whether this is acceptable for business that is proposed to exist for five years.

### **2.18 GUMTREE PHASE 6 (AMR Consulting Engineers) Block 19A Parcel 23 (P21-0860) (\$2.5M) (JP)**

Application for a warehouse.

#### **FACTS**

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

#### **BACKGROUND**

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

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the manoeuvrability in the parking area and the location of the garbage dumpster both in terms of visual appeal and the blocking of sight lines when exiting the property.

## **AGENCY COMMENTS**

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

### **Water Authority**

#### **Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD/BLDG</b>
<i>Proposed Warehouse</i>	<i>4 x Toilets</i>	<i>150gpd/Toilet</i>	<i>600</i>
<b><i>TOTAL</i></b>			<b><i>600 GPD</i></b>

- ***The Water Authority acknowledges the 2,500 US gallon septic tank proposed. The Authority will accept this size septic should the developer choose to install it.***
- *The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

- 1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
- 3. Manhole extensions are permitted up to a maximum of 24" below finished grade.*

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

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

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

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

#### **Water Supply**

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

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

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

#### **National Roads Authority**

No comments provided.

## **Fire Department**

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

## **Department of Environmental Health**

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

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

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

### **Zoning**

The property is zoned Light Industrial.

### **Specific Issues**

#### **1) Visibility and manoeuvring**

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

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

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

### **SUPPLEMENTAL ANALYSIS**

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

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

*Solid Waste Facility:*

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

#### **NOTE**

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

### **2.19 ELAINE WATLER (Dweainy Construction) Block 38B Parcel 488 (P22-0114) (\$700,000) (JP)**

Application for two duplexes and a house.

#### **FACTS**

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

#### **BACKGROUND**

No Planning history

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

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

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

In addition to Building Permit requirements, conditions (6-7) listed below shall be met before a Building Permit can be issued.

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



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

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

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

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

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

Reasons for the decision:

- 1) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulations 9(8)(d) and (e) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area.
  - b) The subject parcel is large enough to support an apartment block of 9 units. The Authority is of the view that the mass and scale of 5 units distributed within 3 separate buildings is more in keeping with the character of the area than a block of apartment units.
  - c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

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

#### **Water Authority**

##### **Wastewater Treatment & Disposal**

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

<b>BUILDING</b>	<b>UNITS/BLDG</b>	<b>GPD/UNIT</b>	<b>GPD</b>
-----------------	-------------------	-----------------	------------

Duplex 1	2 x 3-Bed Units	300 gpd/3-Bed	600
Duplex 2	2 x 3-Bed Units		600
House	1 x 3-Bed House		300
TOTAL			1,500 GPD

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

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

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

### **Stormwater Management**

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

### **Water Supply**

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

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

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

### **National Roads Authority**

No comments received.

### **Department of Environmental Health**

*Solid Waste Facility:*

*This application is approved with the following conditions:*  
*1. the site plan must be revised to show the required bins as stated above as this development cannot utilize 12 garbage bins.*

*2. This development require (6) thirty three (33) gallon bins and an enclosure built to the department's requirements.*

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

*b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.*

### **Department of Environment**

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

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

### **Fire Department**

Stamped approved plans.

### **APPLICANT'S LETTER**

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

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

*The applicant is Caymanian looking forward to retire.*

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

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

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

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area.*
- (iii) The proposal will not materially detrimental to persons residing or working int eh vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

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

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

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

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

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

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

The proposed development site measures 27,8783.4 sf.

Members are invited to consider whether the variance letter adequate justifies a variance.

## **2.20 HSA (CGMJ) Block 14E Parcel 675 (P21-1375) (\$500,000) (NP)**

Application for a proposed morgue and laboratory addition.

### **FACTS**

<i>Location</i>	George Town Hospital
<i>Zoning</i>	<b>Institutional</b>
<i>Notification</i>	No objectors
<i>Parcel Area</i>	10.4 acres
<i>Proposed Building Area</i>	2,113 sq ft
<i>Existing Building Area</i>	242,113 sq ft
<i>Existing Parking</i>	249 on-site 67 off-site 316 Total
<i>Required Parking</i>	CPA Discretion

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

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations

(2021 Revision). Specifically in regard to parking, the Regulations do not contain a parking provision for hospitals and while the Department has noted the guidelines from ITE, the Authority is of the view that sufficient parking has been provided for the development.

### **AGENCY COMMENTS**

The following Agency comments have been received to date.

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

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

*1. The applicant must note the following:*

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

#### **Fire Department**

The Fire Department has stamped approved the drawings.

#### **Water Authority Cayman**

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

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

*The existing hospital is served by **two (2) Klargestor** onsite aerobic wastewater treatment systems with a combined design treatment capacity of **50,000 gpd.***

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

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

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

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

link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.

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

## **Department of Environment**

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Institutional.

### **Specific Issues**

#### **1) Parking**

The proposed addition will eliminate nine existing parking spaces, resulting in a total of 316 parking spaces both on and off site (Smith Road).

There is no specific requirement for hospital parking in the Regulations. Staff have referred to the Institute of Traffic Engineers (ITE) parking guidebook for a parking estimate. The ITE standards suggest that a suburban hospital should provide 2.5 spaces per 1,000 square feet of building area. This results in a total 611 parking spaces being required.

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

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

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

Application for clearing and filling of land.

**FACTS**

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

**BACKGROUND**

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

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

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

Reason for the decision:

Filling the parcel is necessary in order for the restriction to be removed from the land register.

**AGENCY COMMENTS**

Comments from the Department of Environment are provided below.

**Department of Environment**

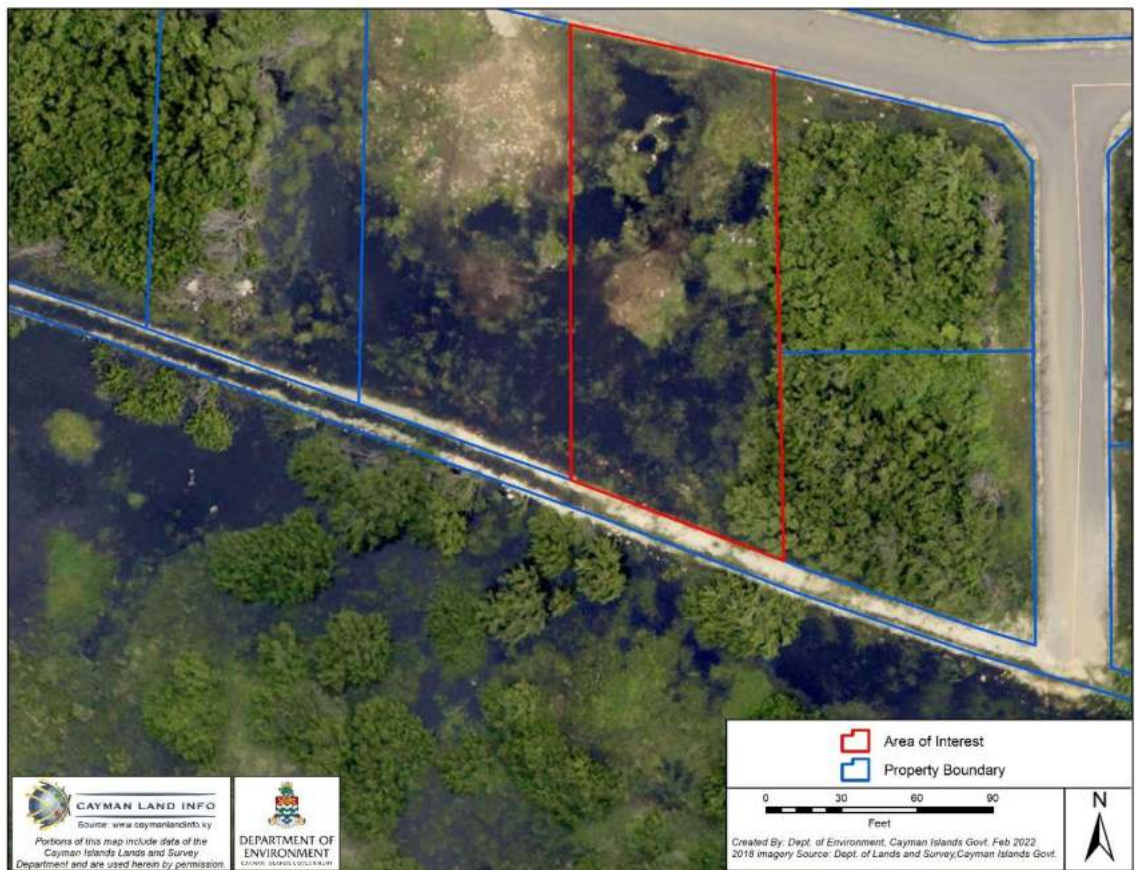
*This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013).*

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



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

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



**Figure 1: LIS 2018 aerial imagery showing application site outlined in red.**

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

## **APPLICANT'S LETTER**

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Filling of the subdivision lots**

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

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

At CPA/14/20 and CPA/16/20, the Authority considered requests from prospective purchasers of several lots allow the transfer of the lots knowing that they would be responsible for filling the property, not the original developer.

**2.22 CROWN SQUARE LTD (Roland Bodden) Block 14CF Parcel 205 (P22-0151) (\$4,800) (NP)**

Application for a 2 lot subdivision & right-of-way

**FACTS**

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

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

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

Reasons for the decision:

- 1) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulation 8(9) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:
  - a) The intent of the proposal is to create a separate parcel for the existing communications tower, it is not intended for the parcel to be developed therefore the proposed lot size is adequate for the intended purpose.
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

**APPLICANT'S LETTER**

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

*The proposed lot in question encloses a cellphone tower which is operated by Digicel. They are currently in a lease agreement with Crown Square Ltd. in relation to the usage of the tower. The subject block and parcel is governed by the strata corporation of Strata Plan*

*No. 324 and Crown Square Ltd. would like to formally separate the area allocated to the tower from the common property. This will allow for this area to be an entity on its own with a block and parcel assigned.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located on Eastern Avenue.

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

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

The proposed width of the right-of-way is 22 feet and would be for pedestrians as well as vehicles.

### **Zoning**

The property is zoned General Commercial & Neighbourhood Commercial.

### **Specific Issues**

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

Regulation 8(9) requires a minimum lot size of 20,000 square feet in a Commercial zone.

The proposed parcel would have an area of 1,742.4 square feet.

The applicant's agent has submitted a variance letter and the Authority should discuss whether a variance is warranted in this instance.

#### **2.23 LIFESTYLE HOLDINGS LTD. (John Doak Architecture) Block 48C Parcels 121 (P22-0006) (\$250,000) (MW)**

Application for a house addition, modification of the floor plan and & pool extension.

### **FACTS**

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

## **BACKGROUND**

Extensive history of applications but none specific to this current application

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

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

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

Reasons for the decision:

- 1) With the exception of the side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required side setbacks per Regulation 15(4)(b)(i) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
  - a) The proposal simply extends the previously approved side setback, there are no further encroachments.
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

## **AGENCY COMMENTS**

Comments from the Department of Environment are noted below.

### **Department of Environment**

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

*The application site is already developed and of limited ecological value. However, best management practices should be adhered to during construction to prevent any impacts to the marine environment. Conditions of approval should include but are not limited to:*

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

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

## **APPLICANT'S LETTER**

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

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

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

**2.24 OSWALD BROWN (Ernesto Carter) Block 72C Parcel 325 (P22-0139) (\$315,000) (EJ)**

Application for a duplex.

**FACTS**

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

**BACKGROUND**

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

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

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

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

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

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

Reasons for the decision:

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

### **APPLICANT'S LETTER**

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

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

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



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

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

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issues**

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

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

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

#### **2.25 BARRETT'S RESIDENCE (Craftman's Touch) Block 28C Parcel 612 (P21-0060) (\$600,000) (JP)**

Application for a duplex.

## **FACTS**

<i>Location</i>	Jim Wood Drive, Savannah
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2762 ac. (12,031.27 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	2573 sq. ft.
<i>Total building site coverage</i>	21.4%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

## **BACKGROUND**

No Planning history

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

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

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

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

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

Reasons for the decision:

- 1) With the exception of the lot size, which is addressed below, the application complies with the Development and Planning Regulations (2021 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulation 9(8)(e) of the Development and Planning Regulations (2021 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:
  - a) The size of the requested variance is minimal;
  - b) The characteristics of the proposed development are consistent with the character of the surrounding area; and
  - c) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

## **AGENCY COMMENTS**

### **Department of Environment**

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

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

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

## **APPLICANT'S LETTER**

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

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

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

The application seeks Planning Permission for a duplex.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

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

The application site measures 12,031.27 sf.

Members are invited to consider whether adequate justification has been provide to vary the Regulations.

**2.26 ERIC ANDERSON (GMJ Home Plans Ltd.) Block 22E Parcel 429 (P22-0094) (\$70,000) (EJ)**

Application for storage shed and outdoor kitchen.

**FACTS**

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

**BACKGROUND**

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

**Decision:** It was resolved to grant planning permission, subject to the following conditions: Condition (1) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing the proposed storage shed with a minimum 20' setback from the canal..

In addition to Building Permit requirements, condition (2) listed below shall be met before a Building Permit can be issued.

- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 4) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in

place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area.

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

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

Reason for the decision:

The Authority considered the application and determined that with the inclusion of a condition requiring the shed to be setback 20' from the canal planning permission would be granted as the application complies with the Development and Planning Regulations (2022 Revision).

### **AGENCY COMMENTS**

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

#### **Department of Environment**

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

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

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

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

## **APPLICANT'S LETTER**

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

- *A side setback variance — to allow the proposed to be built with a reduced side setback of 10' which would be less than the required 15'0".*
- *A rear setback variance — to allow the proposed to be built with a reduced rear setback of 15' which would be less than the required 20'0"*

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

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

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

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

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

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

Application for a 3 lot subdivision.

**FACTS**

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

**BACKGROUND**

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

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

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



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

- 1) The applicant shall submit a revised plan showing the 20' swale portion of Lot A extended to the southern limit of Lot B.
- 2) Prior to the subdivision plan being finalized, the 20' wide swale shown on Lot A shall be cleared of vegetation in order to allow the swale to effectively function.
- 3) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reasons for the decision:

- 1) With the exception of the lot widths, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot widths per Regulation 9(8)(g) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot widths as follows:
  - a) The intent of the application is to separate out the subdivision road as a parcel and the mangrove buffer and swale as a parcel. As such, lot B requires a variance as it is a 30' wide road and Lot A needs a variance as it contains the 20' wide swale.
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

### **AGENCY COMMENTS**

Comments were received from the following agencies:

#### **Water Authority Cayman**

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

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

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority's supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains. The Guidelines and*

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

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

**Wastewater Treatment:**

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

**Department of Environment**

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

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



*Figure 1: DOE Aerial Imagery showing the Mangrove Buffer Zone (outlined in green) and the filled road section and cleared area encroaching into it (DOE 2021).*

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

### **National Roads Authority**

*As per your memo February 28<sup>th</sup>, 2022 the NRA has reviewed the above-mentioned planning proposal.*

***In order to keep the integrity of the Grand Harbour stormwater drainage system, the NRA requests that the CPA, as a condition of approval, have the applicant clear the twenty (20) ft. wide swale and also have it connect to the swale along Edgewater Way. Please see graphic below.***



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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The subject property is located in Grand Harbour, George Town.

The property contains a road and undeveloped lands.

Proposed parcel A ranges from a minimum of 20 feet in width to approximately 100 feet in width.

Proposed parcel B is a road parcel that would have a maximum width of 30 feet.

Proposed parcel C is the canal system to the east.

It is the understanding of staff that none of the proposed lots are intended to be developed for building purposes.

### **Zoning**

Proposed parcel A is zoned both Low Density Residential and Mangrove Buffer.

Proposed parcel B is a road parcel that is zoned Low Density Residential.

Proposed parcel C is the canal system to the east and is not zoned.

### **Specific Issues**

#### **1) Lot width**

Regulation 9(g) requires a minimum lot width of 80 feet for houses and duplexes.

Proposed parcels A (20 feet) and B (30 feet) would not satisfy this requirement.

**2.28 J. LAURENSEN (Shedwerx) Block 27C Parcel 662 (P22-0155) (\$45,000) (NP)**

Application for a cabana.

**FACTS**

<i>Location</i>	Tarpon Island Drive in Prospect
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Parcel size</i>	26,275 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Dock
<i>Proposed use</i>	Cabana
<i>Building size</i>	581 sq. ft.

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding there being no application for the primary development of the site.

**AGENCY COMMENTS**

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

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

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

**PLANNING DEPARTMENT ANALYSIS**

**General**

The subject property is located on Tarpon Island Drive in Prospect.

The property is developed with a dock.

The proposal is to construct a free standing cabana (581 square feet) with a bar, bbq, and bathroom located under the roof of the cabana.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

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

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

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

Application for a warehouse/workshop building with ancillary offices.

**FACTS**

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

**BACKGROUND**

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

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

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

Conditions (1-5) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

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

In addition to Building Permit requirements, conditions (6-7) listed below shall be met before a Building Permit can be issued.

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

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

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

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

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

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

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

Reason for the decision:

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

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

#### **Wastewater Treatment & Disposal**

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

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



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

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

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

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

*If the developer proposes to continue utilizing the existing septic tank and/or disposal well, serving the existing buildings, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority's website via the following link: <https://bit.ly/2RO8MBB>. The completed inspection form shall be returned to the Water Authority for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for certificate of occupancy.*

### **Water Supply**

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

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

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

#### **National Roads Authority**

*None received at this time.*

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

*None received at this time.*

#### **Department of Environment**

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

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

#### **Fire Department**

Approved for Planning Permit Only (25 March 22)

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

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

#### **Zoning**

The property is zoned Heavy Industrial.

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

Application for a 2 lot subdivision.

## **FACTS**

<i>Location</i>	Spinnaker Road, Red Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.21 ac. (9180 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Road

## **BACKGROUND**

Extensive history, but none with direct relevance

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

- 1) Lot 1 shall be combined with 22D 253 & 266 and 22C 36.
- 2) Lot 2 shall be combined with 22D 141 Rem 12.
- 3) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reason for the decision:

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

## **AGENCY COMMENTS**

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

### **Water Authority**

#### **Water Supply:**

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

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

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

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

**Wastewater Treatment:**

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

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

**National Roads Authority**

No comments received.

**Department of Environment (NCC)**

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

*The Department has no concerns with the proposed subdivision. However, as there are mangroves located on the site, the Applicant is reminded that mangroves are Schedule 1, Part 2 Protected Species under the National Conservation Act (2013) with an adopted Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through the granting of planning permission or a National Conservation Council Section 20 permit. The Mangrove Species Conservation Plan can be downloaded at the following link: <https://conservation.ky/wp-content/uploads/2021/01/Species-Conservation-Plan-for-Mangroves-FINAL.pdf>*

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

1. *As mangroves are protected under the National Conservation Act (2013), all mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020).*
2. *There shall be no land clearing, excavation, filling or development of the resulting subdivided/combined parcels without planning permission for such works being granted.*
3. *Any future development, clearing, filling or excavation of the resulting subdivided/combined parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

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

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

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

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

### **Zoning**

The property is zoned Low Density Residential.

## **2.31 CAYMAN SHORES (Decco Ltd) Block 12D Parcel 95 Block 2 (P22-0310) (\$25,000) (NP)**

Application for proposed digital sign.

### **FACTS**

<i>Location</i>	Solaris Drive & Market Streets
<i>Zoning</i>	General Commercial
<i>Current use</i>	Parking Structure
<i>Sign Area</i>	25 sq ft

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

- 1) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 2) The sign shall not be used for commercial advertising.

Reason for the decision:

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

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The proposed sign location is the corner parking structure situated at the corner of Solaris Drive and Market Streets in Camana Bay.

The size of the proposed digital sign is 25 square feet and would be used to illustrate the number of vacant parking spaces on each level of the parking structure.

Notification was not required because the applicant owns the surrounding lands.

**Zoning**

The property is zoned General Commercial.

**2.32 KAREN & CHRIS LUIJTEN (John Doak Architecture) Block 21C Parcel 112 (P22-0033) (BES)**

Application to modify planning permission to revise the site layout, floor plans and building elevations.

**FACTS**

<i>Location</i>	South Sound Road
<i>Zoning</i>	<b>LDR</b>
<i>Parcel Size Proposed</i>	0.43 ac. (18,730.8 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Same as above
<i>Proposed Use</i>	Residential

**BACKGROUND**

September 11, 2018 – Modification application for site layout and internal floor plan changes granted admin approval.

September 2, 2015 (**CPA/18/15; item 2.4**) – CPA granted planning permission for a dwelling house, guest quarters, swimming pool, LPG/generator and 8' high privacy wall.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Act (2021 Revision) hereby orders that planning permission CPA/18/15; item 2.4 be modified to allow revisions to the site layout, floor plans and building elevations.

All other conditions of the previous approval remain applicable.

Reason for the decision:

The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2021 Revision).

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a modification to site layout, building elevations, and floor plans. The site is located on South Sound Road. The changes to the site plan include the following:

- The sand garden is removed at the east side of the property;
- LPG tanks are removed at the west side of the property;

- Trellis Cabana by the pool is removed;
- Gates modified to swing into the property;
- Garbage enclosure modified to move steps to the east side of the garbage wall;
- 3-condensers are added next to the garage wall;
- The property along the road will be berm from 6.1' to 8.5' at the roadside wall -see photos on the plan; and
- Trellis cabana is removed.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Wall Height**

The top of the boundary wall on the west boundary is 11.8' MSL, and the adjoining property site level is approximately 4.5' MSL, as shown on Cayman Land Info Map; therefore, the boundary wall would be 7.3' MSL high. Similarly, the top of the road boundary wall is 12' MSL high, measuring from the road elevation 5.3' MSL, while the actual height of the roadside boundary wall would be 6.7' MSL in height.

#### **2.33 TAG DEVELOPMENTS LTD (TAG Ltd) Block 13D Parcel 356 (P21-1376) (\$1.25 million) (JP)**

Application for a warehouse building and 5' high boundary treatment (2' concrete wall with 3' chain-link on top).

### **FACTS**

<i>Location</i>	Ashgo Street, George Town
<i>Zoning</i>	<b>GC</b>
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3493 ac. (15215.51 sq. ft.)
<i>Current use</i>	Vacant
<i>Proposed building size</i>	8171 sq. ft.
<i>Total building site coverage</i>	40.7%
<i>Required parking</i>	9
<i>Proposed parking</i>	12

### **BACKGROUND**

No Planning history



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

Conditions (1-5) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

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

In addition to Building Permit requirements, conditions (6-7) listed below shall be met before a Building Permit can be issued.

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

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

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

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

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

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision).

#### **AGENCY COMMENTS**

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

##### **Water Authority**

##### **Wastewater Treatment & Disposal**

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

<b><i>BUILDING</i></b>	<b><i>UNITS/BLDG</i></b>	<b><i>GPD/UNIT</i></b>	<b><i>GPD</i></b>
<i>Proposed Warehouses</i>	<i>5 x W/C</i>	<i>150gpd per W/C</i>	<i>750</i>
<b><i>TOTAL</i></b>			<b><i>750 GPD</i></b>

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

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

8. *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).*
9. *All dimensions and materials shall be provided for any site-built tanks.*
10. *Manhole extensions are permitted up to a maximum of 24" below finished grade.*
11. *Detailed specifications including make and model for (H-20) traffic-rated covers for septic tanks proposed to be located within traffic areas.*
12. *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)*
13. *The Water Authorities updated 2020 effluent disposal well specifications.*
14. *A 30ft horizontal separation between the effluent disposal well and any stormwater drainage wells.*

### **Water Supply**

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

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

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

#### **National Roads Authority**

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

*The traffic demand to be generated by the above proposed development of 8,172 sq. ft. has been assessed in accordance with ITE Code 150 - Warehousing. The anticipated traffic to be added onto Ashgo Street 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>29</i></b>	<b><i>3</i></b>	<b><i>2</i></b>	<b><i>1</i></b>	<b><i>3</i></b>	<b><i>1</i></b>	<b><i>2</i></b>

*Based on these estimates, the impact of the proposed development onto Ashgo Street 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 Ashgo Street, within the property boundary, to NRA standards.*

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

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

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

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

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Ashgo Street. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- *Curbing is required for the parking areas to control stormwater runoff.*
- *Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

### **Department of Environmental Health**

*Solid Waste Facility:*

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

*NOTE:*

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

### **Department of Environment**

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

*The Department confirms we have no comments.*

## **Fire Department**

Stamped approved plans

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located within an established General Commercial area of George Town. Access is provided from the south with developed sites forming the east and west boundaries. To the north two lots bound the site, one contains a house and the other is vacant.

The application seeks Planning Permission for the creation of storage units and installation of 5' boundary treatment consisting of block wall with chainlink fence on top.

### **Zoning**

The property is zoned General Commercial.

### **Specific Issues**

#### **1) Suitability**

Warehouse storage is typically considered a light industrial use. Regulation 12(4) guides light industrial development and permits such in non-industrial areas provided it is not offensive and does not adversely affect the area.

Regulation 13 relates to Commercial zones with subsection (6) permitting uses other than commercial if it can be done without changing the primary commercial use of that zone.

Members are invited to note warehouse storage use is unlikely to cause offence or adverse effect on the surrounding area.

The surrounding area consists of commercial buildings with apartments sited above some commercial units, as well as a warehouse/storage building situated two parcels to the west. Members are invited to determine whether the proposed development would result in changing the primary commercial use of that zone.

## **3.0 DEVELOPMENT PLAN MATTERS**

## **4.0 PLANNING APPEAL MATTERS**

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

### **5.1 MICHAEL GEORGE PHIPPS & COLLEEN ABURIL MITCHELL-PHIPPS Block 28D Parcel 322 (CE22-0058) (BP)**

The Authority viewed photographs of several derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

**Decision:** It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5.2 ANDRES DACRES Block 28C Parcel 340 (CE22-0059) (BP)**

The Authority viewed photographs of several derelict vehicles and other debris on site and determined that a Maintenance of Land Notice would be issued.

**Decision:** It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

**5.3 HIGH IMPACT MEDIA (HP)**

The Authority was advised that there is interest from High Impact Media in erecting an 8' x 16' billboard sign near the exit of the Owen Roberts International Airport. As the sign will be used for commercial purposes the Authority determined that an application for planning permission is required for the sign.

**5.4 RADIO 89.1 FM SIGNS (HP)**

The Authority was advised that at least two billboard signs have been erected in locations where Government sponsored Covid related signs had previously been erected. The Authority acknowledges that the previous signs had been exempted from requiring permission. The Authority determined that the new 89.1 FM signs are promoting a commercial entity and therefore are not exempt from needing permission per Section 13(3)(g) of the Development and Planning Act (2021 Revision).

**5.5 NORTH SOUND WAY PROPERTY HOLDINGS LTD. Block 19E Parcel 248 (HP)**

The Authority determined that the activities of the owner have resulted in the ruinous condition of the land due to the deposit of spoil (cement dust) and that a Maintenance of Land Notice would be issued.

**Decision:** It was resolved to authorize the issuance of a Maintenance of Land Notice in accordance with Section 29A of the Development and Planning Act (2021 Revision). Maintenance of Land Notice to take effect at the end of a period of 28 days from the service and compliance with the Maintenance of Land Notice to be completed within the period of 28 days from the date when the Notice takes effect, subject to the provisions of Section 29A(2) and (3) of the law.

## **6.0    CPA MEMBERS INFORMATION/DISCUSSION**



The meeting adjourned at 4:45pm. The next meeting of the Central Planning Authority is scheduled for *Wednesday, April 27, 2022 at 10:00 a.m.* in in Conference Room 1039, 1<sup>st</sup> floor, Governor's Administration Building.



Ian Papadatos  
Chairman



Harriet Parrish  
Executive Secretary

c.c. All members of the Central Planning Authority

## Appendix A

# 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

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

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

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

7. Private gardens for proposed new buildings not acceptable.

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

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

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

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

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

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

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

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

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

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

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

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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.

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## Appendix B

Strata Plan 317 (Rosedale Gardens)  
765 Crewe 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 "20D428" – "Rosedale Phase, 14 apartment blocks which comprise 84 apartments ..."**

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

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

- 1) **Too many additional units to the current development** – the Executive is concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of 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**.



**Strata Plan 317 (Rosedale Gardens)**  
**765 Crewe Road, George Town**  
**P.O. Box 32319**  
**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 adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Executive or a majority of Owners to amend the strata plan** - further to the consent letter HAB sent to the property manager on 11 May 2020 seeking consent by 26 May 2020, and HAB were advised by the property manager, that the Executive could not comment until they consulted an attorney, which they could not do at the time, given the Covid 19 crisis. As far as the Executive are aware, HAB, requires 51% owner approval under the law to alter the original development plan, which they have not received.
- 7) **Insufficient notice of planning application was given** – Only 1 member of the Exec has received this planning permission notice so far supposedly sent on July 15, 2020 but not received until July 29, 2020). In addition, a survey of owners has revealed that most of them have NOT received this notice. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK 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 I am very concerned that the developer would again abandon the project, leaving a further mess.

**Strata Plan 317 (Rosedale Gardens)  
765 Crewe Road, George Town  
P.O. Box 32319  
Grand Cayman KY10-1209  
Cayman Islands**

Strata 317, 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  
Amaris Coe  
Kyle Farrington  
Ricky Handal  
Tanya Meyerhoff  
Joni Steffen  
Hanna Trewern  
Stefan Twinn

**Subject:** Fw: Objection to Application for planning permission  
**Date:** Monday, 3 August 2020 at 9:45:55 AM Eastern Standard Time  
**From:** Tanya Meyerhoff  
**To:** Tanya Meyerhoff  
**Attachments:** Executive Objection to HAD Developers re Rosedale.pdf

[EMAIL FROM EXTERNAL]

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

Good Morning,

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

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

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

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

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

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

appeal.

**8) The developer has an unfortunate history of being unable to complete the development.**

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

Strata 317, it's Executive and 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 Crewe Road, George Town  
P.O. Box 32319  
Grand Cayman KY10-1209  
Cayman Islands

Andrea Bodden  
Amaris Coe  
Kyle Farrington  
Ricky Handal  
Tanya Meyerhoff  
Joni Steffen  
Hanna Trewern  
Stefan Twinn

## 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

---

**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

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**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 todays resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming

## 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:gardencourt1td@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,

A handwritten signature in blue ink, appearing to be "Tom J. [unclear]", with a long horizontal line extending to the right.



## 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:gardencourt1td@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 todays resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming

traffic to pedestrians crossing the road. In addition to it being **unsightly**.

- 3) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of

Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and the Executive is very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,

Maria Dahlstrom

## 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:** 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



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 Crewe Road, Unit 101  
PO Box 31406, Grand Cayman  
Cayman Islands, KY1-1206

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

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Facade / Style of proposed buildings do not fit with the current style of buildings** – The proposed buildings will be of a "modern" design which does NOT fit in with the current "southern contemporary" look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so to not disadvantage the current owners and possibly devalue their property.
- 3) **Crewe road cannot accommodate this many additional units/residents** – Crewe road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale – Jose's gas station in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe road and affect the lives of all Crewe road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 4) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development



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

LUCY M MUYANGA  
ROSDELAGE 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**.

LUCY M MUYANGA  
ROSDELAGE 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 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,

LUCY MUYANGA

## 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  
765 Crewe Road; 106 Rosedale Gardens  
P.O. Box 69 George Town  
Grand Cayman KY1-1102  
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.

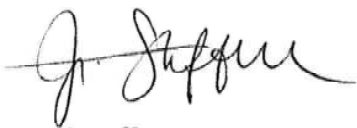
I, **Joni Steffen**, object to the planning application by HAB Developers LTD on Block and Parcel 20D248 on the following grounds:

- 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) Elimination of effectively all of the current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned visitor parking spaces. There is also overflow parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.

Joni Steffen  
765 Crewe Road; 106 Rosedale Gardens  
P.O. Box 69 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 be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single strata with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and quite likely, given the proposed design of the new units, devalue their property. Further, the proposed building density is much too high, leaving nearly no green space to be enjoyed by a much larger number of residents.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property, the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe road cannot accommodate this many additional units/residents** – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale to Jose’s gas station (corner of Crewe Road and Agnes Way) in the morning and even longer to make the return journey in the evening. In addition, there are already 2 large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development.
- 7) **Insufficient notice of planning application was given** – I have not received my “planning application” notice. A copy was just provided to me from another owner. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application. Thus, disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish, incomplete parking, lack of common property lighting, and defective irrigation. The ruins are unsightly and dangerous and I am very concerned that the developer would again abandon the project, leaving a further mess.

Kind Regards,



**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

---

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

Dear Mr. Pandohie,

**Re: Objection to Planning Application by HAB Developers Ltd (HAB) on Block and Parcel "20D 428" – "Rosedale Phase, 14 apartment blocks which comprise 84 apartments ..."**

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

I, Amaris Coe, object to the planning application by HAB Developers LTD on Block and Parcel 20D 248 on the following grounds:

- 1) **Too many additional units to the current development** – I am concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
  
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required "**minimum**" number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has two (2) assigned parking spaces to each unit and additional unassigned "visitor" parking spaces. There is also, "overflow" parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. Road-side parking causes a **dangerous hazard** to the residents, especially children as it obscures the view of oncoming traffic to pedestrians crossing the road. In addition to it being **unsightly**.



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

## NOTICE OF APPLICATION FOR PLANNING PERMISSION

1 [REDACTED] owner of Block and Parcel 20D408 [REDACTED]  
Single Proprietor  
[REDACTED]  
[REDACTED]  
P.O. Box [REDACTED] APO Grand Cayman

Signed: J. Collins Date: 07/15/2020

221

## 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**

---

**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 Carbinì  
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 Carbinì**, 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

---

**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

---

**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  
Grand Cayman KY1-1007  
Cayman Islands  
916 2532  
926 8744

October 11, 2021

Director of Planning  
Government Administration Building  
Grand Cayman KY1-9000  
Cayman Islands

Dear Sir

**Objection to Application by HAB Developers Ltd ("HAB") on 20D428 – Project P19-1436**

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

We, Allison Bodden and Ryan Ebanks, owners of Unit 101 at Strata 317, Rosedale Gardens apartments, object to the planning application by HAB on Block and Parcel 20D248 on the following grounds:

- 1) **Too many additional units to the current development** – We are concerned that the addition of 14 apartment blocks which comprise 84 units will adversely affect the living conditions for the current residents of Strata 317 and in addition adversely affect the living conditions of all Crewe Road residents.
  - a) Congestion within the strata property
  - b) Increased traffic within the Strata property
  - c) Insufficient visitor parking
  - d) Additional noise pollution
  - e) Decrease of current "Green Space"
  - f) Insufficient common facilities for total number of units (2 pools and 1 gym for 18 buildings)
  - g) Only one (1) entrance/exit to property
- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required minimum number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has 1.5 assigned parking spaces to each unit and additional unassigned visitor parking spaces. There is also, overflow parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. In addition to it being unsightly, road-side parking causes a dangerous hazard to the residents, especially children, as it obscures the view of oncoming traffic to pedestrians crossing the road.

- 3) **Facade / Style of proposed buildings does not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single stratum with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
- 5) **Crewe Road cannot accommodate this many additional units/residents** – Crewe Road is already at capacity with traffic congestion for most of the day. It can take 30 - 45 minutes to go from Rosedale to Jose’s gas station in the morning and even longer to make the return journey in the evening. In addition, there are already two large developments currently being built on the opposite side of Crewe Road in the vicinity of Rosedale. This will greatly increase the traffic along Crewe Road and affect the lives of all Crewe Road residents and people coming from the eastern districts. An addition of 84 units will devastate the area and make living conditions unbearable.
- 6) **HAB did not receive approval from the Owners to amend the strata plan** – We have not consented to the changes proposed to the development
- 7) **Insufficient notice of planning application was given** – We have not received a Planning Application notice nor, we understand, was the Strata Executive Committee notified. It was only by chance that we happened to find the application on the Planning Department's website. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK of delivery) of this notice has made it impossible for the owners of Strata 317 to properly comment on this application, thus disenfranchising them of their lawful right to appeal.
- 8) **The developer has an unfortunate history of being unable to complete the development.** For over 18 years, the residents of Rosedale have contended with the ruins of buildings that were left behind when the developer ran into financial difficulty and was unable to finish; incomplete parking; lack of common property lighting; and defective irrigation. The ruins are unsightly and dangerous, and we are very concerned that the developer would again abandon the project, leaving a further mess.

Yours sincerely

  
Allison 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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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.

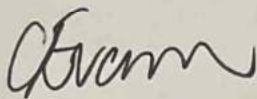
I, Chad Evans, owner of Unit 124 at Strata 317, Rosedale Gardens apartments, object to the planning application by HAB on Block and Parcel 20D248 on the following grounds:

- 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)
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- 2) **Not enough parking spaces for residents and visitors** - While this proposed application might provide the legally required minimum number of parking spaces, this is insufficient for the current needs of today's resident. As an example, Strata 317 currently has 1.5 assigned parking spaces to each unit and additional unassigned visitor parking spaces. There is also, overflow parking on two areas of the undeveloped land. Even with all of this available, the strata still has considerable problems with people parking on the road-side. In addition to it being unsightly, road-side parking causes a dangerous hazard to the residents, especially children, as it obscures the view of oncoming traffic to pedestrians crossing the road.



- 3) **Facade / Style of proposed buildings does not fit with the current style of buildings** – The proposed buildings will be of a “modern” design which does NOT fit in with the current “southern contemporary” look of the existing buildings. As this will be a single stratum with one entrance it is important that the look remain consistent so as to not disadvantage the current owners and possibly devalue their property.
- 4) **Heavy equipment / construction vehicle traffic** – As there is only one (1) entrance and one (1) road going through the property the addition of heavy equipment and construction vehicles will adversely impact the safety and lifestyle for the current residents. In addition to damaging the current roadways.
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- 6) **HAB did not receive approval from the Owners to amend the strata plan** – I have not consented to the changes proposed to the development.
- 7) **Insufficient notice of planning application was given** – I have not received a Planning Application notice nor, I understand, was the Strata Executive Committee notified. It was only by chance that another owner happened to find the application on the Planning Department's website and sent it to me. Considering that the allowed timeframe for objections is 21 calendar days, the delivery (or LACK 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 I am very concerned that the developer would again abandon the project, leaving a further mess.

Yours sincerely



Chad Evans

## Appendix C



23 February 2022

**To: Ms. Jessica Peacey**  
*Planning Assistant*  
*Department of Planning*

**RE: Application for a Removal of Condition – CPA/17/21; Item 2.3**  
**Application for Two Warehouse Buildings on Block 19E Parcels 149 and 153**

Dear Ms. Peacey,

Greetings.

We are submitting this letter to apply for a removal of condition of approval under conditions listed no.2 stating that the applicant must provide a copy of the submission made to the Registrar of Lands to combine Block 19E Parcels 149 and 153 for the reason of;

That a Combination would result in the loss of all the access Easements, and Lands & Survey would refuse to Register the Combination Survey without new Easements being granted, either separately or included within our Survey Report for Registration. Attached a copy of letter from our Registered Surveyor, Cayman Survey Associates Ltd. for reference.

The site planning will require both access Easements for the flow of traffic within the two parcels and the vicinity.

In addition to this, land owners made an Agreement for lease of parking of both parcels. See attached copy.

Thank you and we are hoping that the Central Planning Authority will consider our request in order for us to proceed with the application of building permit.

Sincerely,

**Jonathan Dioseoro**  
*For Kozaily Designs Ltd. | ARCHITECTURE*

### Conditions of approval

Conditions (1-8) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing:
  - a) the security gate setback a minimum of 20' from the property line and if is not a sliding gate, it must swing inward; and
  - b) parking space #11 relocated such that it does not encroach the drive aisle
- 2) The applicant must provide a copy of the submission made to the Registrar of Lands to combine Block 19E Parcels 149 and 153.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and size of the wastewater treatment system (including the disposal system).
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall submit a Stormwater Management plan designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. The applicant should liaise directly with the NRA in submitting the stormwater management plan. **Please note that the plan must include a drainage hump and trench drain at the entry/exit on Caterpillar Ln.**





## Cayman Survey Associates Ltd.

January 13, 2022

Kozaily Designs  
P.O. Box 10647  
Grand Cayman  
KY1-1006

Attn. Mr. Jonathan Dioscoro

Dear Jonathan,

**Proposed Combination of Block 19E, Parcels 149 & 153**

This letter confirms our previous email correspondence on this matter.

The Land Register for 19E 149 shows a 30' VROW (Inst. No. 4784/88) over 19E 151 (now 19E 190) as its legal access route. However, the Land Register for 19E 153 shows that it has 2 x 20' VROW's as its legal accesses, firstly over Caterpillar Lane (Inst. No. 519/75) and then over 19E 152 (Inst. 4785/88).

As these 2 parcels are not "similar", a Combination would result in the loss of all the access Easements, and Lands & Survey would refuse to Register the Combination Survey without new Easements being Granted, either separately or included within our Survey Report for Registration.

Also, if there are Charges on any of the parcels over which Easements are currently Registered then the Banks would have to consent to the Registration of any new Easement.

We trust this explains the situation.

Yours Sincerely,

C.R. Fawkes B.Sc. LLS  
For Cayman Survey Associates Ltd.

Y:\Colin\Word Documents\letters\19E149\_153.let.docx



Privacy Notice: Section 4 of the Registered Land Act authorises the Registrar of Lands to collect the information required by this form for the establishment and maintenance of the Land Register. Section 35 requires that the Register is made available to any person for search and inspection upon payment of a fee. It may also be used for authorised purposes in accordance with legislation and policy requirements. For more information, please see the Department's website

**CAYMAN ISLANDS**  
**Registered Land Act (2018 Revision)**  
**Registered Land Rules (2018 Revision)**

THIRD SCHEDULE

**LEASE**

REGISTRATION SECTION

BLOCK

PARCEL

George Town East

19E

149 and 153

WE **ELIAS K. KOZAILY and JIHAD NAJAR**

HEREBY  
LEASE to **HOME AND OUTDOOR LTD.**

of PO Box 10647, Grand Cayman, KY1-1006, Cayman Islands

a portion of the land comprised in the above mentioned title (as described in the attached Schedule) for a term of one hundred (100) years from 15 February ~~2021~~ <sup>2022</sup> at the rent of US\$1.00 per annum payable yearly in advance, subject to sections 52 and 53 of the above law unless hereby negated, modified or added to in the attached Schedule.

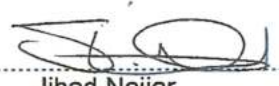
Dated this

day of

2022

Signed by the Lessor

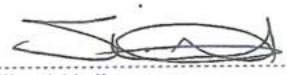
  
Elias K. Kozaily

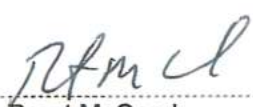
  
Jihad Najjar

in the presence of:-

HOME AND OUTDOOR LTD.

Signed by the Lessee

  
Jihad Najjar  
Director

  
Brent McComb  
Director

in the presence of:-

\*Delete if not applicable

**FOR OFFICIAL USE ONLY**

I, the Registrar of Lands in the Cayman Islands hereby certify that this document was received by me for registration on the..... day of ..... 20..... and that stamp duty assessed/adjudicated by me/Treasury at C.I.\$..... and Land Registry fees at C.I.\$..... relating thereto have been paid.

REGISTERED this

day of

20

REGISTRAR OF LANDS

CAYMAN ISLANDS

## CERTIFICATE OF IDENTIFICATION

Elias K. Kozaily and Jihad Najjar

Name: .....


I HEREBY CERTIFY that the above named ..... persons ..... appeared  
before me on the 15th day of Feb. 20 22 and ~~being identified by\*~~  
(or being known to me)  
acknowledged the above signature or mark to be his/hers/theirs and that he/she/they had freely  
and voluntarily executed this instrument and understood its contents.

  
Signature and designation of the person certifying

## CERTIFICATE OF IDENTIFICATION

Name: ..... Jihad Najjar and Brent McComb

I HEREBY CERTIFY that the above named ..... persons ..... appeared  
before me on the 15th day of Feb. 20 22 and ~~being identified by\*~~  
(or being known to me)  
acknowledged the above signature or mark to be his/hers/theirs and that he/she/they had freely  
and voluntarily executed this instrument and understood its contents.

  
Signature and designation of the person certifying

THIS LEASE IS DATED the 15<sup>th</sup> day of February 2022

**BETWEEN:**

(1) Elise K. Kennedy and filed (together "K&F") of 2059, 20098, 7<sup>th</sup> Ave, Cayman, KY-1100, Grand Cayman (the "Landlord"); OF P.O. BOX 1433;

**AND:**

(2) Home and Outdoor Ltd., with its registered office at Central Cayman Limited of PO Box 10049, George Town, Grand Cayman (together with its subsidiary "Tenet") ("THE OTHER PARTY")

**NOW THIS DEED WITHSIGNED as follows:**

**Definition and Interpretation**

- 1.1 In this lease, the following expressions shall have the following meanings:  
**Car Park:** the car park areas designated to such by the Landlord from time to time on the Land;  
**Land:** the land legally described as Registration Section West City Pearl Beach lots 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 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2007, 2008, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023, 2024, 2025, 2026, 2027, 2028, 2029, 2030, 2031, 2032, 2033, 2034, 2035, 2036, 2037, 2038, 2039, 2040, 2041, 2042, 2043, 2044, 2045, 2046, 2047, 2048, 2049, 2050, 2051, 2052, 2053, 2054, 2055, 2056, 2057, 2058, 2059, 2060, 2061, 2062, 2063, 2064, 2065, 2066, 2067, 2068, 2069, 2070, 2071, 2072, 2073, 2074, 2075, 2076, 2077, 2078, 2079, 2080, 2081, 2082, 2083, 2084, 2085, 2086, 2087, 2088, 2089, 2090, 2091, 2092, 2093, 2094, 2095, 2096, 2097, 2098, 2099, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2113, 2114, 2115, 2116, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2132, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171





4.17 To not assign, transfer, charge, lease or license possession or occupation of this lease or the whole or part of the Premises or hold this lease in trust for any person.

4.18 To indemnify the Landlord and keep the Landlord indemnified against all loss, expense, claims, demands, actions, proceedings, damages, costs, expenses or other liabilities in any way arising from:

(a) this lease;

(b) any breach of the Tenant's covenants contained in clause 4 and/or

liabilities of the Tenant and/or the Landlord or any of the Landlord's trading, service or utility companies together with their officers, directors, employees, contractors and agents.

## 5. Termination

5.1 If any of the following provisions are subject to sections 55(1)-(3), 56 and 57 of the Legislative Land Act (2012 Republic):

(a) the Tenant fails to pay any of the Rents within 21 days of the due date (after 14 days of the due date) or ceases to pay;

(b) the Tenant breaches any of the covenants in this lease or

(c) the Tenant becomes an insolvent, becomes subject to a bankruptcy order or is an individual who is appointed a liquidator or trustee;

(d) the Tenant enters into any arrangement or arrangement with a view to the benefit of its creditors;

(e) the Tenant has any distress, sequestration or execution levied on its goods;

5.2 If any of the Landlord's notices under the Parking Schemes and/or this lease and the Tenant do not by this lease shall not be dependent on any fault or prejudice to the rights of either party against the other in respect of any breach of obligations contained in this lease.

## 6. Notices

6.1 Any notice, claim or demand (whether by law or otherwise) or permitted to be delivered under or in connection with this lease shall be:

(a) in writing to the addressee or by a person on behalf of the sending party;

(b) delivered by hand (including by email or courier), email, or provided by stored post to the recipient at its address or email address specified below the

(c) delivered by hand or by email;

- (j) If a letter is delayed after it is sent by e-mail:
- (i) It sent by email, for address correction of receipt, a message received to the effect "back to sender" shall be issued in the following circumstances:
  - (1) if the message is not received or is not acknowledged or receipted;
  - (2) if a message is undelivered, part 5 business days from the time of posting for mail delivery, and if the message is for information only.

6.3 The address details of the parties for the purposes of clause 6.2 are noted here: names, postal address, e-mail address and telephone number as notified in writing from time to time by the relevant party to the other Party;

6.4 For the purpose of clause 6.1 in case of, among others, cases of:

- (a) all references to business days shall be in the sense of the law presently applied;
- (b) a general strike, which occurs by happen of a general strike on Saturday or Sunday or a public holiday even if it is not open for business; therefore receipt is deemed to have taken effect on the first day when business was started by the sender or receiver;

6.5 This contract is governed by the law of the Czech Republic. At the same time, the law of arbitration, where applicable, applies to the parties in the field of dispute resolution;

7. No warranties for use or condition

7.1 The landlord gives warranty that the Parking Space is completely fit for the purposes specified in clause 2.1 and the Tenant acknowledges that the landlord shall be under no obligation to improve, fill or maintain any other part of the land or the car park to supplement the benefit to the Tenant under 2.1;

8. Confidentiality

8.1 The Tenant and Landlord shall keep the contents of this lease private at all times and shall not make any disclosure or announcement whatsoever without the prior consent of the other party, except as is essential to the fulfilment of their obligations in the same or in connection with it to third parties.

9. Limitation of Landlord's liability

9.1 The Landlord shall be liable:

- (a) the destruction of the Landlord's vehicles, machinery or equipment to the extent of the damage;

g) damage to any property of the Tenant or the staff, tenants' employees, customers, or third persons to the Lease or to the Car Park;

h) any losses, claims, demands, actions, proceedings, damages, costs or expenses in whatever ability incurred by Tenant or the tenants and guests, customers or other persons to the Lease or to the Car Park in the course or preparation of the use of the rights granted by clause 2;

## 10. Entire agreement

10.1 This Lease, as well as the other agreements entered into between the parties, shall together constitute the entire agreement between the parties relating to its subject matter.

10.2 Each party acknowledges that, in entering into this Lease, it has not relied on any advice, information or representation of any third person, governmental or non-governmental, in connection with its signing of this Lease, nor on any negligence or intentional misstatements or omissions by any third party.

## 11. Stamp Duty

11.1 The Tenant shall be responsible for the payment of all stamp duties arising in connection with the execution and enforcement of this Lease.

## 12. Third parties

12.1 Any third party that purports to bind and shall be bound by any rights under this Lease or to sign or to execute any document in connection with the Lease.

## 13. Counterparts

13.1 This Lease may be executed in counterparts and by different persons in separate counterparts, each of which when taken with the others shall be deemed to constitute and shall together be taken together as if it were a single document.

## 14. Governing law and jurisdiction

14.1 This Lease shall be governed by the law of the country in which it is subject to the registration (including non-contractual disputes or claims) shall be governed by the country of its execution, with the law of the Czech Republic.

14.2 The parties irrevocably agree that any disputes arising out of or in connection with this Lease or its subject matter or formation (including pre-contractual negotiations) shall be referred to and finally resolved by arbitration administered by a competent institution in London, England, under the Arbitration Rules of the International Chamber of Commerce (ICC) which shall apply in their entirety.




He witnesses with himself and witnesses he also have entered into this Lease as a joint or the said and person at above written:

Signed for and behalf of

and in the presence of:


  
Waleed


  
Elias K. Gassari

  
Ghad Nage

Signed for  
Home and Outdoor Life  
and in the presence of:

  
Ghassan

  
Jihad Yassin, Director

  
Ghad Nage, Director

SITE DATA	
BLOCK	100
PARCELS	100
ZONE	100
LOT AREA	100
SITE PLAN KE	
01	MAIN ENTRY
02	ADDITIONAL ENTRY
03	PUBLIC ROA
04	CITY WATER
05	CITY ELECT
06	CONCRETE
07	PAINTED ST
08	CONCRETE
09	PARKING FC
10	PARKING DE
11	MIN. 4 FT. PL
12	6 FT. SIDE W
13	4 FT. WALK
14	GARAGE EI
15	2000 GAL. S
16	8" 100 DEI
17	PROPOSED I
18	+ P&C + PROP
19	+ P&C + EXIST
BUILDING NOTE	
TYPE OF CONSTRUCTION	
BUILDING OCCUPANCY	
BUILDING HEIGHT	
WAREHOUSE BUIL	
TOTAL BUILDING F	
GROUND FLOOR AR	
SECOND FLOOR AR	
TOTAL FLOOR ARE	
WAREHOUSE BUIL	
TOTAL BUILDING F	
GROUND FLOOR AR	
SECOND FLOOR AR	
TOTAL FLOOR ARE	
UTILITIES	
WATER SUPPLY	
SEWAGE DISPOSAL	
SOLID WASTE DISP	
PARKING ALLOTME	
1 PARKING SLOTH	
WAREHOUSE A + 1	
NO. OF PARKING S	
WAREHOUSE B + 1	
NO. OF PARKING S	
TOTAL NO. OF PAR	
TOTAL REGULAR P	
VAN / ACCESSIBLE	
TOTAL NO. OF PAR	
IMPERVIOUS AREA	
PARKING / DRIVEW	
WAREHOUSE A NO	
WAREHOUSE B NO	
TOTAL AREA	
27,849.94 S.F. / 450'	

