

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on **April 06, 2022 at 10:00am**
at Compass Centre, 2nd Floor, Loft Meeting Room.

10th Meeting of the Year

CPA/10/22

Mr. Ian Pairaudeau (Chair)

Mr. Handel Whittaker (Deputy Chair)

Mr. Joshua Bernard

Mr. Gillard McLaughlin

Mr. Charles Russell Jr.

Mr. Windel Scott

Mr. Peter Campbell

Mr. Kenneth Ebanks

Ms. Danette McLaughlin

Ms. Shakina Bush

Ms. Christine Maltman, MCIP, AICP

Ms. Celecia Bancroft

Mr. Ashton Bodden

Mr. Haroon Pandohie (Executive Secretary)

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

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

List of Applications Presented at CPA/10/22

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2.0 APPLICATIONS
APPEARANCES (Items 2.1)

2.1 PRISMA (Trio) Block 17A Parcels 145, 146, & 170 Rem 1 (P21-1260) (\$125 million) (NP)

Application for proposed mixed use development:

- Apartments (x 58)
- Townhouses (x 20)
- Duplexes (x 5)
- Restaurant
- Parking garage
- Pools (x 20)
- Generators (x 4)
- Canal extension

Appearance at 1:00

FACTS

<i>Location</i>	Crighton Drive, West Bay
<i>Zoning</i>	Hotel/Tourism & Low Density Residential
<i>Notification Results</i>	Objections
<i>Parcel size</i>	7.54 acres combined
<i>Parcel size required</i>	0.5 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Mixed Use Development
<i>Maximum Site Coverage</i>	40 %
<i>Proposed Site Coverage</i>	22.5 %
<i>Proposed Building Footprint</i>	73,762 sq. ft.
<i>Proposed Building Area</i>	291,131 sq. ft.
<i>Parking Required</i>	197
<i>Parking Proposed</i>	244, 6 Accessible
<i>Number of Proposed Apartments</i>	58 (174 bedrooms)
<i>Number of Proposed Duplexes</i>	5 (30 bedrooms)
<i>Number of Proposed Townhouses</i>	20 (60 bedrooms)

BACKGROUND:

9 February 2022 (CPA/04/22; Item 2.2) – CPA Members resolved to adjourn the application for the following reasons:

- 1) All parties agreed with an apparent anomaly with the zone category of the area of the canal proposed to be filled and the adjournment will provide the opportunity for research into this matter.
- 2) The Department can prepare a detailed list of all objectors from owners that fall within the required notification and newspaper advertisement and radii.

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

- 1) Parking & Sidewalks within the Road Allowance
- 2) Concerns of the Objectors
- 3) Combination of 17A 145 & 146
- 4) Agency comments
- 5) Canal Setback for Townhouses (4'10" vs 20')
- 6) Duplex Setback from Canal (2'3" vs 20')

AGENCY COMMENTS

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

Water Authority Cayman

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

Wastewater Treatment

The development shall be connected to the West Bay Beach Sewerage System (WBBSS).

- *The developer shall notify the Water Authority's Engineering Department at 949-2837 EXT: 3000, as soon as possible to ensure that:*
 - *the site-specific connection requirements are relayed to the developer,*
 - *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
 - *the Authority can make necessary arrangements for connection.*
- *A **grease interceptor with a minimum capacity of 5,969 US gallons** is required to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes: pot sinks, pre-rinse sinks, dishwashers, soup kettles or similar devices and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.*
- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:*

http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf

- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

The Authority will not be responsible for delays due to insufficient notice from the developer.

Requirement for Canal Permit per Water Authority Law

The Water Authority is charged under the Water Authority Law to protect groundwater. Section 34 (1) of the Water Authority Law (2018 Revision) requires that anyone who undertakes the construction, replacement or alteration of canals is required to obtain a permit from the Authority, subject to such terms and conditions as it deems fit. Section 2 (1) the Water Authority Law (2018 Revision) defines canals as any channel works which provide sea water direct access to inland areas which would not normally be in direct contact with the sea.

A canal permit will be considered by the Authority upon receipt of a completed canal permit application form, the application fee and required submittals. The application form may be downloaded from the Water Authority website:

http://www.waterauthority.ky/upimages/pagebox/CanalWorksApplicationRevNOV2018_1541708130.pdf

Please be advised that submitting a canal permit application to the Authority does not guarantee that the permit will be issued. If a canal permit is issued the Authority may require modifications of plans and/or impose specific conditions to protect surface and groundwater and to ensure that the applicant complies with the conditions of the permit.

Elevator Installation

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

Generator and Fuel Storage Tank(s) Installation

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

https://www.waterauthority.ky/upimages/download/USTMonitoringWellFeb2013_1445632994.pdf

Water Supply

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

- *The developer is required to notify the Cayman Water Company without delay, to be advised of the site-specific requirements for connection.*

The developer shall provide water supply infrastructure per CWC's specification and under CWC's supervision

Fire Department

The Fire Department has stamp approved the drawings.

Department of Environmental Health (DEH)

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

Solid Waste Facility: This development will require (4) 8 cubic yard containers with 4 times per week servicing. The drawing must be revised to indicate the number of bins required.

Restaurant: The following must be provided for review and approval at the BCU stage: 1. Detailed plans showing the kitchen layout with all equipment. 2. Seating capacity for the restaurant. 3. Restrooms must not open directly unto dining or seating area. 4. Specifications on all equipment including the exhaust system and hot water heater.

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

It is noted that the applicant has revised the plans to address the DEH comments and new comments have yet to be received.

National Roads Authority

As per your memo dated January 6th 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 applicant is proposing eleven (11) access points onto Crighton Drive, three (3) of which are on the inside of a curve. With such a high number of access points the number of conflict points increases and the overall traffic flow decreases, therefore, the NRA requests that the CPA have the applicant reduce said access points to three (3) or four (4) at most.

This will require the applicant to amalgamate the individual parking lots, which will help with the overall traffic flow on Crighton Drive.

Proposed Canal

No blasting is allowed to occur within 500ft of residences, unless the blaster has written permission from the affected homeowners. Otherwise, in this area the excavation of the canal and the boat slips will need to occur through mechanical means only.

The NRA recommends that the stormwater be intercepted and suitably disposed of so that surface water runoff and pollutants don't also affect the water quality. The drainage should be directed away from the canal system and the north sound for appropriate disposal.

Road Capacity Issues

The traffic demand to be generated by the above proposed mixed-use development of a

- five (5) single family homes;
- 98 (ninety-eight) multi-family homes;
- 44 room hotel; and a
- 5,969 sq. ft., Restaurant

Has been assessed in accordance with ITE Codes

- 210 – Single Family Homes;
- 220 – Apartments;
- 310 – Hotel; and
- 931 – Quality Restaurant.

The anticipated traffic to be added onto Crighton Drive is as follows:

ITE Code	Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out	Pass-By
210	48	4	1	3	5	3	2	N/A
220	652	50	10	40	61	39	21	N/A
310	392	29	17	12	31	15	16	N/A
931	540	5	N/A	N/A	45	17	8	20
Total	1,632	88	28	55	142	74	47	20

Based on these estimates, the impact of the proposed development onto Crighton Drive is considered to be moderate. The NRA would request that the CPA have the applicant reconsider the intensity of the development as Crighton Drive, although the pavement after our last inspection in 2020 is considered fair averaging at 76, has been noted to have some base issues as can be noted with the undulations (or wave like) patterns of the road.

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 Crighton Drive, within the property boundary, to NRA standards. **Please have applicant adjust and comply.**

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 Crighton Drive. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)

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

encroachment under Section 16 (g) of The Roads Act (2005 Revision). For the purpose of this Act, Section 16(g) defines encroachment on a road as

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

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

Department of Environment

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

Given the type of development (i.e. a hotel/resort development), the scale and the location of the proposal, the project was screened for an Environmental Impact Assessment (EIA) as outlined in Schedule 1 of the National Conservation Council's Directive for EIAs issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act. The Screening Opinion was considered and endorsed by the National Conservation Council at their meeting on the 19th of January 2022 and is provided in appendix 1 of this review attached. It was determined that whilst there are environmental impacts associated with this project, as detailed below and in the Screening Opinion, the project does not require an EIA to be conducted.

The Site and Ecology

The land area of the site is man-modified (as shown in Figure 1 below); it was historically cleared of mangroves and filled and is therefore of limited ecological value. However, the canal areas around the site are of ecological value as they contain seagrass beds, benthic algae and marine species which rely on these important habitats. Direct impacts will be caused in the areas where the canal is to be filled and those sections of proposed new waterways. Indirect impacts will also be caused by the excavation of the material in the boat slips and canal extension as well as in the construction of the proposed docks. Fine silt is easily disturbed and suspended during excavation in marl areas resulting in detrimental sediment plumes which can impact surrounding seagrass communities and marine organisms that depend on good water quality. Therefore, it is important to limit the impacts of sediment plumes generated during the works through the use of silt screens and other turbidity control measures. The applicant has indicated in their submission that they intend to use silt screens to militate against this risk.

Additionally, the extension of the canal will add further water volume towards the end of a 'deadend' canal system that may have implications for water quality due to inadequate water movement and flushing. Canals in excess of 8ft water depth (the proposed is to be excavated to 12ft) often are too deep to allow sufficient ambient light to reach the canal seafloor which prevents the establishment of marine plants and algae responsible for

assisting with water quality through absorption of excess nutrients and production of oxygen. Given the massing of boating facilities, marinas and theoretical number of boats proposed for this small area of canal there is a potential for boating related pollution to further exacerbate poor water quality. Water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.

Socio-Economics

Given the large number of uncertainties around local and international COVID-19 restrictions and reopening strategy, forecasting future hotel demand is extremely challenging. Recovery of the tourism industry on a whole is likely to be difficult to predict and COVID-19 has also accelerated the adoption of alternatives to travel such as the use of digital collaboration tools reducing the need to travel for face-to-face meetings, which is likely to have long-term implications for business travel demand. The draft National Planning Framework recognises that “the growth of tourism in the Cayman Islands, particularly the development of large hotels and condos along Seven Mile Beach, can appear to dominate the streetscape and create a perception that overdevelopment is occurring” (section 12, P.100). Goal 1 of the Tourism chapter includes the following action items:

- *Ensure that future tourist accommodation is deemed necessary and designed with long term goals in mind.*
- *Applications should be accompanied by a market analysis that illustrates demand for the proposed development.*

RB5- The Road Back to 500K Air Arrivals Strategic Tourism Plan, Reassessed Goal 2 states “There is significant economic fallout for many small businesses and some larger ones. The focus will now be on helping tourism enterprises to recover and survive when the country reopens. It will not be possible to save all businesses, but urgent efforts will be made to assess and provide support, where feasible. The nature of the support referred to in item (5) will be adjusted so that while focus remains on developing some new businesses there will be a concerted effort to support existing ones.” Item 5 above refers to “Facilitate and attract development of small and micro tourism-related businesses, boutique hotels, vacation homes, and other non-traditional accommodations services in priority sustainable development areas.” Appendix 3 of RB5 lists potential and approved/incomplete projects likely to come online that could saturate Grand Cayman’s accommodation market at a time when there will be increased competition between destinations and on-island as tourism recovers. Accordingly, there should be an evaluation of the need for further hotel development in the western part of Grand Cayman. Item 5 as detailed above refers to the need to support boutique hotels, vacation homes, and non-traditional accommodation services, and the approval of a further 9 storey hotel goes against this policy.

Daylight, Sunlight, Overshadowing, Overlooking and Cumulative Effects

The Proposed Development has three 7-storey buildings and three 9-storey buildings of up to 120ft tall. As the adjacent properties to the north are single family homes in fairly close proximity, there is significant overlook by the Proposed Development. The nearest single family home to the Proposed Development is approximately 175ft from the nearest 120ft tall

9-storey building. The Proposed Development will likely cause adverse effects on the adjacent property from overshadowing and overlooking, potentially undermining the privacy of those properties.

Consideration should be given to whether this scale of development is appropriate in this instance given the character of the area and the proximity of existing residential properties. Although ten storey buildings are becoming more common along the Seven Mile Beach corridor and in Camana Bay, this proposal would be the tallest on the North Sound coastline outside of a Planned Area Development. Consideration should be given to the cumulative impacts of the Proposed Development in the context of the already proposed and potential development of the wider area, especially in relation to the viability of tourism as outlined in the socio-economics section above. With several new hotels proposed for development and currently under construction along the Seven Mile Beach corridor including the Grand Hyatt and Hotel Indigo this project will add to the accumulation of hotel capacity for which the need should be suitably assessed.

Conclusions

While the DOE does not recommend the Proposed Development be the subject of an EIA, there are potential significant impacts to the surrounding areas due to the excavation works to expand the canal areas, water quality issues relating to increased length of the canal, overshadowing and overlooking of the neighbouring properties, and traffic impacts. However, an EIA is not considered the most appropriate vehicle to assess these effects. The Department of Planning is developing the draft National Planning Framework which would include carrying capacity studies to examine and determine the potential growth within the Seven Mile Beach corridor which should be used to assess proposals such as this one. Similarly the Revised Tourism Plan for the Cayman Islands 2020 should be considered and give guidance to the suitability of a project like the Proposed Development.

The DOE recommends that a hotel needs assessment is carried out to determine the need for hotels in this area. We strongly recommend that this study is completed and the results are reviewed prior to determining this planning application.

In addition, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models. Best practice would dictate that this should be required prior to determination of the application. However, if the CPA is minded not to require this in advance of determination, at a minimum it should be a condition of the planning permission.

Screening Opinion for the Proposed Land Ltd. (Prisma) Hotel and Condo. Development 7 Jan 2022

Executive Summary

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in the Directive to determine whether an EIA may be required.

The Proposed Development, Land Ltd. (Prisma) Hotel and Condos, is a proposal including a 9-storey hotel with 44 guestrooms, 5 apartment buildings (7 or 9 storeys in height) with 58 apartments, 10 duplexes, 20 townhouses, 5 house lots, a restaurant, a bar/café, 20 pools, a canal marina, docks and parking facilities. As the Proposed Development is a hotel development, it was screened to determine whether an EIA was required. Five potential areas of impact were identified: transport, socio-economics, water quality, overlooking and overshadowing and cumulative effects.

The main socio-economic consideration in relation to the Proposed Development is the need for a further 9-storey hotel development, particularly in the face of great economic uncertainty associated with the COVID-19 pandemic. The DOE recommends that a hotel needs assessment is carried out to determine the suitability of hotels in this area as per the recommendations of the Draft National Planning Framework and the Tourism Plan for the Cayman Islands 2020. Additionally, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.

Other implications should also be assessed in the planning application review, including the impacts of overlooking and overshadowing on surrounding land uses and the impact on traffic.

The Department of Environment is of the opinion that the Proposed Development does not require an EIA in order for these concerns to be appropriately addressed.

Introduction

The process for determining whether an Environmental Impact Assessment (EIA) is needed is a statutory process that is governed by the National Conservation Act (NCA). This first stage, where the relevant authorities decide if a development is one requiring an EIA (i.e. requires an EIA), is called screening.

The National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the NCA, notes that all activities listed in Schedule 1 will be considered against the screening criteria outlined in sections 2 to 3 of Schedule 1 of the Directive to determine whether an EIA may be required. The Proposed Development falls within Schedule 1, i.e. a hotel development.

The screening criteria include:

- The type and characteristics of a development;*
- The location of a development; and*
- The characteristics of the potential impact.*

These screening criteria have been considered with respect to the Proposed Development in order to determine whether an EIA is required.

The Site

The site is located at Block 17A Parcels 170REM1, 145 and 146, on Crighton Drive in Crystal Harbour. Figure 1 shows the site location. The site occupies an area of approximately 6.25 acres surrounded by single home residential parcels, the North Sound Golf Course and the Holiday Inn Hotel. The parcels to the south of the Proposed Development are vacant residential parcels adjacent to the Golf Course. The parcels to the north and west are single family home residential properties. The parcels to the west of the Proposed Development are future apartment developments forming part of the Diamond's Edge project and the existing 3-storey Holiday Inn Hotel. The subject parcel is currently zoned as Hotel/Tourism Zone 1. The site is man-modified and of low ecological value as it was filled during the original works to create Crystal Harbour. However, the works to expand the water ways into the property in order to provide the marina and boat slips has the potential to impact the surrounding canal (see Ecology section below).

The geo-technical characteristics of the site may also be of concern due to the potentially inadequate fill stability from the original works. The site was originally mangroves and the area was transformed into a dredged and filled residential canal development during the 1980s/90s. Although the excavated fill material is typically marl and considered suitable for the building of smaller scale developments such as houses, there are known to be areas where de-mucking of underlying layers of peat was not carried out. These underlying layers of unstable material have caused issues with subsidence in structures including the roads in this area in the past. Geotechnical investigations should be thorough in order to ensure that the site is suitable for the construction of large buildings up to 9-storeys high.

Proposed Development

Description of the Proposed Development

The Proposed Development, Land Ltd. (Prisma) Hotel and Condos, is a proposal including a 9-storey hotel with 44 guestrooms, 5 apartment buildings (7 or 9 storeys in height) with 58 apartments, 10 duplexes, 20 townhouses, 5 house lots, a restaurant, a bar/café, 20 pools, a canal marina, docks and parking facilities. The proposed maximum building height of 120ft conforms to the maximum permitted height of a building of 130ft in Hotel/Tourism Zone 1.

Planning History

There have been no applications or other actions for this site since Crystal Harbour was filled and the parcels were subdivided to create the residential area.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the Proposed Development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects. Having due regard to air quality, architectural and archaeological heritage, climate change, flood risk, ground conditions, and noise and vibrations, there are not considered to be significant adverse environmental impacts in this area. With respect to climate change, the proposed development is set back from the coastline and is proposed to be filled to a ground elevation of 8ft above mean sea level around building footprints, therefore it has low

vulnerability to sea-level rise. However all structures in the Cayman Islands will be susceptible to an increase in the intensity of storms and more intense but fewer rain events.

Ecology

The land area of the site is man-modified, having been historically cleared of mangroves and filled, it is therefore of limited ecological value. However, the canal areas around the site are of ecological value as they contain seagrass beds, benthic algae and multiple marine species which rely on these important habitats.. Although the proposal does not seek to alter the existing waterway areas, direct impacts will be caused in the areas where these are connected to the proposed waterway sections, including the boat slips on the northern edge of the development and the canal extension on the south. The connection of these areas to the existing canal will mean the removal of the existing seawall and excavation of the 'shelf' area which supports it. These works will also potentially cause indirect impacts to the canals by the excavation of the material in the boat slips and canal extension as well as in the construction of the proposed docks. Fine silt is easily disturbed and suspended during excavation in marl areas resulting in detrimental sediment plumes which can impact surrounding seagrass communities and marine organisms that depend on good water quality. Therefore, it is important to limit the impacts of sediment plumes generated during the works through the use of silt screens and other turbidity control measures. The applicant has indicated in their submission that they intend to use silt screens to militate against this risk.

Additionally, the extension of the canal will add further water volume towards the end of a 'dead-end' canal system that may have implications for water quality due to inadequate water movement and flushing. Canals in excess of 8ft water depth often are too deep to allow sufficient ambient light to reach the canal seafloor which prevents the establishment of marine plants and algae responsible for assisting with water quality through absorption of excess nutrients and production of oxygen. Given the massing of boating facilities, marinas and theoretical number of boats proposed for this small area of canal there is a potential for boating related pollution to further exacerbate poor water quality. Consequently, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.

Socio-Economics

Socio-economics refers to the analysis of how economic activity affects how societies progress, stagnate or regress because of their local or regional economy, or the global economy. The main socio-economic consideration with the Proposed Development is the need for a further large scale apartment and hotel development, particularly in the face of great economic uncertainty associated with COVID-19.

The negative effects of COVID-19 on the global, regional and local travel industry have been unprecedented. Given the large number of uncertainties around local and international COVID-19 restrictions and reopening strategy, forecasting future hotel demand is extremely challenging. Recovery of the tourism industry on a whole is likely to be difficult to predict

and COVID-19 has also accelerated the adoption of alternatives to travel such as the use of digital collaboration tools reducing the need to travel for face-to-face meetings, which is likely to have long-term implications for business travel demand.

Further, the draft National Planning Framework recognises that “the growth of tourism in the Cayman Islands, particularly the development of large hotels and condos along Seven Mile Beach, can appear to dominate the streetscape and create a perception that overdevelopment is occurring” (section 12, P.100). Goal 1 of the Tourism chapter includes the following action items:

- Ensure that future tourist accommodation is deemed necessary and designed with long term goals in mind.*
- Applications should be accompanied by a market analysis that illustrates demand for the proposed development.*

The National Tourism Plan (2019-2023) conducted situation analysis which revealed that the spatial distribution of impacts from visitation in Grand Cayman are highly concentrated in the western districts of George Town and West Bay. The districts of Bodden Town, North Side and East End are receiving lower levels of visitation and hence less pressure on tourist attractions (Annex A). The Tourism Plan does not include the objective or goal of further hotel development on the western side of Grand Cayman, instead it notes that the growth in demand for “alternative accommodations” is an important source of competitive advantage for the Cayman Islands, given the Island’s significant inventory of vacation homes and condominiums. The Plan notes that the country has an opportunity to attract visitors looking for unique and distinctive accommodation, with substantial unexploited potential for the development of small and micro tourism-related businesses, guest houses, boutique hotels and home sharing accommodation facilities especially in less-visited areas (East End, North Side, Bodden Town, Cayman Brac, and Little Cayman) (Strategy 2.5).

RB5 The Road Back to 500K Air Arrivals Strategic Tourism Plan, Reassessed Goal 2 states “There is significant economic fallout for many small businesses and some larger ones. The focus will now be on helping tourism enterprises to recover and survive when the country reopens. It will not be possible to save all businesses, but urgent efforts will be made to assess and provide support, where feasible. The nature of the support referred to in item (5) will be adjusted so that while focus remains on developing some new businesses there will be a concerted effort to support existing ones.”

Item 5 above refers to “Facilitate and attract development of small and micro tourism-related businesses, boutique hotels, vacation homes, and other non-traditional accommodations services in priority sustainable development areas.” Appendix 3 of RB5 lists potential and approved/incomplete projects likely to come online that could saturate Grand Cayman’s accommodation market at a time when there will be increased competition between destinations and on-island as tourism recovers. Accordingly, there should be an evaluation of the need for further hotel development in the western part of Grand Cayman. Item 5 as detailed above refers to the need to support boutique hotels, vacation homes, and non-traditional accommodation services, and the approval of a further 9 storey hotel goes against this policy.

Transport

The Proposed Development has 223 parking spaces. There is potential for the Proposed Development to cause significant traffic impacts in the Crystal Harbour area with the addition of road users from the hotel and apartment development depending on the usage of vehicles and the amount of journeys taken. This potential is in part exacerbated by the cumulative effect of other large scale developments planned for the Crystal Harbour area, such as the Diamond's Edge residential development, and the limited existing road infrastructure with only one road access connection to the Esterly Tibbett's Highway via Safehaven Drive. However, we do not believe an EIA is required solely to address the issue of parking provision. A Traffic Impact Assessment should be undertaken for evaluation by the National Roads Authority in their consideration of this proposal.

There is also likely to be an increase in boat traffic in the canal system due to the Proposed Development; submitted plans indicate that boat slips and docks to accommodate at least 34 boats will be built. Although this is not likely to result in the congestion of the canal by boat traffic there is the potential for an increase in noise and incidence of use of the canal by commercial boats taking passengers to and from the Proposed Development's hotel. It should be considered whether the Crystal Harbour canal development is suitable for and was intended for the berthing and passage of commercial boats especially given the current single residence land use of the area.

Daylight, Sunlight, Overshadowing and Overlooking

The Proposed Development has three 7-storey buildings and three 9-storey buildings of up to 120ft tall. As the adjacent properties to the north are single family homes in fairly close proximity, there is significant overlook by the Proposed Development. The nearest single family home to the Proposed Development is approximately 175ft from the nearest 120ft tall 9-storey building. The Proposed Development will likely cause adverse effects on the adjacent property from overshadowing and overlooking, potentially undermining the privacy of those properties. Consideration should be given to whether this scale of development is appropriate in this instance given the character of the area and the proximity of existing residential properties.

Cumulative Effects

Although ten storey buildings are becoming more common along the Seven Mile Beach corridor and in Camana Bay, this proposal would be the tallest on the North Sound coastline outside of a Planned Area Development. The proposed development will be visually prominent and there will be visual amenity effects as it will be visible from much of the North Sound Coastline as many of the other large buildings along Seven Mile Beach are. The cumulative effect of buildings of this height should be considered as it will significantly alter the skyline of this part of Grand Cayman.

As previously mentioned, traffic impacts are also a potentially significant negative impact of the Proposed Development and the effects of this would accumulate with the construction of other developments in this area potentially causing traffic issues due to the limited road infrastructure linking the area to the Esterly Tibbetts Highway.

Consideration should be given to the Cumulative impacts of the Proposed Development in the context of the already proposed and potential development of the wider area, especially in relation to the viability of tourism as 7 outlined in the socio-economics section above. With several new hotels proposed for development and currently under construction along the Seven Mile Beach corridor including the Grand Hyatt and Hotel Indigo this project will add to the accumulation of hotel capacity for which the need should be suitably assessed.

Conclusions

While the DOE does not recommend the Proposed Development be the subject of an EIA, there are potential significant impacts to the surrounding areas due to the excavation works to expand the canal areas, water quality issues relating to increased length of the canal, overshadowing and overlooking of the neighbouring properties, and traffic impacts. However, an EIA is not considered the most appropriate vehicle to assess these effects. The Department of Planning is developing the draft National Planning Framework which would include carrying capacity studies to examine and determine the potential growth within the Seven Mile Beach corridor which should be used to assess proposals such as this one. Similarly the Revised Tourism Plan for the Cayman Islands 2020 should be considered and give guidance to the suitability of a project like the Proposed Development.

The DOE recommends that a hotel needs assessment is carried out to determine the need for hotels in this area. We strongly recommend that this study is completed and the results are reviewed prior to determining this planning application.

In addition, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.

After considering the Screening Opinion detailed above, the NCC is required to issue its decision to the originating entity on the requirement for an EIA, pursuant to Section 43 (1)

Notice of National Conservation Council Decision Ref:

Proposed Land Ltd. (Prisma) Hotel and Condo. Development

1) The Proposed Development, Land Ltd. (Prisma) Hotel and Condos, is a proposal including a 9-storey hotel with 44 guestrooms, 5 apartment buildings (7 or 9 storeys in height) with 58 apartments, 10 duplexes, 20 townhouses, 5 house lots, a restaurant, a bar/café, 20 pools, a canal marina, docks and parking facilities.

2) The proposed action is Planning Approval by the Central Planning Authority (CPA) of the Proposed Development.

3) The Proposed Development is a hotel development and so falls within Schedule 1 (those proposed activities which need to be screened to determine if an Environmental Impact Assessment is required) of the National Conservation Council's Directive for Environmental Impact Assessments (EIAs) issued under section 3(12) (j) and which has effect under section 43(2) (c) of the National Conservation Act.

- 4) *The Proposed Development was considered by the National Conservation Council at its working group session on 19 January 2022.*
- 5) *Council noted a variety of factors, including but not limited to a. The Department of Environment's Screening Opinion of 7 January 2022 for the Proposed Land Ltd. (Prisma) Hotel and Condo. Development. b. That relevant assessments of the possible impacts of the Proposed Development could be made which would allow the Central Planning Authority to make an informed decision, without recourse to a full Environmental Impact Assessment. c. That a hotel needs assessment should be carried out to determine the suitability of hotels in this area as per the recommendations of the Draft National Planning Framework and the Tourism Plan for the Cayman Islands 2020. d. That water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognised flushing analysis models.*
- 6) *Under section 41(3) of the National Conservation Act, 2013, the Central Planning Authority shall take into account the views of the Council before making their decision regarding the proposed action.*
- 7) *Council decided that that the Proposed Development does not require an Environmental Impact Assessment.*
- 8) *And that this decision would need to be ratified at the next suitable General Meeting of the National Conservation Council.*
- 9) *It should be communicated to the CPA, and by the CPA through their usual and sufficient means of communication to the appropriate parties, that the CPA or a person aggrieved by a decision of the National Conservation Council may, within 21 days of the date on which the decision of the Council is received by them, appeal against the Council decision 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 SUBMISSION

See below as well as Appendices C through F

Below please find the responses to your comments, and objections:

Comments from Planning:

1. SIDEWALKS AND PARKING WITHIN ROAD ALLOWANCE - REQUEST VARIANCE OR REVISE

A letter from Land Ltd, owner of Block 17A, Parcel 373 has been provided, granting this project the right to use of the Right of Way for construction of sidewalks, curbs, parking spaces and structures necessary for the proposed development. It is also important to note that Land Ltd has in the past provided such variances to homeowners facing the 50' Crighton Drive road reservation, to construct driveways, curbs, parking spaces and or landscape.

2. HAMMERHEAD REQUIRED - NO HAMMERHEAD PROVIDED FOR PROPOSED 5 RESIDENTIAL LOTS -SUGGEST REVISION

At a meeting held on January 12th, 2022 between Mr. Popovich and myself, it was agreed that a Hammerhead layout for the end of the interior road was not necessary.

3. SOLID WASTE FACILITIES - ONLY SOLID WASTE STORAGE I COULD FIND WAS AT THE PARKING GARAGE -SUGGEST MORE FACILITIES AROUND CANAL BASIN AND APARTMENT/HOTEL BLOCKS

Project will handle solid waste operationally, to ensure all waste for both residential and commercial is picked up and brought to the single centralized point, located at the parking lot.

4 SEWAGE TREATMENT - COULD FIND NO SEWAGE TREATMENT PLANTS OR SEPTIC SYSTEMS

Sewage system exists in Crystal Harbour. Prisma will connect to it.

5. SUBDIVISION LOT AREAS - REGULATION 11(1)(D) REQUIRES MINIMUM 10,000 SQ FT FOR HOUSES -ONLY ONE LOT SATISFIES THIS REQUIREMENT -REVISE OR APPLY FOR VARIANCE

Plans have been revised to show a single vacant lot for future single-family homes, with a total area of +/- 42,000 s.f.

6. ACCESSIBLE PARKING SPACES - COULD ONLY FIND 2 SPACES ON SP1.3 - REQUIRE MINIMUM 6 -REVISE OR VARIANCE REQUIRED

Plans have been revised to show 6 accessible spaces

7. RESTAURANT SETBACK FROM CANAL - MINIMUM 20 FEET REQUIRED -14 9 PROPOSED -REVISE OR APPLY FOR VARIANCE

Plans have been revised to show a 20'-0" setback from the canal

8. TOWNHOUSE 101 CANAL SETBACK - MIN 20 FEET REQUIRED -16 4 PROPOSED -REVISE OR APPLY FOR VARIANCE

Variance to canal setback has been requested for Duplexes and Townhomes

9. TOWNHOUSE 504 SETBACK FROM SIDE BOUNDARY - MINIMUM 20 FEET REQUIRED -5 9 PROPOSED -REVISE OR APPLY FOR VARIANCE

Plans have been revised to show 20'-0" side setback from the adjacent vacant lot

10. TOWNHOUSE CANAL SETBACKS - MIN 20 FEET REQUIRED -4 10 PROPOSED TO POOL -REVISE OR APPLY FOR VARIANCE

Variance to canal setback has been requested for Duplexes and Townhomes

11. APARTMENT BUILDING 1 SETBACK FROM CANAL - MINIMUM 20 FEET REQUIRED -18 1 PROPOSED -REVISE OR APPLY FOR VARIANCE

Plans have been revised to show a 20'-0" setback from the canal

12. HOTEL SETBACK TO CRIGHTON DRIVE - MINIMUM 20 FEET REQUIRED -9 5 PROPOSED -REVISE OR APPLY FOR VARIANCE

Variance for this setback has been requested

13. DUPLEX SETBACKS FROM SIDE BOUNDARIES - MINIMUM 20 FEET REQUIRED -10 8 & 4 PROPOSED -REVISE OR APPLY FOR VARIANCE

As per Amendment to regulation 10, 6(g) side setback shall be 15'-0". Plans have been revised to show 15'-0" setback from side property lines

14. DUPLEX SETBACK FROM CANAL - MIN 20 FEET REQUIRED -2 3 PROPOSED - REVISE OR APPLY FOR VARIANCE

Variance to canal setback has been requested for Duplexes and Townhomes

15. PARKING - TOWNS AND DUPLEXES ARE FINE - APARTMENTS, RESTAURANT, RETAIL AND HOTEL REQUIRE 169 SPACES -154 PROPOSED -REVISE OR APPLY FOR VARIANCE

Plans have been revised to show a total of 239 spaces.

16. COMBINED LOT AREA - PLANS INDICATE 328,508 SQ FT -MY CALCULATION INDICATES 324,418.9 SQ FT

Letter from surveyor confirming the square footage has been provided.

Comments from Government Agencies:

DEH:

Solid Waste Facility: This development will require (4) 8 cubic yard containers with 4 times per week servicing. The drawing must be revised to indicate the number of bins required.

-Plans have been revised to show a Solid Waste Facility with the number of bins required

Restaurant: The following must be provided for review and approval at the BCU stage: 1. Detailed plans showing the kitchen layout with all equipment. 2. Seating capacity for the restaurant. 3. Restrooms must not open directly unto dining or seating area. 4. Specifications on all equipment including the exhaust system and hot water heater.

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

-All above comments will be addressed during the BCU permitting process.

Fire Department:

As per Building code amendments 310.2 Fire department vehicle access. All R1 and R2 occupancies three (3) or more stories in height shall provide open space of at least twenty (20) feet wide along three side of the building.

-Site plan has been revised to show a 20' wide Fire Lane, as required.

Please depict proposed Fire Hydrants and Fire wells.

-Site plan has been revised to show Fire Hydrants and Fire Wells, and details and calculations will be provided during the BCU permitting process.

DoE

Given the type of development (i.e. A hotel/resort development), the scale and the location of the proposal, the project was screened for an environmental impact assessment (EIA) as outlined in schedule 1 of the national conservation council's directive for EIAs issued under section 3(12) (j) and which has effect under section 43(2) (c) of the national conservation act. The screening opinion was considered and endorsed by the national conservation council at their meeting on the 19th of January 2022 and is provided in appendix 1 of this review attached. It was determined that whilst there are environmental impacts associated with this project, as detailed below and in the screening opinion, the project does not require an EIA to be conducted.

-We welcome the decision that this project does not require an EIA.

The site and ecology:

The land area of the site is man-modified (as shown in figure 1 below); it was historically cleared of mangroves and filled and is therefore of limited ecological value. However, the canal areas around the site are of ecological value as they contain seagrass beds, benthic algae and marine species which rely on these important habitats. Direct impacts will be caused in the areas where the canal is to be filled and those sections of proposed new waterways. Indirect impacts will also be caused by the excavation of the material in the boat slips and canal extension as well as in the construction of the proposed docks. Fine silt is easily disturbed and suspended during excavation in marl areas resulting in detrimental sediment plumes which can impact surrounding seagrass communities and marine organisms that depend on good water quality. Therefore, it is important to limit the impacts of sediment plumes generated during the works through the use of silt screens and other turbidity control measures. The applicant has indicated in their submission that they intend to use silt screens to militate against this risk.

Additionally, the extension of the canal will add further water volume towards the end of a 'dead-end' canal system that may have implications for water quality due to inadequate water movement and flushing. Canals in excess of 8ft water depth (the proposed is to be excavated to 12ft) often are too deep to allow sufficient ambient light to reach the canal seafloor which prevents the establishment of marine plants and algae 5 responsible for assisting with water quality through absorption of excess nutrients and production of oxygen. Given the massing of boating facilities, marinas and theoretical number of boats proposed for this small area of canal there is a potential for boating related pollution to further exacerbate poor water quality. Water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognized flushing analysis models.

-Developer will only allow two boats owned by the strata to moor along the central basin. No other boats will be allowed to moor along the boardwalk or within the central basin.

With regards to the existing canals and proposed extension, it is important to note that the depth of all existing canals in Crystal Harbour vary from 12' to 14'. Developer will consult with a local Civil Engineer to review the options to address the DoE's concerns and will present these options during the BCU permitting process. Additionally, Developer will

consult with the DoE on the sequencing of the canal extension, and the construction of the boat slips.

The site of the proposed hotel and condo development Socio-economics:

Given the large number of uncertainties around local and international covid-19 restrictions and reopening strategy, forecasting future hotel demand is extremely challenging. Recovery of the tourism industry on a whole is likely to be difficult to predict and covid-19 has also accelerated the adoption of alternatives to travel such as the use of digital collaboration tools reducing the need to travel for face-to-face meetings, which is likely to have long-term implications for business travel demand. The draft national planning framework recognizes that “the growth of tourism in the Cayman Islands, particularly the development of large hotels and condos along seven mile beach, can appear to dominate the streetscape and create a perception that overdevelopment is occurring” (section 12, p.100). Goal 1 of the tourism chapter includes the following action items:

- ensure that future tourist accommodation is deemed necessary and designed with long term goals in mind.*
- applications should be accompanied by a market analysis that illustrates demand for the proposed development.*

Rb5- the road back to 500k air arrivals strategic tourism plan, reassessed goal 2 states “there is significant economic fallout for many small businesses and some larger ones. The focus will now be on helping tourism enterprises to recover and survive when the country reopens. It will not be possible to save all businesses, but urgent efforts will be made to assess and provide support, where feasible. The nature of the support referred to in item (5) will be adjusted so that while focus remains on developing some new businesses there will be a concerted effort to support existing ones.” Item 5 above refers to “facilitate and attract development of small and micro tourism-related businesses, boutique hotels, vacation homes, and other non-traditional accommodations services in priority sustainable development areas.” Appendix 3 of rb5 lists potential and approved/incomplete projects likely to come online that could saturate grand 6 Cayman’s accommodation market at a time when there will be increased competition between destinations and on-island as tourism recovers. Accordingly, there should be an evaluation of the need for further hotel development in the western part of grand Cayman. Item 5 as detailed above refers to the need to support boutique hotels, vacation homes, and non-traditional accommodation services, and the approval of a further 9 storey hotel goes against this policy.

-Although the proposed hotel is 9 stories, it is important to note that it includes only 44 Boutique style guest suites, which are scheduled to be completed in 3 years. It is also important to note that while the proposed apartment and hotel structures vary from 7 to 9 stories, each building contains only 10 and 14 units, respectively, and the hotel offers only 44 rooms. The density allowed for apartments in this site is 189 units, and our proposed development offers 58 (69% less); with regards to hotel rooms, the site allows for 490 rooms, and we are proposing 44 (91% less)

Daylight, sunlight, overshadowing, overlooking and cumulative effects

The proposed development has three 7-storey buildings and three 9-storey buildings of up to 120ft tall. As the adjacent properties to the north are single family homes in fairly close proximity, there is significant overlook by the proposed development. The nearest single-family home to the proposed development is approximately 175ft from the nearest 120ft tall 9-storey building. The proposed development will likely cause adverse effects on the adjacent property from overshadowing and overlooking, potentially undermining the privacy of those properties.

-The orientation and placement of the 7-story and 9-story Apartment and Hotel buildings was carefully studied to ensure the least impact on neighboring properties. It is also important to note that the owner of the nearest single-family home (mentioned above to be 175ft from the nearest 9-story building) has not objected to this application.

Consideration should be given to whether this scale of development is appropriate in this instance given the character of the area and the proximity of existing residential properties. Although ten storey buildings are becoming more common along the sevenmile beach corridor and in Camana bay, this proposal would be the tallest on the north sound coastline outside of a planned area development. Consideration should be given to the cumulative impacts of the proposed development in the context of the already proposed and potential development of the wider area, especially in relation to the viability of tourism as outlined in the socio-economics section above. With several new hotels proposed for development and currently under construction along the seven-mile beach corridor including the Grand Hyatt and hotel Indigo this project will add to the accumulation of hotel capacity for which the need should be suitably assessed.

The overall project, including the hotel has been carefully planned to embrace and enhance the surrounding properties. As explained in the Design Brief provided, the various elements, including the Hotel, have been situated in relation to similar elements, 7 like the existing Holiday Inn hotel, to provide a coordinated project that blends with its surroundings.

Conclusions

While the DoE does not recommend the proposed development be the subject of an EIA, there are potential significant impacts to the surrounding areas due to the excavation works to expand the canal areas, water quality issues relating to increased length of the canal, overshadowing, and overlooking of the neighboring properties, and traffic impacts. However, an EIA is not considered the most appropriate vehicle to assess these effects. The department of planning is developing the draft national planning framework which would include carrying capacity studies to examine and determine the potential growth within the seven-mile beach corridor which should be used to assess proposals such as this one. Similarly, the revised tourism plan for the Cayman Islands 2020 should be considered and give guidance to the suitability of a project like the proposed development.

The DoE recommends that a hotel needs assessment is carried out to determine the need for hotels in this area. We strongly recommend that this study is completed, and the results are reviewed prior to determining this planning application.

-As mentioned above, the proposed hotel, which is planned to be completed in 3 years, offers only 44 Boutique style guest suites. The Developer also has extensive experience in

the hospitality sector and is confident that this product is appropriate for this location and will be welcomed as a positive addition to Cayman's tourism product.

In addition, water quality concerns associated with the extension to the existing canal and its impacts on water movement and flushing on the overall ecological health of the marine waters in the vicinity of the development should be addressed through the use of recognized flushing analysis models. Best practice would dictate that this should be required prior to determination of the application. However, if the CPA is minded not to require this in advance of determination, at a minimum it should be a condition of the planning permission.

-With regards to the existing canal and proposed extension the Developer was the original developer of the canal system and is mindful of any impacts this project might bring and will be using careful study and analysis of the approach and monitoring of the canal excavation. Finally, it's important to note that while the majority of Cayman is serviced by 30' roads, Crystal Harbour offers 50' road reservations. Crystal Harbour is also in the process of widening the main Crystal Harbour East access to allow for 2 entrances and 1 exit, which will ease any traffic concerns.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Crighton Drive, generally across the street from the Holiday Inn.

The proposal is for the following:

- Five apartment buildings (total 58 units) – three that are seven storeys and two that are nine storeys
- Five three-storey duplexes
- Twenty three-storey townhouses in a total of five blocks
- One restaurant with owners lounge
- Area for future residential lots
- Two storey parking garage and parking area (Parcels 145 & 146)
- Excavation for canal extension (basin)

A total of 219 parking spaces are required and 235 parking spaces have been provided. The majority of the proposed parking spaces (89) are on parcels 145 and 146. Six accessible parking spaces are proposed for the development.

Notification was served on landowners within 500 feet of the three properties and two advertisements were placed in a local newspaper. Objections have been received and are provided in the Appendix B.

Zoning

The three properties are zoned Hotel/Tourism and Low Density Residential. The basin centred property is zoned Hotel/Tourism whereas parcels 145 & 146 are zoned Low Density Residential.

Specific Issues

1) Parking & Sidewalks within Road Allowance

Department staff note that some of the proposed sidewalks and parking spaces are located within the Crighton Road road allowance.

In general, the NRA and CPA typically require the sidewalks and parking areas to be located within the property boundaries.

Land Limited, the registered owner of Crighton Road, has provided correspondence indicating that they have no objection to these features being located within the road allowance.

2) Concerns of the Objectors

Department staff have provided the letters of objection in an Appendix.

It is noted that the majority of the submitted letters are form letters with similar wording.

3) Combination of Parcels 145 & 146

Should the application be granted planning permission, the Department would recommend that the existing parcels for the proposed main parking area and parking garage be combined into one parcel.

4) Canal Setback for Townhouses (4'10" vs 20')

Regulation 8(10)(ea) states that in areas where the shoreline is canal, all structures and buildings, including ancillary buildings, walls, and structures shall be setback a minimum of 20 feet from the physical canal edge.

The proposed townhouses will be setback a minimum of 4'10" from the edge of the canal.

The applicant has applied for a variance and submitted a variance letter.

5) Duplex Setback from Canal (2'3" vs 20')

Regulation 8(10)(ea) states that in areas where the shoreline is canal, all structures and buildings, including ancillary buildings, walls, and structures shall be setback a minimum of 20 feet from the physical canal edge.

The proposed duplexes would be setback 2'3" from the canal edge.

The applicant has applied for a variance and submitted a variance letter.

SUPPLEMENTARY ANALYSIS

Revised plans have been submitted by the applicant that eliminate the proposed hotel building from the development. The area previously occupied by the hotel is proposed to be landscaped.

The removal of the 44 bedroom hotel from the development also reduces the number of required parking spaces from 219 to 197. The applicant has provided 244 parking spaces, including 6 accessible spaces.

The number of access points onto Crighton Drive has also been reduced by two as a result

of the revision.

The applicant has provided the following correspondence regarding the amended proposal:

Notwithstanding our previous amended plans which were submitted on February 25th 2022, having further considered the issues raised by the Planning Department, and in light of the fact that we still have our own concerns in relation to our late discovery that one very small corner section of the combined site appears to be zoned Low Density Residential and, although we believe our February 25th submittal fully and properly answers any concerns that this issue could potentially bring to an approval of the project we have decided to further amend the application by removing the proposed hotel building in its entirety from this application, so that the project be considered for approval on that basis, without the need to address any issue which may be raised in regards to the very small element of LDR zoned land. The Applicant intends to proceed now with the development comprised in the amended plans and will in the meanwhile consider what may need to be done to address the LDR zoning issue before it decides whether and how to proceed with seeking permission for the Hotel development.

Having completed our review, we hereby submit revision four (4) to our initial application made November 28th, 2021. For ease of reference, and to preserve the integrity of the plans, as well as to accurately represent the scope of the development for which permission is being sought at this time, we are submitting a full set of amended plans for the project including revisions made since the February 9th deferral, revision three (3) and this amendment, revision four (4).

As a result of the removal of the hotel element from the proposed development, you will note that the overall density of the site is reduced by forty (40) units, the building area is reduced by 35,849 sq. ft from 326,980 sq. ft to 291,131 sq. ft., the excess parking is increased from twelve (12) to thirty-seven (37) spaces and the number of vehicular access points onto Crighton drive has been reduced by two.

We believe that the removal of the hotel element, which also results in the removal of the necessity for one of the three previously requested variances, allows the project to proceed to fulfill its potential and bring not only a much-needed variety of residential products to the Seven Mile Beach corridor but also extensive community amenities that will benefit the entire Crystal Harbour community and its surrounds. The removal of the Hotel aspect of the proposed development will also obviously narrow the issues to be discussed and considered by the CPA, and based on the objections which were lodged, should significantly mitigate the concerns of many of the objectors.

3.0 DEVELOPMENT PLAN MATTERS

3.1 Discussion items:

- National Planning Framework
- Seven Mile Beach area

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 Construction Operations Plans (NP)

Discussion of a draft document produced by the Department to address various issue pertaining to Construction Operations Plans.

6.0 CPA MEMBERS INFORMATION/DISCUSSION

Appendix B



The Director of Planning
Department of Planning
Government Administration Building
133 Elgin Avenue
PO Box 111
Grand Cayman,
Cayman Islands
KY1-9000

617-890
Executive Centre
62 The Esplanade
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Cayman Islands

TEL: (1-944) 547000
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13 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170REM1 for the construction and associated development of "93 residential units and 40 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/8 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")

We act for **Catherine & Sebastian Bullard**, ("our Clients") the interested party and registered owners of property located in Crystal Harbour and legally described as Block **17A, Parcel 157**,

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Clients's objections are based on the following principle concerns contained in the email that is **appended** to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,



KSG Attorneys at Law

[Redacted]

[Redacted]

Hal Ebanks

From: sebastian.guthrie <sebastian.guthrie@guilford.com>
Sent: Thursday, January 13, 2022 9:36 AM
To: Hal Ebanks
Subject: Please let me know if you need any help etc.

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (22/1760) and wish for our complaint to be recorded in the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, SAC Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

1. Sustainability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site. However, given the character of the neighbourhood, we invite the members of the County Planning Authority (the CPA) to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor, which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 12(2)(b) allows maximum building heights of 20 storeys/ 60m for apartments and hotels, it does not guarantee that height as a matter of fact nor does it guarantee any systems or land uses. This is a unique site as it is located in a residential LDR subdivision, yet, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The CPT zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential (LDR) and separated from the Hotel/Tourism (HT) zone by Crigston Drive. This is an odd-sized lot, it seems there may have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development confined for Block 170, Parcels 350 & 351. The only house use in the community is the Holiday Inn Grand Caymanian Beach, which is only 3 storeys.

The applicant is correct, that this is one of the last largest lot plots in the area, which means if it's approved for anything higher than 4 storeys it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or areas designed for high density tourism such as Seven Mile Beach and George Town, not a gated residential development.

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighbourhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead encourages a design to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to protect guests. This proposal has 10 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighbourhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crighton Drive such as striping of traffic lanes, bike lanes and sidewalks. It appears the existing right of width can allow for such road improvements.

3. **Boat Traffic**

Weekside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a house with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and "touring the canals" can only be expected resulting a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property. We would also like to have a full understanding of any Coastal Works Permits that may have been or will be sought in relation to this development and reserve all rights to make representations on this aspect.

4. **Parking**

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential Parcel 14B & 14C. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property. The restaurant's tax-burdened area shares access with the complexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – is this for the residences of the restaurant – is there a potential for conflict? With the lack of appropriately placed parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crighton Drive. We draw attention to Reg 9.1(c) in a Neighbourhood Commercial zone by Hotel/Tourism zone, twenty-five percent of the parking space may be located not more than five hundred feet from the respective building.

5. **Noise**

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group hosting activities. Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

6. **Hotel Setback Variance**

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

R15(c)(ii) residential historic characteristics limit site's development potential.

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

7. **Commercial Use in a Residential Zone**

Reg 9(5) states "the use of land within a residential zone shall be dangerous, offensive, noisy or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-storey commercial building is located on a parcel zoned R10. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be in conflict with Development & Planning Regulations that we already ask that the CPA give no reasonable consideration.

- a. The applicant states the proposal area is 2.54 acres, while the actual approximately 6.23 acres. It appears the applicant has not the whole of Parcel 14C when calculating the

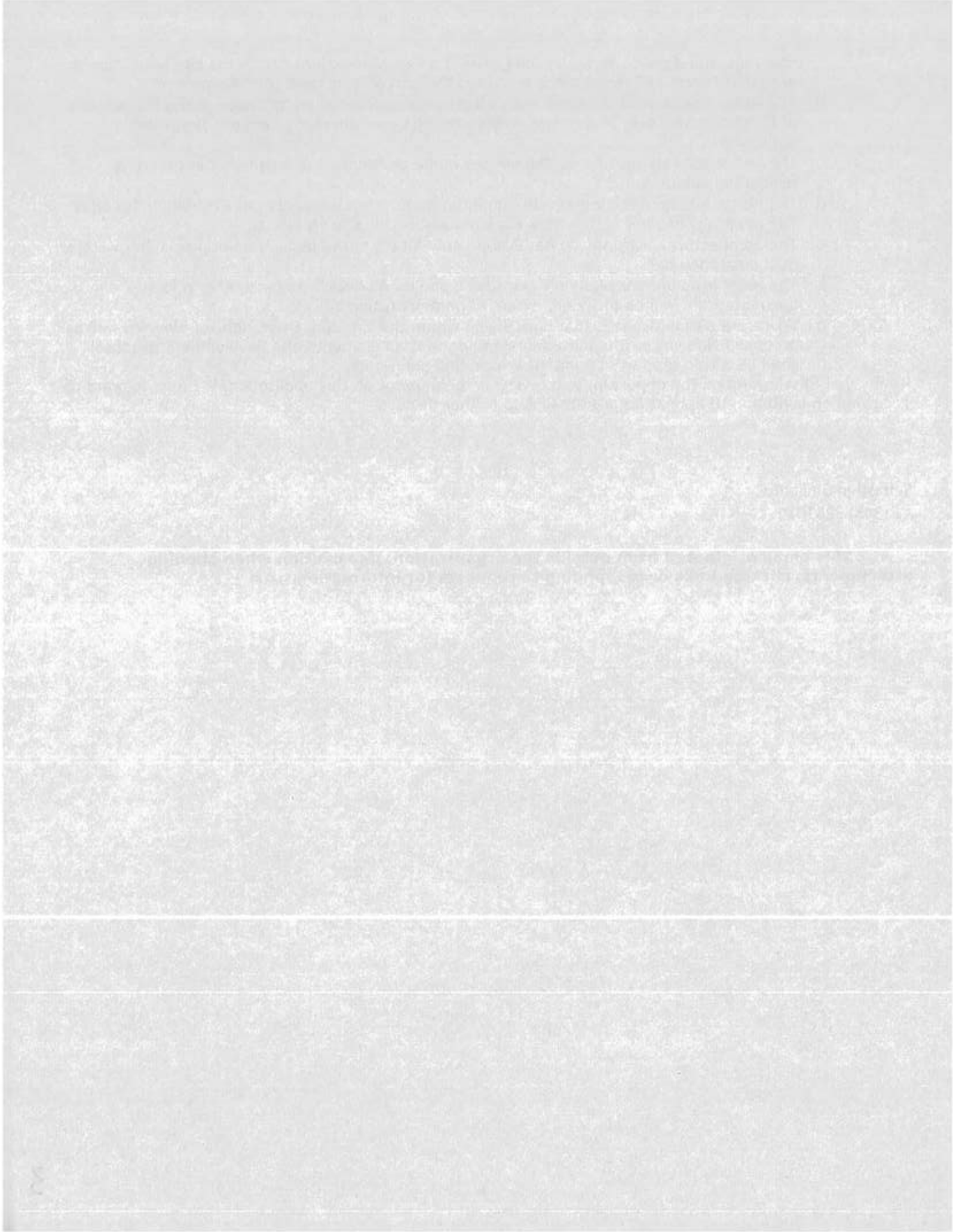
coverage and density, however 0.01 ac of the Parcel is excluded from the site plan. Also to note that Parcel 149 is not listed as one of the parcels proposed for development.

- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a canal extension or a resection of subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 3(1)(c). The applicant has not stated they were requesting lot size variances.
- e. The arch technical drawings do not include any details of the pedestrian bridge. What will the net clearance be?
- f. The hotel ground floor plan only provides a shell - no details as to whether a lobby/bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Brighton Drive Right-of-way, as well as proposed stairwells. It is our understanding that all elements of a development proposal shall lie within property boundaries, including stairwells.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Sebastien Guillard
+1 (346) 9261014

===This email originated from outside the organization. Use caution when opening attachments, clicking links or responding to requests for information.===



Papovich, Nicholas

From: Department of Planning
Sent: Friday, January 14, 2022 8:39 AM
To: Papovich, Nicholas
Subject: RE: Objection to PROJECT NO.F21-1260, Block 17A Parcels 1703EM1, 145 and 146

From: Guy Manning | Campbell | <mailto:gmanning@campbelllegal.com>
Sent: Thursday, January 13, 2022 10:59 PM
To: Department of Planning <Depo@pda.ky>
Subject: [EXTERNAL] Objection to PROJECT NO.F21-1260, Block 17A Parcels 1703EM1, 145 and 146

Dear Director of Planning,

I am the owner of Block 17A Parcel 152 of Cayla Harlan.

I am writing to object to the recent application for a planning permission which has been made in respect of Block 17A Parcels 1703EM1, 145 and 146 on the preliminary grounds set out below. In breach of Section 15(4) of the Development and Planning Act (2021 Revision) (the "Act") and Regulation 2(12A)(a)(v) of the Development and Planning Regulations (2021 Revision) (as amended) (the "Regulations"), I have not received notification of the application by post (electronically or otherwise) from the developers. Time has therefore not started to run for the purpose of objecting to the application. I only recently became aware of the proposed development through an article on Cayman News Service and my objections are based on the limited site plans and elevations published on www.planning.ky, without having had sight of any more detailed plans (including floor plans) which might have been submitted to but not published by the Department of Planning. I reserve the right to supplement and/or amend my preliminary grounds of objection upon being served with notice of the notification in accordance with my statutory right, and/or upon revised or additional plans being submitted.

My preliminary grounds of objection are as follows:

1. The application as published is incomplete and therefore defective, and may contain various breaches of the Regulations.

If the plans published on www.planning.ky comprise the entirety of the submitted plans, they do not meet the requirements of the Regulations. For example:

- 1.1 no floor plans are shown on the application (Regulation 6(1)(iii));
- 1.2 the plans do not appear to show the water and sanitary drainage systems (Regulation 6(4)(f));
- 1.3 the plans do not appear to have been duly certified (Regulation 6(7));
- 1.4 the number of parking spaces cannot be determined (in part only) (but without prejudice to the ground set 2.1 below) because the number of spaces in the multi-storey car park on Block 17A Parcels 145 and 146 is not specified, such that it is not possible to determine whether the application complies with

each of the applicable requirements as to the total number and location of parking spaces (Regulation 8(1));

- 1.4 the number of hotel rooms is not specified, such that it is not possible to determine whether the applicable complies with the applicable hotel parking requirements (Regulation 8(1)(iv)) or the limitation on hotel rooms per acre (Regulation 10(1)(a));
- 1.5 the number of apartment rooms is not specified, such that it is not possible to determine whether the application complies with the applicable apartment parking requirements (Regulation 8(1)(v)) or the limitation on apartment rooms per acre (Regulation 10(1)(b));
- 1.7 as the number of hotel and apartment rooms are not specified and the number of parking spaces cannot be identified, it is also not possible to determine whether the total number of parking spaces is sufficient having regard also to the obligation to provide 30 dedicated parking spaces for the 5,569 sq ft restaurant and additional dedicated parking spaces for each detached house and duplex (Regulations 8(1)(iii) and 9(1));
- 1.8 the site coverage percentage on Block 17A Parcel 1704(M) is not specified, such that it is not possible to determine whether the applicable maximum coverage has been complied with (Regulation 15(c)). It is noted that the owner plots at the west end of the Parcel are shown as being a vacant subdivision. No subdivision is mentioned in the plans. Reducing the area of the proposed vacant plots increases the density of the proposed project, but it is not possible to calculate the percentage of coverage because the necessary information has not been provided; and
- 1.9 the site coverage percentage on Block 17A Parcels 145 and 146 is not specified, such that it is not possible to determine whether the multi-storey car park and the parking area on Block 17A Parcels 145 and 146 exceed 75% of the area of those parcels, although they appear to do so (Regulation 8(1)).

2. Actual breaches of the Regulations

- 2.1 The parking areas proposed on Block 17A Parcels 1704(M), 145 and 146 extend beyond the parcel boundaries and encroach into Brighton Drive. Brighton Drive and the parcels are under common ownership that is the owner. Neither the Act nor the Regulations distinguish between publicly and privately owned roads for this purpose. The privately owned Brighton Drive is a road over which rights of way and access exist and the proposed encroachment on it is impermissible.
- 2.2 The multi-storey car park proposed on Block 17A Parcels 145 and 146 does not fall within the definitions in the Regulations of either "parking area" or "auxiliary building". A "parking area" is defined as "an open space reserved for parking vehicles related to any building" (emphasis added). The multi-storey car park is a building, not an open space, and it is not related to any other building on those parcels (which are separate and distinct from Parcel 1704(M)); it is the only building. An "auxiliary building" is defined as "a garage or other buildings or structure on a lot or parcel subordinate to and not forming an integral part of the main or principal building but pertaining to the use of the main building". The multi-storey car park is not subordinate to or pertaining to the use of a main building; it is the only building on those parcels (which, again, are separate and distinct from Parcel 1704(M)). The Regulations do not contemplate a zoning permit being granted to construct a multi-storey car park as the only building on a parcel in a Hotel/Tourism Zone.
- 2.3 The hotel encroaches on the 30 ft setback in breach of Regulation 10(1).
- 2.4 The duplexes are adjacent to the canal and therefore also encroach on the applicable setback.



The Director of Planning
Department of Planning
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Grand Cayman
KY1-1227
Cayman Islands

Tel: +1(345) 942-2003
Fax: +1(345) 942-2100

www.ksglaw.com

14 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 17DRSM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 3-story hotel, (2) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")

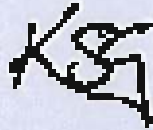
We act for JJWIC, Ltd. ("our Client") the interested party and registered owner of property located in Crystal Harbour and legally described as Block 17A, Parcel 160.

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Clients objections are based on the following principle concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,

A handwritten signature in black ink, consisting of stylized letters that appear to be 'KXS'.

KXS Attorneys at Law

From: Tim Bradley <tim@bradley.ky>
Sent: Friday, January 14, 2022 9:45 AM
To: Hal Ebanks
Cc: James Kennedy

TO: Director of Planning
Dear Sir,

We wish to formally object to the proposed application for Planning permission (P23-1250) and wish for our complaint to be read into the record of any meeting. We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law. There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scene may be for a mixed-use hotel development in an area off of the main tourism corridor which is undoubtedly interwoven with lower density residential areas. After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This place is now isolated, mainly surrounded by an established low-density residential neighborhood. Regulation 8(2)(e)(i) allows maximum building heights of 10 storeys/30' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential DR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The HT zone exercises the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LD") and separated from the Hotel/Tourism ("HT") zone by Wighton Drive. This is an odd-shaped lot - it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years. Building heights in this area are 2-stories or less with the exception of an approved 4 story apartment development destined for Buck 17A, Parcels 303 & 331. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort, which is only 3 stories. The applicant is correct, that this is one of the last large HT places in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that high towers are suitable in urban areas or areas designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development.** CPDA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighbourhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crichton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

3. Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and "touring the canals" can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property. We would also like to have a full understanding of any Coastal Works Permits that may have been or will be sought in relation to this development and reserve all rights to make representations on this aspect.

4. Parking

It appears all of the restaurant and hotel parking are provided across Crichton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for conflict? With the lack of appropriately placed parking, we feel the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crichton Drive. We draw attention to Reg 8.1(1)(c) in a *Neighbourhood Commercial zone or Hotel/Tourism zone*, twenty-five per cent of the parking space may be located not more than five (5) metres from the respective building.

5. Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

6. Hotel Setback Variance

A small part on of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

5(13)(b)(iv) unusual terrain characteristics limit the site's development potential.

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to adjust structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 9(5) states "No use of land within a residential zone shall be dangerous, vexatious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The auxiliary parking lot with a two-storey commercial building is located on a parcel zoned LR3. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposed area is 7.54 acres, while it is in fact approximately 0.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(c). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell - no details as to whether a lobby/cafeteria/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Brighton Drive right-of-way, as we as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Tim Bradley on behalf of DWIT, Inc.
[Name of owner]

Kind regards,
Tim

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The Director of Planning
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 KY1-1107
 Cayman Islands

Tel: 1-744-949-7003
 csm@ksglaw.com
 www.ksglaw.com

13 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "99 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (20) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Cafe and associated development and works..." ("the Application")


We act for **Nazim & Michelle O'Mahony**, ("our Clients"); the interested parties and registered owners of property located in Crystal Harbour and legally described as **Block 17A, Parcel 151**.

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,



KSG Attorneys at Law

[Redacted signature block]

7



KIERAN AND MICHELLE O'MAHONY
YACHT CLUB VILLAS, RM 4
THE CAYMAN ISLANDS YACHT CLUB,
SEVEN MILE BEACH,
P.O. BOX 30005 GRAND CAYMAN KY11-101,
CAYMAN ISLANDS

Thursday, January 13, 2022

Director of Planning

115 Bloor Street, St. John's
Cayman Islands
K111111
Tel: +1-345-943-1111
CAYMAN ISLANDS

Dear Sir,

We, the co-owners of Black Bay, Parcel 14, wish to formally object to the proposed amendments to Planning permits (12) 1260 and wish for our complaints to be read into the record of the meeting.

We reserve our right to make further proposals on this matter through our appointed legal counsel, K&M O'Mahony & Co.

There are particular elements of the proposed development that we object to, as set out below & we appear to conflict with the Planning and Development Regulations and Act.

1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be appropriate for this site, however given the character of the neighbourhood we think the members of the Cayman Islands Planning Authority (the CIPIA) to consider whether appropriate secondary use for a mixed use hotel development in a special off of the main thoroughfare which is traditionally infilled with lower density residential uses.

After viewing the zoning map for the Grand Harbour area, it seems this map to be appropriate for a past use which has never come to be. This area is now situated mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(a) allows maximum building heights of 10 storeys/30m for apartments and hotels, subject to maximum floor height as a part of a design submission with a mixture of land uses. This is a unique situation in a residential area, which is not the case in the rest of the island where hotel buildings are built along a long, straight shoreline. The plot zone extends the character of the built form to the shoreline, while the rest of the island is built along a long, straight shoreline (100%) and extending from the

K&M

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WhatsApp: +1-345-943-1111

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Hotel/Tourism ("HT") zone by Crigston Drive. This is an undeveloped lot so seems there might have been a larger master plan intended at one time but these areas have in fact not and this lot in particular remained vacant for years.

Building heights in this area are 3 stories or less with the exception of an 100'x60' 4 story apartment development designed for Block 17A parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Cayman/le Resort which is only 3 stories.

The applicant's proposal that this is one of the largest HT pieces in the area, which means if it's 100'x60' for anything other than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that high towers are suitable in urban areas or areas designed for high-density tourism such as Seven Mile Beach and George Town, but a gated residential development.

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the character and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivisions will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we create a design that increases conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. The proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Several thousand residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Crigston Drive such as streamlining of traffic lanes, lanes lanes and sidewalks. It appears the existing right-of-way can allow for such road improvements.

3. Boat Traffic

On-street parking is being offered for the restaurant, while no much appears to be offered for the hotel. Typically, a hotel with waterfront will offer waterports or moorings, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and touring the canals can only be expected creating a noise nuisance to the existing owners and therefore diminishing or depriving them of their right to peace and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works permits that may have been, or will be sought in relation to this development and

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7. **Commercial Use in a Residential Zone**

App 4749 states "the use of land within a residential zone shall be dangerous, dangerous, likely to cause inconvenience or conditions or otherwise create a nuisance or annoyance to adjacent". The auxiliary parking lot with a two-story commercial building is located on a parcel zoned LDR. We agree this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single company use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple brick, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably in some necessary hotel back and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reviewed consideration:

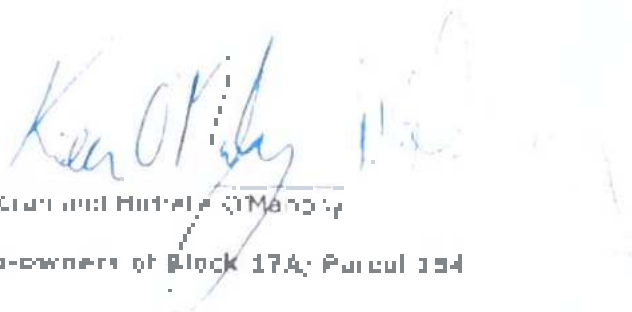
- a. The application states the proposal area is 2.54 acres, when this is in fact approximately 6.33 acres. It appears the applicant included the volume of Parcel 147 which is existing site coverage and density, however 0.11 ac of the Parcel is excluded from the site plan. Also, note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a third extra level or a potential subdivision.
- d. The house does not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the existing bridge. What will the road clearance be?
- f. The initial ground floor plan only provides a shell - no details as to whether a lobby, bar/restaurant will be arranged, as well as administrative offices.
- g. There are parking spaces that partially lie within the Brighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on the application. We look forward to receiving an initial call to discuss before the CPA is called. (149) 38-1532

11

Further discuss

Sincerely,



Kim O'Leary
Kim and Michele O'Leary
Co-owners of Block 17A; Parcel 154

Cell: 414-321-1337



The Director of Planning
 Department of Planning
 Government Administration Building
 133 Elgin Avenue
 PO Box 113
 Grand Cayman,
 Cayman Islands
 KY1-9000

13 January 2022

4th Floor
 Harbour Centre
 42 North Church Street
 PO Box 2255
 Grand Cayman
 KY1-1117
 Cayman Islands

Sent by: Email only

Tel: T. (1-463-546-0000)
 Fax: F. (1-463-546-0000)
 www.ksgkys.com

Dear Sir,

Re: Application for Planning permission (Project No. P21-1269) on Block 17A, Parcels 145, 146 and 170BEM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works..." ("the Application")

We act for **Nicola Davies, ("our Client")** the interested party and registered owner of property located at 57 Rexford Quay and legally described as Block 17A, Parcel 159.

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Hal Ebanks

From: Nicola Davies <daviesna57@gmail.com>
Sent: Thursday, January 13, 2022 9:30 AM
To: Hal Ebanks
Subject: Re: CH Development

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1209) and wish for our comments to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our professional legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

1. Suitability & Building Height

We acknowledge that higher density housing and/or a town use may be approved for this site, however given the character of the neighbouring area, we invite the members of the Council Planning Authority (the CPA) to consider what an appropriate scale may be for a mixed-use hotel development in an area off the main tourist corridor which is undoubtedly interwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly rare past master plan that never came to be. This site is now isolated, mainly surrounded by an established low density residential neighbourhood.

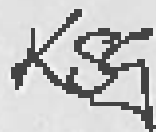
Regulation 5(2)(e)(i) allows maximum building heights of 15 storeys/30m for apartments and hotels, if they are situated in a residential LDR subdivision. Yes, the land to the east is also zoned hotel/tourism, but it is along a long, nature shoreline. The (i) zone extends the entirety of the South Side to a coastline, while the remainder of Crystal Harbour is zoned Low Density Residential (LDR) and separated from the Holiday/Tourism (HT) zone by Brighton Drive. This is an odd-shaped lot. It seems there might have been a larger master plan introduced some time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3 storeys or less with the exception of an approved 4 storey apartment development destined for Block 1/2A Parcels 250 & 251. The only town use in the community is the Holiday Inn Grand Cayman on Resort which is only 3 storeys.

The applicant is correct, that this is an outlier for a LDR parcel in the area, which means if it's approved for anything higher than 3 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or areas designed for high density tourism such as Seven Mile Beach and George Town, not a gated residential development.

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Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

If CFA is minded to approve the development of the site in the proposed manner, it is clearly not keeping with the characteristics of the neighbourhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivisions will result in increased commercial traffic. The design offers nothing to mitigate this impact, and indeed we argue, is designed to worsen traffic.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an efficient circulation system to direct guests. The proposed has 11 access drives (1 is not designed to minimize traffic) on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighbourhood. Children are able to safely use friends without having to worry about speeding cars, traffic problems and sky.

If CFA wishes to support the application, we would ask the conditions be imposed to increase safety by improvements made to Crighton Drive such as striping of traffic lanes, bike lanes and speed limit. It appears the existing right-of-way can not be fixed with road improvements.

3. Boat Traffic

Boat slip parking is being offered for the signature restaurant, which not much appears to be offered for the hotel. Typically, a house with waterfront will offer water sports or charters, which we assume will occur for the proposed. This will increase commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase in noise and boating the canal is not only an expected negative a further nuisance to the existing boaters and therefore diminishing or taking away them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this matter.

4. Parking

The operation of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 143 A, 145 A. Are restaurant patrons expected to walk that distance to the restaurant? We do not think this proposal will create a safety hazard for pedestrians on the property.

The restaurant's back-turnaround and service access with the dual lanes and house use of the restaurant is successful, this will cause conflict with access for the residences due to the intimacy risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – Is this for the residences or the restaurant – if there a potential for conflict?

With the lack of appropriately placed parking, we feel the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further with the 3rd revision, generating excess noise from vehicles, potential doors from car fires, and heat lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Crighton Drive. We draw attention to Reg 9 (1)(c) in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located out more than five hundred feet from the respective building.

5. Noise

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The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. This winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the rooftop bar, restaurant, and any large group booking activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which begin diminish the owner's ability to peaceful enjoyment and privacy of their property.

6. Hotel Setback Variance

A small portion of the hotel site marks the 20' rear setback. The applicant claims the following exceptional circumstances to warrant the variance:

Reg 10(2)(i) unusual terrain characteristics limit the site's development potential.

We argue this is a self-imposed restriction. The site is large (5.21 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 9(5) states "no use of land within a residential zone shall be dangerous, conspicuous, noisy or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-storey commercial building is located on a narrow parcel (OR). We argue this use will create a nuisance for nearby properties by increasing traffic movements on a residential road (3 on-ways for a single occupancy use) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary hotel stock and house administrative offices. Where will all the maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be in conflict with Development & Planning Regulations that we kindly ask that the CDA give its required consideration.

- The applicant states the proposed area is 7.54 acres, while it is in fact approximately 6.22 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.91 ac of the Parcel is excluded from the site. A note says that Parcel 147 is not listed as one of the parcels proposed for development.
- The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for a contact address to enquire about the application.
- The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- The lot setbacks do not comply with minimum lot size requirements per Regulation 10(1)(c). The applicant has not stated they were requesting lot size variances.
- The architectural drawings do not include any details of the pedestrian bridge. What will the clear clearance be?
- The hotel ground floor plan only provides a shell - it does not state whether a lobby bar/restaurant will be included, extent of administrative offices.
- There are parking spaces that partially lie within the Brighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on the application. We look forward to receiving an invitation to appear before the CP&A to further discuss.

Nicole Dawes

32 Westport Quay

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The Director of Planning
 Department of Planning
 Government Administration Building
 199 Elgin Avenue
 PO Box 113
 Grand Cayman,
 Cayman Islands
 KY1-9000

13 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170RPM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, (8) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage Building, Restaurant/Owners Lounge & Café and associated development and works..." ("the Application")

We act for **Cindy Annette Downing & Matthew Ian Downing**, ("our Clients") the interested parties and registered owners of property located at 25 Seccarat Quay and legally described as **Block 17A, Parcel 167**.

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

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Hal Ebanks

From: Ian Downing <idowning15@hotmail.co.uk>
Sent: Thursday, January 13, 2022, 12:59 PM
To: Hal Ebanks
Cc: 26092a162@maileroo.com; 406456932@maileroo.com
Subject: Re: Objection - Crystal Harbour Planning Application

Hi Hal

Please see test below as an indication of your test email

Thanks - sorry missed to ask round. Been working at my machine

Ian and Cindy

Thank you for the confirmation on the other email Ian

Can I kindly ask that you copy the text in the email (below the line) and send back to me, this will serve as your confirmation for 496 to act on your behalf. The objection which is appended to the letter you just received.

Many thanks

Hal Ebanks



TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (F21-1280) and wish for our complaint to be read into the record of the meeting.

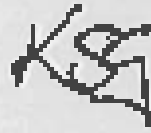
We reserve our right to make further presentations on this matter through our appointed legal counsel, KSB Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contravene the Planning and Development Regulations and Act.

1. Suitability & Building Height

We acknowledge that height density variations in other areas can be approved to this site, however given the character of the neighborhood, we invite the members of the Central Planning

Yours faithfully,

A stylized handwritten signature in black ink, consisting of the letters 'K', 'S', and 'G' intertwined.

KSG Attorneys at Law

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Authority (the CPA) to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main peninsula but one which is undoubtedly interwoven with low-density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now zoned, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(a)(i) allows maximum building heights of 10 storeys/30' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDC subdivision. Yes, the land to the east is also zoned Hotel Tourism, but it's along a long, natural shoreline. The HT zone extends to the entirety of the North-South shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential (LDR) and separated from the Hotel Tourism (HT) zone by Brighton Drive. This is an odd shaped lot; it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3 stories or less with the exception of an approved 4-story apartment development designed for lots 27A, Parcels 233 & 251. The only future use in the community is the two-car Inn Grand Cayman car Rental, which is only 2 stories.

The applicant is correct, that this is one of the last large HT pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and the only of character with the area. We respectfully submit that high rises are available in urban areas or areas designated for high-density tourism such as Seven Mile beach and George Town, not a gated residential development.

If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the large lot master plan underlining development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism without the restraint of subdivision will result in increased commercial traffic. The developers nothing to mitigate the impacts, but instead we argue, a conflict to winter conflict.

Typical mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 10 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighbourhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to 650 North Baiter such as striping of traffic lanes, bike lanes and sidewalks. It appears the existing right-of-way is not able for such road improvements.

3. Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel – typically, a hotel with waterfront will offer waterside or charters, which we assume will account for this proposal. This will introduce commercial boating activity through a radical internal system. There will be a parade of boats coming through periodically on weekends impacting the residents' privacy and enjoyment of their property, an increase of noise and that is the case if can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Crystal Harbour Permit that may have been, or will be sought in relation to the development and resolve all rights to make amendments on the assets.

4. Parking

It appears all of the restaurant and hotel parking are provided across Brighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The 1250' front's back-turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing car traffic. Is this in a low density residential area. The parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for conflict?

With the lack of appropriately placed parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential cones from car turns, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Brighton Drive. We draw attention to Reg 8.3(j)(c) in a Neighbourhood Commercial zone or Historic/Tourism zone, Twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.

5. Noise

The hotel includes a main bar and kitchen, which will be the first of its kind within a residential neighborhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the bar, kitchen, restaurant, and any large group living activities.

Any beeping cars will miss. They have an impact on the neighborhood with noise and lights which again diminish the owner's ability to benefit enjoyment and privacy of their property.

6. Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

8(15)(b)(i) unusual circumstance characterizes limit the site's development potential.

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow a structure to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 8(5) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-story commercial building is located on a parcel zoned R1. We argue this use will create a nuisance for nearby properties by increasing traffic movements on a residential road (2 driveways for a single road, noisy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for storage - presumably to store necessary hotel stock and hotel administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its concerned consideration:

- a. The applicant states the proposed area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.

- a. The newspaper ad and mailed notices make no mention of a canal extension or a residence sub-vision.
- c. The house plans do not comply with minimum lot area requirements per Regulation 10(1)(1). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the net clearance be?
- f. The hotel ground floor plan only provides a shell - no details as to whether a lobby and/or staircase will be included, except of administrative offices.
- g. There are parking spaces that partially lie within the Brighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review your comment on this application. We look forward to receiving an invitation to appear before the CEA to further discuss.

[Redacted Signature]

[Redacted Name]

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From: Hal Ebanks <HalEbanks@reglaw.ca>
 Sent: Thursday, January 13, 2022, 12:26 PM
 To: Jan Downing
 Cc: 2h075af671mattw1409456822@maildrop.club.com
 Subject: P/W. Objection-Crystal Harbour Planning Application

Thanks for the confirmation on the other email Jan.

Can I kindly ask that you copy the text in the email (below the line) and send back to me, this will serve as your authorization for K55 to act for you and will be the objection which is appended to the letter you just reviewed.

Many thanks

Hal Ebanks

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The Director of Planning
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 Cayman Islands

Tel: 1-941-949-0000
 Fax: 1-941-949-0001

www.ksglaw.com

Sent by: Lmz:1 only

13 January 2022

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,140 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")

We act for **[KAR SHAW]**, ("our Client") the interested party and registered owner of property located at 51 Dacres Quay and legally described as Block 17A, Parcel 161.

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns outlined in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

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Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

Hal Ebanks

From: Mohammad Sh <ms@adinaew.com>
Sent: Tuesday, January 15, 2022, 2:47 PM
To: Hal Ebanks
Cc: in@adinaew.com
Subject: RE: Notice of application for planning permission- 1 Jan 2022
Attachments: 2022 01 11 Objection Letter Shafiq (1).docx

YFS, Information in the letter is correct, only change I made in the letter is on (53 Recusal Query) as our property owner.

Regards,

Mohammad Shafiq

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (F21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contravene the Planning and Development Regulations and Act.

1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area out of the main tourism corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an a remnant of a past master plan that never came to be. This piece of land is now isolated, mainly surrounded by an established low-density residential neighborhood.

Regulation 6(2)(e) () allows maximum buildings heights of 10 storeys/150' for apartments and hotels. It does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a prime site as it is located in a residential UDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Seward shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LDR") and separated from the HolidayTown ("HT") zone by Chighton Drive. This is an odd-shaped lot. It seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storeys or less with the exception of an approved 4-storey apartment development destined for Block 17A Panels 150-6-151. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 storeys it will be the only tower and the only of its kind in the area. We respectfully submit that high towers are suitable in urban areas or areas designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development.

DCPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighbourhood and the spirit of the local framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the business within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we should be designed to prevent conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If DCPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Clighton Drive such as striping of traffic lanes, bike lanes and new sidewalks. It opposes the existing right-of-way and allows for such road improvements.

3. Boat Traffic

Duplicate parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting and residents' privacy and enjoyment of their property. An increase of noise and tourism throngs can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been or will be sought in relation to this development and reserve a right to make representations on this aspect.

4. Parking

It appears all of the restaurant and hotel parking are provided across Clighton Drive on residential lots Parcel 143 & 145. Are restaurant patrons expected to walk the distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's take-out/delivery area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low-density residential area. The potential parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for conflict?

With the lack of a designated places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the street vision, generating excess noise from vehicles, potential doors from car fires, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Clighton Drive. We draw attention to Reg 8 (1)(c) in a Neighbourhood Character Zone or Hotel/Tourism zone, namely five percent of the parking space may be located outside the five metres zone from the respective building.

5. Noise

The hotel includes a rooftop bar and kitchen, which will be the best of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the

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The east, and therefore the western properties will be negatively impacted by any sounds and odors coming from the roof top bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which may diminish the neighbourhood's ability to peacefully enjoy and privacy of their property.

6. Hotel Setback Variance

A small portion of the hotel encroaches the 25' road setback. The applicant claims the following exceptions: it is in traffic to warrant the variance.

§7(2)(b)(ii) approval herein characteristics limit the site's development potential.

We argue this is a self imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 9(5) states "No use or land within a residential zone shall be dangerous, obnoxious, toxic or cause obstructed views or noxious or offensive smoke, odour, vibration or annoyance to others". The auxiliary parking lot with a two story commercial building is located on a parcel (Parcel 146). We argue this use will create a nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occasional use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its maximal consideration.

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.73 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.81 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a canal extension, or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(c). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the best clearance be?
- f. The hotel ground floor plan only provides a shell – no details as to whether a lobby/bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Crighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

[MAN SHARIL]

53 Shawana Quay

Block 170 Parcel 104

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 www.ksg.com.ky

13 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, (5) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works..." ("the Application")

We act for **Kenneth & Tanya Lemnisk**, ("our Clients") the interested party and registered owners of property located in Crystal Harbour and legally described as **Block 17A, Parcel 66**,

Our Clients wish to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,

A handwritten signature in black ink, consisting of the letters 'KSG' in a stylized, cursive font.

KSG Attorneys at Law

Hal Ebanks

From: Tanya Ziemiak <tanyaz1002@gmail.com>
Sent: Thursday, January 13, 2022 5:11 PM
To: Hal Ebanks
Cc: 2e095a452-1m51w1408456832@maildrop.khaze.com
Subject: Re: Objection- Crystal Harbour Planning Application
Attachments: 2022-01-11-Objection Letter Ziemiak.docx

Confirmed. Please submit on our behalf.

Tanya
Sent from my iPhone

On Jan 13, 2022, at 3:00 PM, Hal Ebanks <HalEbanks@ksglaw.com> wrote:

Hi Tanya,

Thanks for this.

Please see attached draft cover letter for your review.

Could you kindly confirm that you authorize KSG to submit the objection below on your behalf in this matter by a mail reply confirming the same.

Please reach out at any time if you have any questions.

Kind regards,

D. Director of Planning
Coun. 518,

We wish to formally object to the proposed application for Planning permission (P21-1202) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through an appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contravene the Planning and Development Regulations and Act.

1. **Sustainability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we submit that members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism

corner which is undisturbedly bordered with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems they may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation 3(2)(a)(i) allows maximum building heights of 10 storeys/30m for apartments and hotels, with a maximum height that might as a right be given if operating any mixture of land uses. If a B-1a unique site zone is located in a residential LDR subdivision, then the land to the east is also zoned B-1a/1a.1, but it is along a land-use boundary. The B-1a zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential (LDR) and separated from the Hotel/Resort (HR) zone by Brighton Drive. This is an odd shaped lot that seems they might have been a larger master plan intended at one time that never came to fruition and this lot's parcel remained vacant for years. Building heights in this area are 3 stories or less with the exception of an approved 4-storey apartment development destined for Block 174 Parcels 250 & 251. The only hotel use in the community is the Holiday Inn Grand Cayman (a Resort) which is only 3 stories. The applicant is correct that this is one of the last large HR pieces in the area, which means if it's approved for something higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that high towers are suitable in urban areas and are designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development. If CEA is needed to approve the development of the site in the process, we are clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework and planning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, as issued we argue, is designed to worsen car traffic. Typically, a mixed use and hotel development will have 1-2 access points from the road and offer an internal circulation system to protect guests. This proposal has 11 access drives. It is not designed to mitigate traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely walk friends with no having to worry about speeding cars. Traffic is predictable and slow. If CEA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Brighton Drive such as striping of traffic lanes, bike lanes and sidewalks. It appears the existing right of way can allow for such cost improvements.

3. Boat Traffic

Jackada parking is being offered for the signature restaurant, while jet moor appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce competitive boating activity through a residential canal system. There will be a parade of boats

coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and "boating the canal" can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property. We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this subject.

4. Parking

It appears all of the restaurant and hotel parking are provided across Brighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for conflict?

With the lack of appropriate places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Brighton Drive. We draw attention to Reg 8.1(1)(c) in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five percent of the parking space may be located not more than five hundred feet from the respective building.

5. Noise

The hotel includes a rooftop bar and kitchen, which will be the focus of its kind within a residential neighbourhood. The proposed bar faces front onto the subdivision. The noise primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the rooftop bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again disturb the owners ability to peaceful enjoyment and privacy of their property.

6. Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant wishes the following exceptional circumstances to warrant the variance:

§ 13(1)(ii) However certain circumstances limit the area development potential.

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options

Use, could be employed to allow all structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 9(3) states: "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The proposed parking lot with a two-storey commercial building is intended to replace a one-storey LPR. We argue this use will create nuisance for nearby properties by increasing traffic movements and vehicle idling (3000 vehicles for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary parcel staking and surveying instruments/office. Where will this reference values, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be of interest related with Development & Planning Regulations that we hereby ask that the CPA and its members consider.

The applicant states the proposal area is 7.54 acres, while the current zoning is only 6.03 acres. It appears the applicant is using the whole of Parcel 147 which calls for a 60% site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. It is to note that Parcel 147 is not listed as one of the parcels proposed for development.

The newspaper advert does not match the newspaper template provided on the Department of Planning's website. It does not provide for an email address to Inquiries@landuse.vic.gov.au, the newspaper advert and mailed notices make no mention of a central office zone or a residential subdivision.

The house does not comply with minimum lot size requirements per Regulation 10(1)(3). The applicant has not stated they were requesting a lot size variation.

The architectural drawings do not include any details of the roadset or bridge. What will the footpaths be like?

The house ground floor plan only provides a sketch of details on to where a cafe/lobby bar/restaurant will be included, as well as air-conditioned offices.

There are parking spaces that partially encroach the Council's fire escape right-of-way, as well as proposed fire escape. It is our understanding that all elements of a development proposal shall be within property boundaries, including setbacks.

Thank you for allowing us this opportunity to review and comment on this application. We look forward to working with you and the CPA before the CPA to its final decision.

Kenneth & Tanya Zemlak

Dial Banks

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13 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works..." ("the Application")

We act for **Cash Bekendele**, ("our Client") the interested party and registered owner of property located at **Block 17A** and legally described as **Block 17A, Parcel 161**.

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record at any hearing or meeting concerning this application.

Our Client's objections are based on the following principle objection contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

PS

Yours faithfully,



KSG Attorneys at Law

Hal Ebanks

From: Gavin Baxterdale <gavin_baxterdale@hotmail.com>
Sent: Thursday, January 13, 2022 3:18 PM
To: Hal Ebanks
Cc: Katherine Tatham, 2h795af62+mether1038456032@mailedroidis.com
Subject: Re: Objection Letter
Attachments: image365671.png; image689344.png; image159236.png; image777677.png; 2022-01-11-Objection Letter (Baxterdale.docx)

I can confirm, do you need me to sign anything?

On Jan 13, 2022, at 15:02, Hal Ebanks <halebanks@kajlaw.lly> wrote:

Hi Gavin,

Can you kindly review the attached draft cover letter, and confirm that you authorize KSE to submit the objection below on your behalf.

Kind regards

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P23/1963) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSE Solicitors at Law.

There are particular elements of the proposed development that we object to, as well as terms that appear to contradict the Planning and Development Regulations and Act.

1. **Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighbouring, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main residential corridor which is undoubtedly interlarded with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This zone is now isolated, mainly surrounded by an established low density residential neighbourhood.

Regulation 9(2)(e)(i) allows maximum building heights of 10 stories/150' for apartments and hotels, subject not guaranteed that height as a result not given if inconsistent with nature of land uses. This is a unique site as it is located in a residential UD with a view. Yes, the land to the east is also zoned (High Density) but it's along a long natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential (LD4) and separated from the Hotel/Resort (H/T) zone by Highton Drive. This is an odd shape that it seems there might have been a larger master plan around the entire area that never came to fruition and thus the natural area they want for views.

Building heights in this area are 2-stories or less with the exception of an approved 4-story apartment development destined for Block 226 Parcel 350 & 351. The only hotel use in the area is the Holiday Inn Grand Cayman on Resort which is only 3 stories.

The applicant is correct, that this is one of the last land H/T plans in the area, which means that approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in other areas or areas designed for high density tourism such as Seven Mile Beach and George Town, that a gated residential development.

If CPA is minded to approve the development of the site in the proposed manner, it is a challenge in keeping with the characteristics of the neighbourhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design efforts nothing to mitigate the impacts, but instead we argue, a solution to the problem.

Typically a mixed use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposed hotel access drives through the road designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, jog and bike safely through the neighbourhood. Children are able to safely visit friends without having to worry about speeding trucks. The traffic is predictable and slow.

If CPA agrees to support this application, we would ask that conditions be imposed to increase safety by improvements made to Highton Drive such as striping of traffic lanes, bike lanes and sidewalks. It appears the existing right-of-way can allow for said road improvements.

3. Boat Traffic

Daytime parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this purpose. This will increase commercial boat traffic through the residential canal system. There will be a parade of boats going through, particularly on weekends largely by the residents' pleasure and enjoyment of their property. An increase of noise and boating

the owners can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full time standing of any Coastal Works Permits that may have been, or will be sought in relation to site development and reserved rights to make representations on this aspect.

4. Parking

It appears all of the restaurant and hotel parking are provided across Gough Road on residential lots Rural 145 & 146. Are restaurant patrons expected to walk a long distance to the restaurant? We submit the proposal will create a safety hazard for pedestrians on the property.

The restaurant's back yard/yard area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately placed parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, obstructing access noise from vehicles, potential doors from car homes, and headlights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, it is likely some patrons to park on Gough Drive. We draw attention to Reg 6.(1)(c) in a Neighbourhood Commercial zone or Hobby/Therapist zone, *twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.*

5. Noise

The hotel includes a rooftop bar and 20' high walls will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds often fly from the east and the view of the western properties will be negatively impacted by any sounds and lights coming from the rooftop bar, restaurant, and any large group seating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

6. Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstances to warrant the variance:

R(13)(0)(2) unusual terrain characteristics limit the site's development potential.

We argue this is a self-imposed restriction. The site is large (3.31 acres) and vacant, there are no existing structures that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

7. Commercial Use In a Residential Zone

Reg 20(2) states 'No use of land within a residential zone shall be dangerous, annoying, toxic or cause offensive odour or vibrations or otherwise create a nuisance or annoyance to others'. The land and any parking lot with a two-storey commercial building is located on a prime arterial LDK. We argue this use will create a nuisance for nearby properties by increasing traffic movements on a residential road (3 or 4 ways (vs a single occupancy road)) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple brick, which is not a character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, a glassware equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we kindly ask that the CPA give its proposed consideration.

- The applicant states the proposed area is 2.54 acres, when it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating the coverage and density, however 0.84 ac of the parcel is excluded from the site plan. Also note that Parcel 147 is not listed as one of the parcels proposed for development.
- The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- The newspaper advert and related notices make no mention of a care extension to the residential subdivision.
- The water table does not comply with minimum lot size requirements per Regulation 10(1)(d). The applicant has not stated they were applying for size variances.
- The architectural drawings do not include any details of the pedestrian bridge. What will the load clearance be?
- The hotel ground floor plan only provides a sheet of details as to whether a lobby bar/lounge/restaurant will be used for resident or administrative offices.
- There are parking spaces that partially fall within the Brighton Drive right of way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to a meeting before the CPA to further discuss.

Goeln Barendse

Hal Stanks

Ha Cbenks@cgla-ky

www.ksglaw.com

Follow us:

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13 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170REM1 for the construction and associated development of 103 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")

We act for **Tekou Charles Leshkar, ("our Client")** the interested party and registered owner of property located in Crystal Harbour and legally described as **Block 17A, Parcel 20E.**

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principal concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

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Yours faithfully,



KSG Attorneys at Law

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Hal Ebanks

From: TC Lesnikar (CIV) <tclesnikar@pmc.com>
Sent: Thursday, January 15, 2022 8:46 AM
To: Hal Ebanks; James Kennedy
Subject: Objection- Crystal Harbour Planning Application

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (F21-L260) and wish for our complaint to be read into the record at any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, KSG Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighbourhood, we invite the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed use hotel development in an area off of the main tourist corridor which is undoubtedly intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now located, mainly surrounded by an established low-density residential neighbourhood.

Regulation 8(2)(c)(i) allows maximum building heights of 10 storeys/130' for apartments and hotels. ~~It does not guarantee that height as a right nor does it guarantee any mixture of land uses.~~ This is a unique site as it is located in a residential HR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a large, nature shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential ("LDR") and separated from the Hotel/Tourism ("HT") zone by Brighton Drive. This is an odd-shaped lot - it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3 storeys or less with the exception of an approved 4-storey apartment development destined for block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if its approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or areas designed for high-density tourism such as Seven Mile Beach and George Town, **not a gated residential development.**

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If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Brighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

3. Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and "bouncing the canals" can only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

4. Parking

It appears all of the restaurant and hotel parking are provided across Brighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi-to-manournd area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Brighton Drive. We draw attention to Reg 8.1(1)(c) in a *Neighbourhood Commercial* zone or *Hotel/Tourism* zone, *Twenty five per cent of the parking space may be located not more than five hundred feet from the respective building.*

5. Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odours coming from the rooftop bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

6. Hotel Setback Variance

A small portion of the hotel approaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

5(13)(b)(i) unusual terrain characteristics limit the site's development potential.

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 5(5) states "No use of land within a residential zone shall be dangerous, obstructive, noisy or cause offensive odours or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscaper equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations that we hereby ask that the CPA give its reasoned consideration.

- a. The applicant states the proposed area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.64 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert and mailed notices make no mention of a zonal exception or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(f). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell - no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Elington Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

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Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

TO: Mr. Charles Leshkar

TEL: Leshkar

PwC | Pu Luc, Tax

Office: 345-914-8616

Email: charles.leskar@pwc.com

PwC WaterhouseCoopers

19 Fortin Lane, P.O. Box 258, Grand Cayman, Cayman Islands KY1-1104

<http://www.pwc.com/ky>

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OP



The Director of Planning
Department of Planning
Government Administration Building
133 Elgin Avenue
PO Box 113
Grand Cayman,
Cayman Islands
KY1-9000

Sent by: Email only

13 January 2022

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145,146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works...." ("the Application")

We act for **Shari Scymon**, ("Our Client") the interested party and registered owner of property located at Barbara Quey and legally described as **Block 17A, Parcel 166**.

Our Client wishes to register their objections to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principle concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,



KSG Attorneys at Law

Hal Ebanks

From: Sharon Seymour <shar275@nrcan.gc.ca>
Sent: Thursday, January 13, 2022 10:41 AM
To: Hal Ebanks; James Kennedy
Subject: Objection - Crystal Harbour Planning Application

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1263) and wish for our comment to be read into the record of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, CSC Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to not credit the Planning and Development Regulations and Act.

1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site however given the character of the neighbourhood, we wish to the members of the Central Planning Authority (the CPA) to consider what an appropriate use may be for a mixed use hotel development in an area off of the main tourist corridor which is traditionally interlarded with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be a anomaly for a post master plan that never came to be. This piece is now isolated, fully surrounded by an area that is lower density residential neighbourhood.

Regulation 6(2)(e) allows maximum building heights of 10 stories/30' for apartments and hotels, except not greater than height as a hotel use does if greater than any existing or land uses. This is a unique piece as it is located in a residential LDR subdivision. Yes, the rest of the block is a so zones Home/Tourism, but it is along a major arterial corridor. The HT zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential (LDR) and separated from the Home/Tourism (HT) zone by Craigdon Drive. In a an odd shaped lot, it seems there might have been a larger master plan intended at one time that never came to fruition and thus the parcel remained vacant for years.

Building heights in this area are 3-stories or less with the exception of an approved 4-story apartment development defined for Park 144 Parcel's 330 & 351. The only hotel use in the community is the Holiday Inn Grand Cayman on Roseal which is only 2 stories.

The applicant is proposing that this is one of the few large (6) pieces in the area, which means if it's approved for anything higher than 4-stories it will be the only tower and be out of character with the area. We respectfully submit that high towers are suitable in urban areas or areas designated for high density tourism such as Seven Mile Beach and George Town, not a gated residential development.

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If CPA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but the real we argue, is designed to worsen conflict.

Typically, a mixed use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. The proposal has 11 access drives, but not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and hike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask the conditions be imposed to increase safety by improvements made to Brighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right of width is a allow for such road improvements.

3. Boat Traffic

Boat side parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or divers, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and "touring the canals" will only be expected creating a further nuisance to the existing owners and therefore diminishing or depriving them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works permits that may have been or will be sought in relation to this development and receive all rights to make representations on this aspect.

4. Parking

It appears all of the restaurant and hotel parking are provided across Brighton Drive residential lots Parcel 143 & 145. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's six-turn-around area shares a driveway with the duplexes and house lots. If the restaurant is successful, it is will cause conflict with access for the residents due to the inherent risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant – is this for the inside area of the restaurant – is there a potential for conflict?

With the lack of appropriately placed parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further in the subdivision, generating excess noise from vehicles, potential fumes from car fumes, and head lights shining onto adjacent pavements in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Brighton Drive. We draw attention to Reg 9 (1)(c) in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking spaces may be located not more than five hundred feet from the respective building.

5. Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighborhood. The proposed bar faces south onto the road vista. The winds primarily come from the east and therefore the western properties will be negatively impacted by any smoke and soot coming from the rooftop bar, restaurant, and any large group heating activities.

Any evening events will most likely have an impact on the neighborhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

6. Hotel Setback Variance

A large portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptions are justifiable to warrant the variance:

8/23/2019 amended certain characteristics limit the site's development potential

We argue this is a de facto imposed restriction. The site is large (5.31 acres) and because there are no existing circumstances that prevent the hotel from complying with setbacks, there are a myriad of options that could be employed to allow the structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 8(1) states "The use of land within a residential zone shall be congruous, consistent, and/or complementary with or conditions or otherwise create a nuisance or annoyance to others". The auxiliary parking lot with a few accessory commercial buildings is within the parcel zoned LDR. We argue this use will create a nuisance for nearby properties by increasing traffic movements and vehicle idling need (30 or so days for a single occupancy unit); and not offering any buffer or screening to block road sights from showing on the road and adjacent properties.

Furthermore, the architecture style is a simple block, which is not in character with the surrounding residential character. The second floor is to be used for office or storage - presumably to store necessary hotel stock and hotel administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or omissions (Development & Planning Regulations) that we hereby ask that the CPA give its reasoned consideration.

- The applicant states the proposal area is 7.04 acres, while Parcel 147 is approximately 6.35 acres. This means the applicant included the whole of Parcel 147 when calculating site coverage and density, however Parcel 147 is not part of the Parcel 147 excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- The newspaper advert does not match the newspaper copy that is provided in the Department of Planning's website. It does not include an email address to inquire about the application.
 - The newspaper advert and mailing notices make no mention of a parcel extension or a residential subdivision.
 - The notice does not comply with minimum notice requirements per Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
 - The architectural drawings do not include any details of the pedestrian bridge. What will the bridge resemble be?
 - The hotel ground floor plan only provides a sketch of details as to whether a lobby or street level will be included, as well as administrative offices.
- The auxiliary parking spaces that partially lie within the Cragston Drive *foot of way*, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

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Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Shari Seymour

Reverat Quay
Block 17A Parcel 166

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The Director of Planning
 Department of Planning
 Government Administration Building
 135 Ekjil Avenue
 PO Box 113
 George Town,
 Cayman Islands
 KY1-9060

Attn: Mr.
 Patrick Connor
 47 South Church St.,
 PO Box 2275
 George Town,
 KY1-117
 Cayman Islands

Telephone: +1-344-949-0103
 Fax: +1-344-949-0104
www.ksglaw.com

13 January 2022

Sent by: Email only

Dear Sir,

Re: Application for Planning permission (Project No. PZ1-1200) on Block 17A, Parcels 145, 146 and 170REM1 for the construction and associated development of "99 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95) Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Café and associated development and works..." ("the Application")

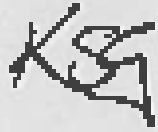
We act for **Katherine Tatham ("Our Client")** the interested party and registered owner of property located at B Esplanade Quay and legally described as Block 17A, Parcel 277.

Our Client wishes to register their objection to the above mentioned Planning Application and we request that this objection be read into the record of any hearing or meeting concerning this application.

Our Client's objections are based on the following principal concerns contained in the email that is appended to this letter.

Please do not hesitate to contact our offices at any time if you should require any further information.

Yours faithfully,



KSG Attorneys at Law

PS

Hill Ebanks

From: Katherine Latham <kmlatham@gmail.com>
Sent: Wednesday, January 12, 2022 6:21 AM
To: Hill Ebanks; James Kennedy
Subject: Objection- Crystal Harbour Planning Application
Attachments: 2022-01-11 Objection Letter Tallinn.docx

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21/2020) and wish for our comment to be read into the minutes of any meeting.

We reserve our right to make further representations on this matter through our appointed legal counsel, RSC Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act:

1. Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we think the members of the Central Planning Authority (the CPA) to consider what an appropriate scale may be for a mixed use hotel development in an area of the neighbourhood considered to be a residential area, particularly in areas with low density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a use, master plan that never came to be. This place is now located, mainly surrounded by an established low-density residential neighborhood.

Regulation 9(2)(e) allows maximum buildings heights of 10 stories/120' for apartment and hotels, subject not guarantee that height and other conditions of development suitable of same uses. This is a unique site as it is located in a residential area, subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The HT zone extends the entirety of the South Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density Residential (LDR) and separated from the Hotel/Tourism (HT) zone by Coghlan Drive. This is an odd shaped lot, so seems there might have been a larger master plan intended at the time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-stories or less with the exception of a approved 6-story apartment development destined for Block 17A (Parcels 350 & 351). The only hotel use in the community is the Holiday Inn Grand Cayman on Resort which is only 3-stories.

The applicant is correct, that this is one of the last areas HT zones in the area, which means that it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that high towers are out of character in an area zoned for high density tourism, such as Seven Mile Beach and George Town, not a gated residential development.

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If CPA is minded to approve the development of the site in the proposed manner, it is clearly not to be keeping with the characteristics of the neighborhood and the spirit of the legal framework governing development in the Cayman Islands.

2. Traffic & Road Safety

Expanding tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will have 3-4 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we would ask that conditions be imposed to increase safety by for travel lanes made to Brighton Drive such as striping of traffic lanes, bike lanes and sidewalks. It appears the existing right-of-way does allow for such road improvements.

3. Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce an increase in boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of motorcraft through the canals can only be expected creating a further nuisance to the existing owners and therefore diminishing or denying them of their right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

4. Parking

It appears all of the restaurant and hotel parking are provided across Brighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant? We believe this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi drop-off area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent risk of mixing commercial traffic in a low density residential area. The proposed parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for conflict?

With the lack of appropriately placed parking, we feel the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential debris from car fumes, and head lights shining onto adjacent properties in the evening. If the house lots are blocked from parking, this will likely force patrons to park on Brighton Drive. We draw attention to Reg 6.(1)(c) in a Neighbourhood Commercial zone or Hotel/Tourism zone, twenty-five per cent of the parking space may be located not more than five hundred feet from the respective building.

5. Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subway station. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the rooftop bar kitchen and any large group booking activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again will impact the owners ability to peacefully enjoyment and privacy of their property

6. Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptions exist in order to warrant the variance:

9(1)(3)(b) industrial terrain characteristics that limit the site's development potential

We argue that a self-imposed restriction on the site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

As per 9(5) "any use of land within a residential zone shall be dangerous, obstructive, noxious, or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking for a 4- two-storey commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to back residents from shining on the road or adjacent properties.

Furthermore, the architectural style is a single block, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary home stock and house administrative offices. Where will maintenance vehicles, and associated equipment and heavy machinery be stored?

We include a few other items that appear to be omitted in our letter with Development & Planning Regulations that we hereby ask that the CPW give us reasoned consideration:

- a. The applicant states the proposal area is 7.54 acres, while it is in fact approximately 5.31 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however Parcel 147 is excluded from the site plan. Also to note that Parcel 147 is not stated as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- c. The newspaper advert does not state notices made in a manner of a residential or a residential subdivision.
- d. The house lines do not comply with minimum lot size requirements per Regulation 3(1)(d). The applicant had not stated they were requesting a size variance.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the road clearance be?
- f. The hotel ground floor plan only provides a shell - no details as to whether a fully furnished unit will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Brighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

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Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Sincerely,

KATHLEEN TATHUM

9 BACCARAT QUAY 17A 272

PO BOX 7688, KYL-1801

315-526-0242

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2011-08-11 10:11 AM

2011-08-11

2011-08-11

33

Popovich, Nicholas

From: Department of Planning
Sent: Thursday, January 13, 2022 11:15 AM
To: Popovich, Nicholas
Subject: -W: [LX: LPHN.] Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcel 145, 146 and 170RE W1 for the construction and associated development of 793 residential units and 44 hotel suites, for a total of 157 units broken down per ...

From: Tanya Ziemnick [mailto:tz@protonmail.com]
Sent: Thursday, January 13, 2022 11:04 AM
To: Department of Planning <Planning.Dept@goz.gov>
Subject: [EXTERNAL] Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcel 145, 146 and 170RE W1 for the construction and associated development of 793 residential units and 44 hotel suites, for a total of 157 units broken down per ...

TO: Director of Planning

Dear Sir,

We wish to formally object to the proposed application for Planning permission (P21-1260) and wish for our complaint to be read into the record of any meeting.

We reserve our right to make further representations on the matter through our appointed legal counsel, CGS Attorneys at Law.

There are particular elements of the proposed development that we object to, as well as items that appear to contradict the Planning and Development Regulations and Act.

1. **Suitability & Building Height**

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we urge the members of the Central Planning Authority ("the CPA") to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor which is undeniably intertwined with lower density residential areas.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a high density use that never came to be. This piece is area isolated, mainly surrounded by an established low-density residential neighbourhood.

Regulation R(2)(c) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a minimum given it depends on the nature of land uses. This is a unique area as it is located in a residential LPR subdivision. Yes, the land to the east is a so-called Hotel/Tourism zone, but it is along a long, natural shoreline. The HT zone extends the entire length of the North Sound shoreline, while the remainder of Crystal Harbour is zoned Low Density **BT**

Residential ("LDR") and separated from the Hotel/Tourism ("HT") zone by Brighton Drive. This is an odd-shaped lot - it seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in the area are 3-stories or less with the exception of an approved 4-story apartment development destined for Block 17A Parcel's 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 stories.

The applicant is correct, that this is one of the last large HT pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. We respectfully submit that High towers are suitable in urban areas or areas designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development.

If CFA is minded to approve the development of the site in the proposed manner, it is clearly not in keeping with the characteristics of the neighborhood and the spirit of the legal framework underpinning development in the Cayman Islands.

2. Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed use and hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. The proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and hike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CFA chooses to support this application, we would ask that conditions be imposed to increase safety by improvements made to Brighton Drive such as striping of traffic lanes, bike lanes and sidewalks. It appears the existing right-of-way can allow for such road improvements.

3. Boat Traffic

Deckade parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with water-front will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of the property. An increase of noise and 'baiting the canals' can only be expected creating a further nuisance to the existing owners and therefore diminishing or denying them of the right to peaceful and quiet enjoyment of their property.

We would also like to have a full understanding of any Coastal Works Permits that may have been, or will be sought in relation to this development and reserve all rights to make representations on this aspect.

4. Parking

It appears all of the restaurant and hotel parking are provided across Brighton Drive on residential lots Parcel 112 & 116. Are restaurant patrons expected to walk that distance to the restaurant? We submit this proposal will create a safety hazard for pedestrians on the property.

The restaurant's taxi turnaround area shares access with the duplexes and house lots. If the restaurant is successful, this will cause conflict with access for the residences due to the inherent

risk of mixing commercial traffic in a low density residential area. The parallel parking in front of the restaurant - is this for the residences or the restaurant - is there a potential for car fires?

With the lack of appropriately placed parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining into adjacent properties in the evenings. If the house lots are blocked from parking, this will likely force patrons to park on Brighton Drive. We draw attention to Reg 6.1(j)(c) in a Neighbourhood Commercial zone or Heavy/Tourist zone, whereby the maximum of any parking space may be located not more than five hundred feet from the respective building.

5. Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighbourhood. The proposed bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the rooftop bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights which again diminish the owners ability to peaceful enjoyment and privacy of their property.

6. Hotel Setback Variance

A small portion of the hotel encroaches the 20' rear setback. The applicant claims the following exceptional circumstances to warrant the variance:

6(1)(b)(ii) unusual terrain characteristics limit the site's development potential.

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

7. Commercial Use in a Residential Zone

Reg 3(2) states "the use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-story commercial building is located on a parcel zoned LR4. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy user) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage - presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be in conflict with Development & Planning Regulations that we hereby ask that the OVA give its reasoned consideration:

- a. The applicant states the proposal area is 4.57 acres, while it is in fact approximately 6.37 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.81 ac of the Parcel is excluded from the site plan. Also note that Parcel 147 is not listed as one of the parcels proposed for development.
- b. The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.

- c. The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- d. The house lots do not comply with minimum lot size requirements per Regulation 10(1)(f). The applicant has not stated they were requesting lot size variances.
- e. The architectural drawings do not include any details of the pedestrian bridge. What will the boat clearance be?
- f. The hotel ground floor plan only provides a shell - no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- g. There are parking spaces that partially lie within the Brighton Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

Tanya and Kenneth Zemlak back and parcel 17A 96

Inga
Sent from my iPhone

Popovich, Nicholas

From: Department of Planning
Sent: Thursday, January 13, 2022 9:14:50 AM
To: Popovich, Nicholas
Subject: RE: [EXTERNAL] OBJECTION: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170REM1

From: Samuel B. Banks (mailto:sam.banks@paradiseair.com)
Sent: Thursday, January 13, 2022 9:14 AM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] OBJECTION: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170REM1

The Director of Planning
Department of Planning
Government Administration Building
136 Queen Avenue
PO Box 113
Grand Cayman,
Cayman Islands
KY1-6000

13 January 2022

Sent by Email or by planning.dept@gov.ky

Dear Sir,

Re: Application for Planning permission (Project No. P21-1260) on Block 17A, Parcels 145, 146 and 170REM1 for the construction and associated development of "93 residential units and 44 hotel suites, for a total of 137 units broken down per the following (1) 9-story hotel, 95 Apartment Buildings (between 7/9 stories (10) Duplexes and (20) Townhouses and 2-story Garage/Storage building, Restaurant/Owners Lounge & Cafe and associated development and works..." ("the Application")

I would like to object to the above stated application on the following grounds:

Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighborhood, we wish the CPA to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main tourism corridor.

After viewing the zoning map for the Caysa Harbour area, it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Although Regulation 8(2)(e)(i) allows maximum building heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LCR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Caysa Harbour is zoned LCR and separated from the H/T zone by Coughton Drive. This is an odd-

shaped lot 4; seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3-storleys or less with the exception of an approved 4 storey apartment development destined for Block 17A Parcels 250 & 251. The only hotel use in the community is the Holiday Inn Grand Caymanon Resort which is only 3 storeys.

The applicant is correct, that this is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. High towers are suitable in urban areas or area designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development.

Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed use and Hotel development will have 1-2 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crysta Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

If CPA chooses to support this application, we'd like to see improvements made to Crighton Drive such as striping of traffic lanes, bikes lanes and sidewalks. It appears the existing right-of-width can allow for such road improvements.

Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront, will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'touring the canals' can only be expected.

Parking

It appears all of the restaurant and hotel parking are provided across Crighton Drive on residential lots Parcel 143 & 146. Are restaurant patrons expected to walk that distance to the restaurant?

The restaurant's taxi-stand and area serves access with the duplexes and house lots. If the restaurant is successful, will this cause conflict with access for the residences? The parallel parking in front of the restaurant - is this for the residences or the restaurant? - is there a potential for conflict?

With the lack of appropriately places parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating access noise from vehicles, potential odors from car fumes, and head lights glaring onto adjacent properties in the evenings. If the house lots are blocked from parking, will patrons then choose to park on Crighton Drive?

Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighborhood. Note the bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the rooftop bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighborhood with noise and lights.

Hotel Setback Variance

A small portion of the hotel approaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

8(7.3)(b)(ii) unusual terrain characteristics limit the site's development potential.

We argue this is a self imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

Commercial Use in a Residential Zone

Reg 9(5) states "No use of kind within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two story commercial building is located on a parcel zoned IGR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (3 driveways for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning regulations.

- 1) The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.13 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.24 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- 2) The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- 3) The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- 4) The house lots do not comply with minimum lot size requirements per Regulation 13(1)(d). The applicant has not stated they were requesting lot size variances.
- 5) The architectural drawings do not include any details of the pedestrian bridge. What are the foot clearance bc?
- 6) The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- 7) There are parking spaces that partially lie within the Crighlar Crive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development process shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

SAMUEL R BANKS DIRECTOR EPHESIAN CAPITAL

BLOCK: 17A PARCEL: 16Z

Samuel R. Banks, Jr. M.A. Applied Economics, LL.B. (Hons) Lord
Attorney-at-Law

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op

Popovich, Nicholas

From: Enrique Tascande <Enrique.Tascande@rdi.ky>
Sent: Wednesday, January 12, 2022, 10:49 PM
To: Popovich, Nicholas; Department of Planning
Cc: Marcelo C Alessio
Subject: RE: [LML-2021] Object of letter

Good morning Mr. Popovich,

We have had an opportunity to better understand the proposal and wish to add some to our original objection which was emailed to you on January 10th.

There are particular elements of the development that we object to as well as items that appear to contradict the Planning and Development Regulations and Act.

Sustainability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighbourhood, we wish the CPA to consider what an appropriate scale may be for a mixed-use hotel development in an area off of the main commercial strip.

After viewing the zoning map for the Crystal Harbour area, it seems this may be an anomaly for a past master plan that never came to be. The plot is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Although Regulation 812 (a)(i) allows maximum buildings heights of 10 storeys/33m for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique site as it is located in a residential LDR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, natural shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned LDR and separated from the H/T zone by Eighton Drive. There is an odd-shaped lot that seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3 storeys or less with the exception of an approved 4 storey apartment development destined for Block 17A Parcels 350 & 351. The only hotel use in the community is the Holiday Inn Grand Caymanian Resort which is only 3 storeys.

The applicant is correct. This is one of the last large H/T pieces in the area, which means if it's approved for anything higher than 6 stories it will be the only tower and be out of character with the area. High towers are suitable in urban areas or areas designed for high-density tourism such as Seven Hills Beach and George Town, not a gated, residential development.

Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue, is designed to worsen conflict.

Typically, a mixed-use and hotel development will use 2-3 access points from the road and offer an internal circulation system to direct guests. This proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crystal Harbour residents are able to walk, run and bike safely throughout the neighbourhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic is predictable and slow.

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If CFA chooses to support this application, we'd like to see improvements made to Edgemon Drive such as striping or traffic lanes, bike lanes and sidewalks. It appears the existing right of way can allow for such road improvements.

Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports or charters, which we assume will occur for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase of noise and 'bouncing the canals' can only be expected.

Parking

It appears all of the restaurant and hotel parking are provided across Edgemon Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant?

The restaurant's pool turnaround area shares access with the duplexes and house lots. If the restaurant is successful, will this cause conflict with access for the residences? The parallel parking in front of the restaurant – is this for the residences or the restaurant – is there a potential for conflict?

With the lack of appropriately placed parking, we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from car fumes, and head lights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, will visitors then choose to park on Edgemon Drive?

Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighborhood. Note the bar faces south onto the subdivision. The winds primarily come from the east and therefore the western properties will be negatively impacted by any sounds and odors coming from the rooftop bar, restaurant, and any large group social activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights.

Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstance to warrant the variance:

8/13/21(a) unusual terrain characteristics limit the site's development potential.

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of solutions that could be employed to allow all structures to comply with the setbacks.

Commercial Use in a Residential Zone

Reg 9(2) states "No use of land within a residential zone shall be dangerous, obnoxious, toxic or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-storey commercial building is located on a parcel zoned LU1. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (if it does away for a single occupancy use?) and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for a "Tool storage" – presumably to store necessary hotel, construction and business administrative crates. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Department of Planning Regulations.

- 1) The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.00 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density. However 0.84 ac of the Parcel is encroached from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- 2) The newspaper advert does not match the newspaper template provided on the Department of Planning's website. It does not provide for an email address to inquire about the application.
- 3) The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- 4) The house lots do not comply with minimum lot size requirements as Regulation 10(1)(d). The applicant has not stated they were requesting lot size variances.
- 5) The architectural drawings do not include any details of the pedestrian bridge. What will the bow clearance be?
- 6) The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- 7) There are parking spaces that partially lie within the Crigheim Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposal shall be within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the EPA to further discuss.

Kind Regards,

Enrique and Marcela Teseade

owner of Block 170, Parcel 169

Enrique Teseade

2010 4th Precinct Electoral District

Mail

E: enrique@tesade.com

M: +1 202 229 9606

U: www.tesade.com

E: enrique@tesade.com

PHYSICAL ADDRESS: 4110 West 4th Street, Suite 100, Arlington, Virginia 22204, USA

MAILING ADDRESS: 1111 14th St, NW, Washington, DC, USA. Attention: Enrique Teseade, 2010 4th Precinct

[Cards](#), [Instagram](#), [Facebook](#), [LinkedIn](#)

Please send any file attachments to the email address below, not by this email.

On: Thu, Jan 11, 2022 at 9:07 AM Popovich, Nicholas <nicolas.popovich@dc.gov> wrote:

Mr Teseade,

Thank you for the objection letter.

I will pass your email on to the applicant.

4/2

They may or may not reply

Objection letters will only be received until midnight on the 14 January

Therefore, your letter proposed to be submitted on the 21 January would not be presented to the CPA

I hope that helps

Nick

Nick Popovitch M.P.L., MCIP, RPP, AICP

Planning Officer | Current Planning



DEPARTMENT OF PLANNING
Cayman Islands Government

Government Administration Building

124 High Street | George Town

P.O. Box 111 | Grand Cayman KY11-6000 | CAYMAN ISLANDS

☎ +1 345 244-6501 (Main) | ☎ +1 345 244-6538 (Direct)

✉ nicholas.popovitch@om.gov.ky | www.planning.gov.ky

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From: Department of Planning
Sent: Tuesday, January 11, 2022 8:57 AM
To: Popovitch, Nicholas <N.Popovitch@om.gov.ky>
Subject: RE: [EXTERNAL] Objection letter

If the applicant chooses to respond to the above queries before the application is scheduled for CPA, I would appreciate receiving a copy.

I will be going over my notes in the next few days and will submit a formal letter no later than Friday, January 21st, if that is acceptable.

Thank you,

NS

Popovich, Nicholas

From: Department of Planning
Sent: Wednesday, January 12, 2022 11:40 AM
To: Popovich, Nicholas
Subject: RE: [EXTERNAL] P21-295 objection

From: philipr@re-qs.com [mailto:philipr@re-qs.com]
Sent: Wednesday, January 12, 2022 11:13 AM
To: Department of Planning <Planning.Dept@gozky>
Subject: RE: [EXTERNAL] P21-1260 objection

Dear Director of Planning:

We have the opportunity to review and respond to the proposal and wish to address my original objection for Lot Owner Philo Kurfelo (Lot 277-252).

Here are particular elements of the development that we object to as well as items that appear to contradict the Planning and Development Regulations and Act.

Suitability & Building Height

We acknowledge that higher density housing and/or a hotel use can be approved for this site, however given the character of the neighbourhood, we wish the EPA to consider what an appropriate scale may be for a mixed use hotel development in an area of a high urban to rural corridor.

After viewing the zoning map for the Crystal Harbour area it seems this may be an anomaly for a past master plan that never came to be. This piece is now isolated, mainly surrounded by an established low-density residential neighbourhood.

Although Regulation 8(2)(c)(i) allows maximum buildings heights of 10 storeys/130' for apartments and hotels, it does not guarantee that height as a right nor does it guarantee any mixture of land uses. This is a unique street located in a residential LUR subdivision. Yes, the land to the east is also zoned Hotel/Tourism, but it is along a long, narrow shoreline. The H/T zone extends the entirety of the North Sound shoreline, while the remainder of Crystal Harbour is zoned LUR and separated from the H/T zone by Frigate Drive. This is an odd-shaped lot that seems there might have been a larger master plan intended at one time that never came to fruition and thus this parcel remained vacant for years.

Building heights in this area are 3 storeys or less with the exception of an approved 4 storey apartment development destined for Block 13A Parcels 150 & 151. The only hotel use in the community is the Holiday Inn Grand Capannone Resort which is only 3 storeys.

The applicant is correct that this is one of the last large 4/1 pieces in the area, which means if it's approved for anything higher than 4 stories it will be the only tower and be out of character with the area. High towers are suitable in urban areas or areas designed for high-density tourism such as Seven Mile Beach and George Town, not a gated residential development.

Traffic & Road Safety

Expanding the tourism within the residential subdivision will result in increased commercial traffic. The design offers nothing to mitigate the impacts, but instead we argue it's designed to worsen conflict.

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Typically, mixed use and hotel development will have 1-2 access points from the road and offer an internal circulation system for hotel guests. The proposal has 11 access drives. It is not designed to minimize traffic movements on a residential road. Crossa Harbour residents are able to walk, run and bike safely throughout the neighborhood. Children are able to safely visit friends without having to worry about speeding cars. Traffic speed table and slow.

If CPA chooses to support this application, we'd like to see improvements made to Orighton Drive such as striping of traffic lanes, bike lanes and sidewalks. It exceeds the existing right-of-way, how will you fund such road improvements?

Boat Traffic

Dockside parking is being offered for the signature restaurant, while not much appears to be offered for the hotel. Typically, a hotel with waterfront will offer watersports facilities, which we assume will exist for this proposal. This will introduce commercial boating activity through a residential canal system. There will be a parade of boats coming through, particularly on weekends impacting the residents' privacy and enjoyment of their property. An increase in noise and fouling the canals can only be expected.

Parking

It appears all of the restaurant and hotel parking are provided across Orighton Drive on residential lots Parcel 145 & 146. Are restaurant patrons expected to walk that distance to the restaurant?

The restaurant's two-turnaround area shares access with the duplex and house lots. If the restaurant is successful, will this cause conflict with access for the residences? The parallel parking in front of the restaurant – is this for the residences in the restaurant – is there a potential for conflict?

With the lack of appropriate, plus parking we fear the house lots will not be developed and instead be used for restaurant parking. This will increase traffic further within the subdivision, generating excess noise from vehicles, potential odors from perfumes, and headlights shining onto adjacent properties in the evenings. If the house lots are blocked from parking, will patrons then have to park on Orighton Drive?

Noise

The hotel includes a rooftop bar and kitchen, which will be the first of its kind within a residential neighborhood. Note the bar faces south onto the subdivision. The winds primarily come from the east and therefore the east-facing properties will be negatively impacted by any sounds and odors coming from the rooftop bar, restaurant, and any large group boating activities.

Any evening events will most likely have an impact on the neighbourhood with noise and lights.

Hotel Setback Variance

A small portion of the hotel encroaches the 20' road setback. The applicant claims the following exceptional circumstances to warrant the variance:

§12)(b)(iv) unusual terrain characteristics that inhibit the site's development potential

We argue this is a self-imposed restriction. The site is large (5.31 acres) and vacant, there are no existing circumstances that prevent the hotel from complying with setbacks. There are a myriad of options that could be employed to allow all structures to comply with the setbacks.

Commercial Use in a Residential Zone

Reg 9(5) states "No use of land within a residential zone shall be dangerous, obnoxious, noisy or cause offensive odors or conditions or otherwise create a nuisance or annoyance to others". The ancillary parking lot with a two-story commercial building is located on a parcel zoned LDR. We argue this use will create nuisance for nearby properties by increasing traffic movements on a residential road (5.5th way) for a single company use? and not offering any buffer or screening to block headlights from shining on the road and adjacent properties.

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Furthermore, the architectural style is a simple block, which is not in character with the community's residential nature. The second floor is to be used for office or storage – presumably to store necessary hotel stock and house administrative offices. Where will maintenance vehicles, landscape equipment and heavy machinery be stored?

We include a few other items that appear to be errors or conflict with Development & Planning Regulations.

- 1) The applicant states the proposal area is 7.54 acres, while it is in fact approximately 6.33 acres. It appears the applicant included the whole of Parcel 147 when calculating site coverage and density, however 0.84 ac of the Parcel is excluded from the site plan. Also to note that Parcel 147 is not listed as one of the parcels proposed for development.
- 2) The newspaper advert does not match the newspaper template provided in the Department of Planning's website. It does not provide for an email address to inquire about the application.
- 3) The newspaper advert and mailed notices make no mention of a canal extension or a residential subdivision.
- 4) The house lots do not comply with minimum lot size requirements per Regulation 10(1)(c). The applicant has not stated they were requesting lot size variances.
- 5) The architectural drawings do not include any details of the basic plan building. What will the bush clearance be?
- 6) The hotel ground floor plan only provides a shell – no details as to whether a lobby bar/restaurant will be included, extent of administrative offices.
- 7) There are parking spaces that partially lie within the Cigarette Drive right-of-way, as well as proposed sidewalks. It is our understanding that all elements of a development proposed shall lie within property boundaries, including sidewalks.

Thank you for allowing us the opportunity to review and comment on this application. We look forward to receiving an invitation to appear before the CPA to further discuss.

From: philip@ruffolo.com <philip@ruffolo.com>
Sent: Wednesday, January 13, 2022 11:06 AM
To: Planning.Dem@ym.gov.au; Planning.Dem@ym.gov.au
Subject: Re: [EXTERNAL] F21-1263 objection

Here is my formal objection:

My name is Philip Ruffolo, owner of Block and Parcel: 17A-356 in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REML on the following grounds:

1. Hotel tourism allows 5 storeys or 66' heights in general hotel tourism areas and only in H1 zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, neither information requires as per below:

- 2c. A site analysis with information for property size.
 - 2h. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,334 sq ft of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
 - 3a. The parking areas proposed on Crighton Drive are outside of the property line.
 - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
 - 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
 4. If variances are requested they have not been mentioned on the notification to the public.
 5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

From: philip@news.com <philip@news.com>
 Sent: Wednesday, January 12, 2022 10:35 AM
 To: 'Planning Dept Sign Up' <Planning.Dept@cov.ky>
 Subject: RE: [LX1L3NOL] F21-1210 objection

Hello,

just wanted to confirm that my objection has been noted.

It is clear that this development violates several Hotel & Tourism rules regarding number of units per acre of land and site coverage.

Regards,
 Philip

From: Philip Buffolo <philip@news.com>
 Sent: Saturday, January 1, 2022 9:48 AM
 To: Planning.Dept@cov.ky
 Subject: RE: [LX1L3NOL] F21-1210 objection

Thanks. Please take this email as my objection to this plan.

On Wed, 20 Dec 2021 15:35:06 -0500 Planning.Dept@cov.ky wrote: ---

Good afternoon Mr. Ruffolo,

Given that your property would fall within the required notification radius, you have the right to lodge an objection. You can simply email it to this address. We will acknowledge receipt and you will be invited to attend the CPA meeting when the proposed review is considered where you will have an opportunity to voice your comments in person, or via zoom.

Kind regards,

Ben Sanderson

Deputy Director of Planning - Current Planning

Department of Planning - Cayman Islands Government | Government Administrative Building,

151 Rigns Avenue | PO Box 118, Grand Cayman, Cayman Islands, KY1-0000

☎ +1 (344) 933-6540 | 📠 planning@ci.gov.ky | 🌐 +1 (344) 933-6501

✉ ben.sanderson@ci.gov.ky | 🌐 www.ci.gov.ky

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DEPARTMENT OF PLANNING
| 📠 planning@ci.gov.ky

From: Philip Ruffolo | walter.phillips@ci.gov.ky

Sent: Sunday, December 28, 2025 11:40 AM

To: Planning Info <planning@ci.gov.ky>; Department of Planning - Planning.Dept@ci.gov.ky

Subject: [EXTERNAL] P21-1350 objection

Hello,

I own a lot neighboring this proposed development (lot 1/A 350). Is there an opportunity for me to object to a 10-story building in my backyard?

It's not really clear on your website how I would go about doing this or if its possible. Any help would be greatly appreciated.

Regards,

Phillip Ruffolo

dp

Popovich, Nicholas

From: Department of Planning
Sent: Wednesday, January 12, 2022 11:00 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] F21-5260 objection

From: philip@ruffolo.com (mailto:philip@ruffolo.com)
Sent: Wednesday, January 12, 2022 11:00 AM
To: Department of Planning <Planning.Dept@geek.nz>
Subject: RE: [EXTERNAL] F21-5260 objection

Here is my formal objection:

My name is **Philip Ruffolo**, owner of Block and Parcel: **17A-356** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 17A(1)(M) on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel tourism areas and only in H1 zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size
 - 2b. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
 - 3a. The parking areas proposed on Crighton Drive are outside of the property line.

3b. If the hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north corner.

4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

From: philip@csqs.com <philip@csqs.com>
Sent: Wednesday, January 12, 2022 10:35 AM
To: 'Planning Dept@qwr.ky' <Planning.Dept@qwr.ky>
Subject: RE: [EXTERNAL] P21-1269 objection

Hello,

Just wanted to confirm that my objection has been noted?

It is clear that this development violates several Hotel & Tourism rules regarding number of units per acre of land and site coverage.

Regards,
Philip

From: Philip Ruffalo <philip@csqs.com>
Sent: Saturday, January 1, 2022 6:48 AM
To: Planning Dept @qwr.ky
Subject: RE: [EXTERNAL] P21-1260 objection

Thanks. Please take this email as my objection to this plan.

----- On Wed, 23 Dec 2021 15:35:06 -0500 Planning.Dept@qwr.ky wrote -----

Good afternoon Mr. Ruffalo,

Please, that your property would fall within the required notification radius, you have the right to lodge an objection. You can simply email in to this address. We will acknowledge receipt and you will be invited to attend the CPA meeting when the application is considered where you will have an opportunity to voice your comments in person, or via Zoom.

Kind regards,

FN

Ken Kunderman

Deputy Director of Planning | Current Planning

Department of Planning, Cayman Islands Government | Government Administration Building,

121 King Avenue | PO Box 118, Grand Cayman, Cayman Islands KY 1-8000

☎ +1 (345) 241-8300 | 📠 +1 (345) 241-8301

✉ ken.kunderman@ci.gov.ky | 🌐 www.ci.gov.ky

This email (including any attachment), is strictly confidential and may also be subject to legal professional and other privilege. No confidentiality or privilege is waived by any error in its transmission. It is intended solely for the attention of the use of the intended addressee(s). If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are not authorized to and must not review, disclose, copy, distribute or make this message or any part of it. If you have received this email in error, please delete it from your system and notify the sender immediately at the address on all addresses on the 345-241-8300.



DEPARTMENT OF PLANNING
Cayman Islands Government

From: Philip Kubok [mailto:philpr@ci.gov.ky]

Sent: Sunday, December 26, 2021 11:40 AM

To: Planning Info [mailto:planninginfo@ci.gov.ky]; Department of Planning [mailto:planning@ci.gov.ky]

Subject: [LX1]LX36, P21-1200 objection

Hello,

I own a lot neighboring this proposed development (lot 17A 356). Is there an opportunity for me to object to a 15 story building on my backyard?

Its not really clear on your website how I would go about doing this or if its possible. Any help would be greatly appreciated.

Records,

Philip Buffolo

Popovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 11, 2022 8:57 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Objection letter

From: Enrique Tashoff, <mailto:etashoff372@gmail.com>

Sent: Monday, January 10, 2022 10:14 AM

To: Popovich, Nicholas <Nicholas.Popovich@gov.ky>; Department of Planning <Planning.Dept@gov.ky>; Mariana amc541@ashland.com

Subject: [EXTERNAL] Object letter

Officially notify those applicants in pending projects for the purpose of (1) repairs of any existing buildings, for a total of 10 units, residential porches to living (1) 5 story Hotel, (2) Apartment Buildings (between 15-20 units), (3) Duplexes, (4) Townhomes, (5) row houses, (6) Storage in Junk, (7) also need for single family homes, and for density around certain areas. Restroom, Overhead Lounge & Café, 400 covered and landscaped paths, ramp, walk bridge, and public gardens on 3rd floor, (8) Parks (10, 20, and 30000), walk bridge, (9) and drive (10) 2000 (10). has been submitted to City Central Planning Agency (1-1), 10-1 (2) units.

An Application may be prepared by the Department of Planning, 100 City Center, The Government Administration Building, George Town, Grand Cayman. It is a public document and you should do so in writing using your preferred means of communication (BY AIR) by the date of posting. You may also submit by e-mail to the Director of Planning, P.O. Box 100, Grand Cayman, KY-1-9000. Please include your return address, if possible, in the envelope.

Mr. Popovich,

I am the registered owner of **Block 17A, Parcel 103** and lie within the notification radius for the above-referenced application. I wish to lodge an objection to the application in order to be able to present some concerns for the CFA to consider. I was able to view the application details earlier this week and given the complexity and scale of the proposal, it may take a few days to sufficiently outline my concerns. I understand the last day to submit objections is Friday, January 14th and in the risk I'm unable to provide my full concern by that date, I offer a few questions below for the applicant:

1. What is the anticipated phasing schedule? Where will construction operations be staged during each phase?
2. How will the access gates from Safe Haven and Cayana Harbour south harbor managed?
3. What type of watersports will be offered by the hotel? Where will the vessels be parked?
4. Can you provide color renderings of the proposal (day and night). I'm particularly interested in any accent lighting.
5. It's not clear what works are proposed for the existing sewer and canal. How will dredging and construction of the duplex boat slips be managed?
6. Will the signature restaurant be open to the general public? Will there be a 5-meat restaurant? How will parking be managed as there does not appear to be any designated parking for this use.
7. Will the hotel pool be open to hotel guests only or the general public?

If the applicant chooses to respond to the above queries before the application is scheduled for CFA, I would appreciate receiving a copy.

I will be going over my notes in the next few days and will submit a formal letter no later than Friday, January 21st. If that is acceptable.

Thank you.

AV

Popovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 11, 2022 8:56 AM
To: Popovich, Nicholas
Subject: RE: [EXTERNAL] Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170RE01

From: Suzy Hanna,mailto:suzyhanna@me.com
Sent: Monday, January 10, 2022 9:05 PM
To: Department of Planning <Planning Dept@gox.ky>
Subject: [EXTERNAL] Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170RE01

My name is Dr. Suzy Hanna, owner of Block and Parcel: 17A-38 in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170RE01 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel Tourism areas and only in HI zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size.
 - 2b. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft. and not 25 ft as required.
 - 3a. The parking areas proposed on Crighton Drive are outside of the property line.

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 15 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel Tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

Dr. Suzy Hanna



000000

Popovich, Nicholas

From: Department of Planning
Sent: Monday, January 10, 2022 2:21 PM
To: Popovich, Nicholas
Subject: P21-1260 [EXTERNAL] Objection to Project No P21-1260 Block 17A Parcel: 1703EM1

From: rosaleen.corbin@sigmar.com [mailto:rosaleen.corbin@sigmar.com]
Sent: Monday, January 10, 2022 1:44 PM
To: Department of Planning <Planning.Dept@gov.ty>
Subject: [EXTERNAL] Objection to Project No P21-1260 Block 17A Parcel: 1703EM1

Dear Director of Planning,

Re: Objection to [PROJECT NO P21-1260](#), Block 17A Parcel: 1703EM1.

My name is [M. Rosaleen Corbin](#), owner of West Bay Beach North Block, Parcel: [17A / 33](#) in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 1703EM1 on the following grounds:

1. Hotel tourism allows 5 stories or 65' heights in general hotel tourism areas and only in HT zone 1 and 2 it permits 10 stories. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 stories being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, no floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size.
 - 2b. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel, the developer is required to provide parking as per number of rooms however the analysis has not been provided.
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
- 3a. The parking areas proposed on Crighton Drive are outside of the property line.
- 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
- 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
4. If variances are requested, they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

With thanks for considering my objections.

M Rosaleen Corbin
rosaleen.corbin@gmail.com

RECEIVED
11/20/2013

12



KIERAN AND MICHELLE O'MAHONY
YACHT CLUB VILLAS, NO 9
THE CAYMAN ISLANDS YACHT CLUB
SEVEN MILE BEACH
P O BOX 30835 GRAND CAYMAN KY-11204,
CAYMAN ISLANDS.

The Director of Planning
The Department of Planning
Cayman Islands Government
PO Box 113
Grand Cayman KY1-5000
CAYMAN ISLANDS

F: planning.dos@go.cy
E: info@planning.go.cy

Sunday, January 08, 2012

Dear Director of Planning,

Re: Objection to PROJECT NO P21-1290 Block 17A Parcel 170RFM1 - Crystal Harbour - Mega development - "trama" - (the "Proposal")

My name is **Michelle O'Mahony**, co-owner of Block: **17A** and Parcel: **164** in Crystal Harbour.

I would like to object to the Proposal of the plan for Block 17A Parcel 170RFM1 on the following grounds:

1. Hotel tourism allows for 5 storeys or 20' height in general Hotel/Tourism ("HT") areas and only in HT zone 1 and 2 does it permit 10 storeys. The application does not specify if the property is zone 1 or 2 it allow for the 7 and 9 storeys being proposed. The Department of Planning should require the developer to inform the applicants zoning designation to the public.
2. I believe the application to be incomplete as what has been made available to the public is only a site plan and elevations with the number of floor plans shown on the application. The following information, I believe, required, as per below:
 - a. A site analysis with details information on property area
 - b. Detailing the number of units and the number of bedrooms
 - c. Detailing hotel bedroom numbers.
 - d. Detailing the number of parking spaces proposed for the hotel and the restaurant.

For 13,335 sq ft restaurant, I understand that a developer is required to provide 67 parking spaces. For the hotel the developer is required to

Mobile: +1 345 333-3567

Home: +1 345 946-1104

Work: (fax) -1 345 944-3721

provide parking as per number of rooms however this analysis has not been provided

- a. I understand that site coverage should not exceed 40% of the property size as per zoning laws. This detail does not appear to be provided to the public on this application.
3. By total tourism, I understand the minimum roadsidewalk and as well, the minimum rear setback is 25 ft. As per the proposed plans it is noted, I understand, that on Brighton Drive the setback proposed is 20 ft and not 25 ft, as is required.
- a. The parking areas, it appears, that are proposed on Brighton Drive are outside of the property line.
 - b. The hotel is already, it appears, encroaching on a 20 ft setback. This encroachment will be even more on a setback of 25 ft (as it should be for this zone).
 - c. It appears that the duplexes, as proposed, are encroaching into the 25 ft setback for total tourism on the north canal.
 - d. If variances are requested, I appear that they have not been mentioned on the notification to the public.

The corner plots at the west end of the property are shown as being both vacant and as a subdivided. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been provided on the application.

Over all, from what is available to see, this proposal is a high density, "mega development. It is not at all in keeping with the nature, scale and aesthetics of the Crystal Harbour neighbourhood. When we sought our property in September of 2006, the reference point for what constituted "hotel/tourism" in the area was the "Holiday Inn". This proposed mega development is no Holiday Inn in its size, its density, its height and the impact that it will have on a quiet residential neighbourhood. It will, I approved in its current form, negatively impact the entire Crystal Harbour area - from an aesthetics etc scale point of view. Further it will cause significant traffic flowjams with associated noise and air pollution, as well as change the very fabric of Crystal Harbour from a predominantly family orientated neighbourhood to a tourist trap. Resident, but especially children and older people will not be safe playing and walking in the neighbourhood due to the significant increased traffic flow.

I find the whole application process to be opaque with inadequate detail provided. This is not a good harbinger of the type development we would want in our vicinity.

I further object to their slow and laced method of posting our proposed planning notifications to impacted neighbours just before the Christmas week in order that the Holiday Season will reduce the numbers of property owners picking up their post and responding to the proposal. This smacks of trickery, plain and simple. It is a ruse used to disadvantage property owners in the neighbourhood, irrespective of whether it is technically within the provisions of the law.

This proposal is completely at odds with what is currently "Crystal Harbour" and should on these grounds not be approved.

C.O. -1 (HF) W/ 3131, Email: M21416_Kiana@csd.ca.bc

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Sincerely,



Michelle O'Mahony

Email: Michelle_Kimran@candakip.com

KIERAN AND MICHELLE O'MAHONY
YACHT CLUB VILLAS, NO. 9,
THE CAYMAN ISLANDS YACHT CLUB,
SEVEN MILE BEACH,
P. O. BOX 33835 GRAND CAYMAN KY1-1214
CAYMAN ISLANDS.



The Director of Planning
The Department of Planning
Cayman Islands Government
PO Box 113
Grand Cayman KY1-0000
CAYMAN ISLANDS

E: planning.dept@gov.ky
E: info@planning.gov.ky

Sunday, January 09, 2011

Dear Director of Planning,

Re: Objection to PROJECT NO.P21-1280, Block 17A Parcel: 170REX1 - Crystal Harbour - Mega development - "Prinair" - (the "Proposal").

My name is **Kieran O'Mahony**, co-owner of Block: 17A and Parcel: 154 in Crystal Harbour.

I would like to object to the Proposal of the plan for Block 17A Parcel: "170REX1" on the following grounds:

1. Hotel tourism allows for 5 storeys or 65' heights in general Hotel/Tourism ("HT") areas and only in HT zone 1 and 2 does it permit 10 storeys. The application does not specify if this property is zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should require the developer to inform the applicable zoning designation to the public.
2. I believe the application to be incomplete as what has been made available to the public is only a site plan and elevations with the number of floor plans shown on this application. The following information is, I believe, required, as per below:
 - a. A site analysis with legal information on property size.
 - b. Detailing the number of units and the number of bedrooms.
 - c. Detailing hotel bedroom numbers.
 - d. Detailing the number of parking spaces proposed for the hotel and the restaurant.For 12,538 sq ft of restaurant I understand that a developer is required to provide 67 parking spaces. For the hotel the developer is required to

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KOH

provide parking as per number of rooms however this analysis has not been provided

- a. I understand that site coverage should not exceed 40% of the property size as per planning laws. This detail does not appear to be provided to the public on this application.
3. In hotel tourism, I understand, the minimum roadside/front end as well, the minimum rear setback is 25 ft. As per the proposed plans it is noted, I understand, that on Brighton Drive the setback proposed is 20 ft and not 25 ft, as is required.
 - a. The parking areas, it appears, that are proposed on Brighton Drive are outside of the property line
 - b. The hotel is already, it appears, encroaching on a 20 ft setback. This encroachment will be even more on a setback of 26 ft. (as it should be for this zone).
 - c. It appears, that the duplexes, as proposed, are encroaching into the setback of 25 ft setback for hotel tourism on the north canal
 - d. If variances are requested, it appears that they have not been mentioned on the notification to the public.

The corner plots at the west end of the property are shown as being both vacant and as a subdivision. The subdivision is not mentioned on the notification letter. Dedicating the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been provided on this application

Over all, from what is available to see, this proposal is a high density, 'mega' development. It is not at all in keeping with the nature, scale and aesthetics of the Crystal Harbour neighbourhood. When we bought our property in September of 2009, the reference point for what constituted "hotel tourism" in the area was the "Holiday Inn". This proposed mega development is no Holiday Inn in its size, its density, its height and the impact that it will have on a quiet residential neighbourhood. If wild, if approved in its current form, negatively impact the entire Crystal Harbour area – from an aesthetics and scale point of view. Further it will cause significant traffic congestion with associated noise and air pollution, as well as change the very fabric of Crystal Harbour from a predominantly family orientated neighbourhood to a tourist trap. Resident, but especially children and older people will not be safe playing and walking in the neighbourhood due to the significant increased traffic flow.

I find the whole application process to be opaque with inadequate detail provided. This is not a good harbinger of the type development we would want in our vicinity

I further object to that tried and tested method of posting out proposed planning notifications to impacted neighbours just before the Christmas period in order that the Holiday Season will reduce the numbers of property owners picking up their post and responding to the proposal. This smacks of trickery, plain and simple. It is a ruse used to disadvantage property owners in the neighbourhood, irrespective of whether it is technically within the provisions of the law.

This proposal is completely at odds with what is currently "Crystal Harbour" and should on these grounds not be approved.

Kerem

Sincerely,



Kieran O'Mahony

Email: KieranKieran@gmail.com



Papovich, Nicholas

From: Department of Planning
Sent: Monday, January 10, 2022 9:41 AM
To: Papovich, Nicholas
Subject: FW: 'EXTERNAL' Prisma - Crystal Harbour - Letter of Objection to the Development
Attachments: 2022-01-09 - Letter Of Objection to PRISMA Crystal Harbour 1.pdf

From: Kieran O'Mahony [mailto:kieranman@me.com]
Sent: Monday, January 10, 2022 7:11 AM
To: Department of Planning & Planning Dept@psa.gov.tz; Planning Info & Info@planning.gov.tz
CC: Michele O'Mahony <Michele_Kman@condel.ae>
Subject: 'EXTERNAL' Prisma - Crystal Harbour - Letter of Objection to the Development

Dear Director of Planning,

Please find attached a letter of objection to the proposed development to build 93 residential units, 44 hotel suites, a 9 story hotel, 5x apartment buildings at 7/9 stories, 10x duplexes, and 20 townhouses, also a 2 story garage/ storage, 5 residential lots and amenities (including a restaurant) on blocks 17A145/146/170REM1 in Crystal Harbour.

This mega development is completely out of character with the residential, family neighbourhood that is Crystal Harbour and would significantly, negatively impact my property at Block 17A: Parcel 154.

Please acknowledge receipt of this letter of objection/email.

Thank you.

Regards,
Kieran

Kieran O'Mahony
kieranman@me.com

Popovich, Nicholas

From: Department of Planning
Sent: Monday, January 13, 2022 9:43 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Development Proposal for Block 17A Parcel 170REM1

From: Nicholas Teasdale [mailto:nteasdale@mc.com]
Sent: Sunday, January 9, 2022 4:40 PM
To: Department of Planning <Planning_Dept@gov.vt>
Subject: EXTERNAL] Development Proposal for Block 17A Parcel 170REM1

My name is **Nicholas Teasdale**, owner of Block 17A, Parcel 14 in Crystal Harbour.
I would like to object to the proposal of the plan for Block 17A, Parcel 170REM1 on the following grounds:

1. Hotel tourism allows for 5 stories or 65' heights in general hotel tourism areas and only in LH zone 1. This is a neighborhood of 2 stories family homes, which is completely inconsistent with the neighborhood, and if it was it must be a mistake and it should be rectified. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 story buildings being proposed. The Department of Planning should enforce the developer to inform the public and not allow construction above 5 stories that is already completely outside the range of heights of the neighborhood in which it is located.
2. The application is incomplete and what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, and neither is the following information normally required:
 - A site analysis with information for property size.
 - Number of units with number of bedrooms
 - Number of bedrooms in hotel.
 - Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sq ft of restaurant a developer it would be required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however this analysis has not been provided.
 - The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Creighton Drive the setback proposed is 20 ft and not 25 ft as required.

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- The parking areas proposed on Crighton Drive are outside of the property line, this area may not be accepted, the property should be self-contained for its own parking spaces as required by the regulation and there should not be a property that is designated single family residential used for a parking building.
- The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
- The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel Tourist on the north canal.

1. If variances are requested, they have not been mentioned on the notification to the public.
2. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Displaying the uses of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

We purchased our home in Crystal Harbour based on the belief that it was a residential neighborhood with only 2-3 story homes. Crystal Harbour is a quiet and family friendly neighborhood with low density. Bringing this huge development will radically change the nature of the neighborhood and certainly the traffic within it.

The proposed development will bring a much high density of population to our neighborhood but also traffic and also cars parked everywhere on the roads (as there is not enough parking space on the proposal considering the amount of units). Significantly higher densities and increased traffic will impact not only impact on the quality of life but also on the safety of our kids who ride their bikes and walk their dogs.

I'm very surprised that an application for a project of this scope is being considered by the planning department when so much information about the development is missing.

If there is a separate parking in a separate parcel being considered, this should not be considered as a separate application, under which it is more than clear that a parking building cannot be approved in a single family designated parcel.

Given all that is expressed above I strongly encourage you to reject this application which should be sent back to the drawing board.

Sincerely,
Nicholas Teasdale

Popovich, Nicholas

From: Department of Planning
Sent: Monday, January 10, 2022 9:47 AM
To: Popovich, Nicholas
Subject: RE: NOTICE OF OBJECTION TO APPLICATION NO. P21-1260, BLOCK 17A PARCEL 17086W1

From: Tanya Jamieson [mailto:tanya.jamieson@hilton.ca] [redacted]
Sent: Sunday, January 9, 2022 11:57 AM
To: Department of Planning <Planning.Dept@gox.ky>
CC: Mr. Jamieson <tanya.jamieson@hilton.ca> [redacted]
Subject: [EXTERNAL] NOTICE OF OBJECTION TO PROJECT NO. P21-1260, BLOCK 17A PARCEL 17086W1

Dear Sir/Madam - Director of Planning

Our names are Ian Jamieson and Tanya Jamieson, the owners of Block 17A Parcel 218 in the Crystal Harbour neighbourhood. We wish to submit our objections to the planning application P21-1260. Below is a list of grounds of objection:

1. Hotel tourism allows 3 storeys or 6m' heights in general hotel tourism areas and only in HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should request that the developer inform the public appropriately.
2. The application is incomplete. There is only a site plan and elevations. There are no floor plans shown on this application, neither information required as per below:
 3. 2a. A site analysis with information for property size.
 4. 2b. Number of units with number of bedrooms.
 5. 2c. Hotel number of bedrooms.
 6. 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,936 sq' of restaurant a developer is required to provide 1:1 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
3. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
4. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crichton Drive the setback proposed is 20 ft and not 25 ft as required.
 - 4a. The parking areas proposed on Crichton Drive are outside of the property line.
 - 4b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

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4c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

5. If variances are requested they have not been mentioned on the notification to the public.
6. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project, but again calculations have not been displayed on this application.
- 7.
8. In summary, the area of Crystal Harbour is a very quiet residential area. We purchased and are in the process of building a family home in Crystal Harbour. We are complying with the Crystal Harbour covenants ourselves in ensuring our own home is limited in size and height and to hear now that a huge multi-storey and high density development is now being planned just a few roads away is not we believe in compliance with and/or not reflective of current planning guidelines for this area. There is an existing hotel in the neighbourhood, The Holiday Inn, across the road from this planned development however it is significantly set back from the road and is in keeping with height restrictions and precedents of the neighbourhood and respects the general quiet residential feel of the area. There is no precedent in Crystal Harbour that allows for such large and dense structures which will effectively tower over neighbouring homes and which will impose on their quiet enjoyment and privacy. The increase in traffic due to the level of condensing of units into a strip of land will have a detrimental effect on traffic flows and continuing damage to existing estate roads, which were not built for and are not conditioned for such heavy traffic. This is both in the short term as the property is being built but also in the long term with increased density on such a small piece of land. We also have reservations based on our understanding of the developer's history with previous developments, i.e. that what is submitted to planning will not be adhered to, to the detriment of neighbouring properties and the environment.

Many thanks.

Ian Jemieson and Tanya Jemieson
Owners of Block 17A Parcel 318

1. I have reviewed the application and the information provided and I am satisfied that the proposed development is in accordance with the relevant provisions of the Resource Management Act 1991 and the relevant provisions of the Resource Management (Crystal Harbour) Regulations 2011.

2. I have reviewed the application and the information provided and I am satisfied that the proposed development is in accordance with the relevant provisions of the Resource Management Act 1991 and the relevant provisions of the Resource Management (Crystal Harbour) Regulations 2011.

3. I have reviewed the application and the information provided and I am satisfied that the proposed development is in accordance with the relevant provisions of the Resource Management Act 1991 and the relevant provisions of the Resource Management (Crystal Harbour) Regulations 2011.

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Popovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 4, 2022 9:58 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Objection to PROJECT NO P21-1260, Block 17A Parcel: 170REM1

From: Gonzalo Jalles (jgallas@gmail.com)
Sent: Monday, January 3, 2022 3:42 PM
To: Department of Planning <Planning.Dept@pov.ky>
Subject: [EXTERNAL] Obj: to PROJECT NO P21-1260, Block 17A Parcel: 170REM1

Dear Director of Planning,

Re: Objection to **PROJECT NO P21-1260**, Block 17A Parcel: 170REM1

My name is **Gonzalo Jalles**, co-owner of Block and Parcel: **17A 85** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 stories or 65' heights in general hotel tourism areas and only in HI zone 1. This is a neighborhood of 2 stories family homes, for sure this could have not been designated to build above 5 stories and if it was it must be a mistake that should be rectified. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public and not allow construction above 5 stories that is already completely outside the neighborhood in which is located.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size.
 - 2a. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the

developer is required to provide parking as per number of rooms however the analysis has not been provided.

2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

3a. The parking areas proposed on Crighton Drive are outside of the property line, this must not be accepted, the property should self contain its own parking spaces as required by the regulation and there should not be a property that is designated single family residential used for a parking building.

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for the zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel Tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

On top of all the above, when we bought our lot many years ago, we specifically asked about the lot in objection and we were told that nothing too big or tall was going to be built as this area is a residential area

Crystal Harbour is a quiet and family friendly neighborhood with low density, bringing this huge development will be totally against the idea of what it is right now as it will bring a very high density and also cars parked everywhere on the roads (as there is not enough parking space on the proposal considering the amount of units); it will also bring a lot more traffic and danger to the safety we have now for kids to ride bike and walk dogs.

I'm very surprised that an application for a project is accepted by the planning department when so much information about the development is missing.

If there is a separate parking in a separate parcel that should be considered as a separate application, under which is more than clear that a parking building can not be approved in a single family designated parcel.

Given all that is expressed above I strongly encourage you to reject this application which needs to go back to the drawing board.

Sincerely,

Papovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 4, 2023 9:58 AM
To: Papovich, Nicholas
Subject: FW: Objection to PROJECT NO.P21-1260, Block 17A Parcel 1708EM1

From: Brakes, Gregory <greg@brakes.com>
Sent: Monday, January 1, 2023 12:32 PM
To: Department of Planning <Planning.Dept@gea.ny>
Cc: Greg Brakes <greg@brakes.com>
Subject: [LX -0041] Objection to PROJECT NO.P21-1260, Block 17A Parcel 1708EM1

Dear Director of Planning,

Re: Objection to PROJECT NO.P21-1260, Block 17A Parcel 1708EM1

My name is **Gregory Brakes**, owner of **Block 17A and Parcel 17** in Crystal Harbor.

I would like to object to the proposal of the plan for Block 17A Parcel 1708EM1 on the following grounds:

1. Hotel maximum allows 4 stories or 65' height in general Hotel for rear areas and only in HT zone 1 and 2 it permits 10 stories. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 stories being proposed. The Department of Planning should enforce the developer to indicate this to the public.

2. The application is incomplete as what has been made available to the public is only a site plan and site survey. No floor plans are shown on this application, neither information requested as per below:

- 2a. A site analysis with calculations for property size.
- 2b. Number of units with number of bedrooms
- 2c. Hotel number of bedrooms.
- 2d. Number of parking spaces proposed for the Hotel and the restaurant

For 13,336 sq ft restaurant a developer is required to provide 67 parking spaces.

For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.

2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on the application.

3. On Hotel maximum the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 28 ft and not 25 ft as required.

4. The parking areas proposed on Crighton Drive are outside of the property line

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be zero units on a setback of 25 ft. As it should be for this zone. 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north end.

4. If variances are requested they have not been mentioned on the notification to the public.

5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Disturbing the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

Please do let me know if you have any questions.

Yours sincerely,

Gregory Brooks
916 5848
PO BOX 1110
KY1 5006

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Papovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 4, 2022 9:58 AM
To: Papovich, Nicholas
Subject: FW: [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

From: Rebekah Brooks (mailto:rebekah@csandwvxy)
Sent: Monday, January 3, 2022 12:22 PM
To: Department of Planning <Planning.0es@dcgov.ky>
Subject: [EXTERNAL] Objection to PROJECT NO.P21-1260, Block 17A Parcel: 170REM1

Dear Director of Planning

Re: Objection to **PROJECT NO.P21-1260**, Block 17A Parcel: 170REM1

My name is **Rebekah Brooks**, owner of **Block 17A** and **Parcel 78** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel 170REM1 on the following grounds:

1. Hotel tourism allows 5 stories or 60' heights in general hotel Tourism areas and only in HT zone 1 and 2 it allows 10 stories. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 stories being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, neither information required as per article:
 - 2a. A site analysis with information for property size.
 - 2b. Number of units with number of bedrooms.
 - 2c. Hotel number of bedrooms.
 - 2c. Number of parking spaces proposed for the hotel and the restaurant. For 15,396 sq ft restaurant a developer is required to provide 17 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 23 ft and not 25 ft as required.
 - 3a. The parking areas proposed on Crighton Drive are outside of the property line.
 - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
 - 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north side.
4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Reducing the area of the proposed vacant

62

plots increases the density of the proposed project but again calculations have not been displayed on this application.

Please do let me know if you have any questions.

Yours sincerely,

Rebekah Brooks

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

SD

Popovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 4, 2011 3:58 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Objection to PRO. PCT NO. P21-1260, Block 17A Parcel: 170R65M1

From: Nicola Davies [mailto:davies.na57@gmail.com]
Sent: Sunday, January 2, 2011 3:48 PM
To: Department of Planning <PlanningDept@govt.ky>
Subject: [EXTERNAL] Objection to PRO. PCT NO. P21-1260, Block 17A Parcel: 170R65M1

Dear Director of Planning,

Objection to PROJECT NO. P21-1260, Block 17A Parcel: 170R65M1

My name is **Nicola Davies**, owner of Block and Parcel: **17A Parcel: 159**, in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170R65M1 on the following grounds:

1. Hotel townplan allows 5 storeys or 65' heights in general hotel townplan areas and only in HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, neither information required as per below.
 - 2a. A site analysis with information for property size.
 - 2b. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sq ft of restaurant a developer is required to provide 87 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application
3. In Hotel townplan the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Creighton Drive the setback proposed is 20 ft and not 25 ft as required.
 - 3a. The parking areas proposed on Creighton Drive are outside of the property line.
 - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

63

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel towers on the north canal

4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

Kimel regards
Nicola Davies

2017-01-10 10:00 AM

2017-01-10 10:00 AM

2017-01-10 10:00 AM

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Popovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 2, 2022 9:37 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Objection to PROJECT NO.P21-1260 Block 17A Parcel: 170REM1

From: Darlee Ebanks (mailto:darlee@corneway)
Sent: Sunday, January 2, 2022 1:51 PM
To: Department of Planning <Planning.Dept@gov.ky>
Subject: [EXTERNAL] Objection to PROJECT NO.P21-1260, Sec: 17A Parcel: 170REM1

Dear Director of Planning,

Re: Objection to [PROJECT NO.P21-1260](#) Block 17A Parcel: 170REM1

My name is **Darlee Ebanks** owner of Block and Parcel: **17A 165** in Crystal Harbour.

I hereby submit my objection to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel tourism areas and only in HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size.
 - 2b. Number of units with number of bedrooms.
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking

64

spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.

2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel Tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

3a. The parking areas proposed on Crighton Drive are outside of the property line.

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel Tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.

5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

I trust you will take my objection into consideration and deny permission for this development.

May you be so kind as to confirm receipt of my email.

I look forward to hearing from you.

Thank you.

Darlene Banks

Scat from my iPhone

Popovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 4, 2022 9:57 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL] Objection to project number P21-1260

From: gisela gamba [mailto:gisela.gamba@gmail.com]
Sent: Sunday, January 2, 2022 11:15 AM
To: Department of Planning <Planning.Deps@gov.lk>
Subject: [EXTERNAL] Objection to project number P21-1260

Dear Director of Planning,

Re: Objection to **PROJECT NO.P21-1260**, Block 17A Parcel: 170REB/M1

My name is **Gisela Gamba Fernandez**, co-owner of Block and Parcel: **17A 85** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM1 on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general hotel tourism areas and only in H1 zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size.
 - 2b. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.

65

2c. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.

3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.

3a. The parking areas proposed on Crighton Drive are outside of the property line

3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.

3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.

4. If variances are requested they have not been mentioned on the notification to the public.

5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

On top of all the above, when we bought our lot many years ago, we specifically asked about the lot in objection and we were told that nothing too big or tall was going to be built as this area is a residential area.

Crystal Harbour is a quiet and family friendly neighborhood with low density. bringing this huge development will be totally against the idea of what it is right now as it will bring a very high density and also cars parked everywhere on the roads (as there is not enough parking space on the proposal considering the amount of units); It will also bring a lot more traffic and danger to the safety we have now for kids to ride bike and walk dogs.

I'm very surprised that an application for a project is accepted by the planning department when so much information about the development is missing.

I hope you take this objection seriously as this proposal is very incomplete.

Sincerely,

Gisela Gamha Fernandez

Popovich, Nicholas

From: Department of Planning
Sent: Tuesday, January 4, 2022 9:57 AM
To: Popovich, Nicholas
Subject: FW: Objection to PROJECT NUMBER P21-1260 BLOCK 17A PARCEL 170REM1

From: R. Steinsky (mailto:rusteinsky@steinskyenterprises.com)
Sent: Sunday, January 2, 2022 9:52 AM
To: Department of Planning <Planning.Dept@gov.ny>
CC: R. Steinsky <rusteinsky@steinskyenterprises.com>
Subject: [LX: UPRM:] Objection to PROJECT NUMBER P21-1260 BLOCK 17A PARCEL 170REM1

Dear Mr. Pandohie,

Re: Objection PROJECT NUMBER P21-1260, BLOCK 17A PARCEL 170REM1

My name is **Rudolph Steinsky**, co owner of Parcel: **17A30** in Crystal Harbour

I would like to object to the proposal of the plan for **Block 17A Parcel: 170REM1** based on the following grounds:

1. Hotel tourism allows 5 storeys or 65' heights in general Hotel Tourism areas and only in HT zone 1 and 2 it permits 10 storeys. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 storeys being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations, No floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size.
 - 2b. Number of units with number of bedrooms
 - 2c. Hotel number of bedrooms.
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 15,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans It is noted that on Crigton Drive the setback proposed is 20 ft and not 25 ft as required.

66

- 3a. The parking areas proposed on Clighton Drive are outside of the property line.
 - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
 - 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
- 4. If variances are requested they have not been mentioned on the notification to the public.
 - 5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned on the notification letter. Deducting the area of the proposed vacant plots increases the density of the proposed project but again calculations have not been displayed on this application.

Thank you for your consideration,
Rudolph Steinsky

Popovich, Nicholas

From: Department of Planning
Sent: Thursday, December 31, 2020 9:11 AM
To: Popovich, Nicholas
Subject: FW: [EXTERNAL]

And so it begins:

From: T. Leshika (KY) [mailto:teshika@town.com]
Sent: Thursday, December 24, 2021 1:49 PM
To: Department of Planning <Planning.Dept@town.com>
Subject: [EXTERNAL]

Dear Director of Planning,

Re: Objection to [PROJECT NO. P21-1260](#), Block 17A Parcel: 170REM.

My name is **TODD LESHIKAN**, owner of Block and Parcel: **17A 306** in Crystal Harbour.

I would like to object to the proposal of the plan for Block 17A Parcel: 170REM on the following grounds:

1. Hotel tourism allows 5 stories or 55' heights in general hotel Tourism areas and only Tr. DT zone 1 and 2 it permits 10 stories. The application does not specify if this property is Zone 1 or 2 to allow for the 7 and 9 stories being proposed. The Department of Planning should enforce the developer to inform this to the public.
2. The application is incomplete as what has been made available to the public is only a site plan and elevations. No floor plans are shown on this application, neither information required as per below:
 - 2a. A site analysis with information for property size
 - 2b. Number of units with number of bedrooms
 - 2c. Total number of bedrooms,
 - 2d. Number of parking spaces proposed for the hotel and the restaurant. For 13,336 sf of restaurant a developer is required to provide 67 parking spaces. For the Hotel the developer is required to provide parking as per number of rooms however the analysis has not been provided.
 - 2e. The site coverage should not exceed 40% of the property size as per planning laws and the numbers are not shown on this application.
3. In Hotel tourism the minimum road and rear setback is 25 ft. As per proposed plans it is noted that on Crighton Drive the setback proposed is 20 ft and not 25 ft as required.
 - 3a. The parking areas proposed on Crighton Drive are outside of the property line.
 - 3b. The hotel is encroaching on a 20 ft setback, the encroachment will be even more on a setback of 25 ft. As it should be for this zone.
 - 3c. The duplexes, as proposed, are encroaching into the setback of 25 ft for Hotel tourism on the north canal.
4. If variances are requested they have not been mentioned on the notification to the public.
5. The corner plots at the west end of the property are shown vacant and as a subdivision. This subdivision is not mentioned in the notification letter. Deducting the area of the proposed

67

vacant plots increases the density of the proposed project but again calculations have not been displayed in this application.

T.C. Leschkar

PSU | Partner, Tax

Office: 345-914 8666

Email: t.leschkar@psw.com

PricewaterhouseCoopers

16 Forum Lane, P.O. Box 256, Grand Cayman, Cayman Islands KY1-1104

<http://www.pwc.com/ky>

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Popovich, Nicholas

From: Pandchie, Haroon
Sent: Thursday, December 30, 2021 7:07 AM
To: Popovich, Nicholas
Subject: [EXTERNAL] Planning objection

Dear Nick,

Please see below letter of objection.

With kind regards,

Haroon Pandchie, MCRP, MBA, AICP
Director of Planning
Department of Planning
City Government
(145) 244 6566

From: "Liz" <scayman_lizard@yahoo.com>
Sent: Wednesday, December 29, 2021 11:09 AM
To: haroon.pandchie@city.ky
Subject: [EXTERNAL] Planning objection

Dear Director of Planning

My name is Elizabeth Lizard and I am a lease owner of L7A31.

I am strongly objecting to the applicant's build of residential units, 4, 44 bed, 8 stories, 9 story hotel, 3 apartments, 5, 4 wings at 7/9 acres, so much more, 2 story garage/storage, 5 residential lots and commercial units L7A143/144/100RFM1

I am concerned on so many levels

1. Way too many buildings, just too extreme for the area and neighborhood.
2. Way too high 7/9 feet?!! What am I seeing
3. The truck coming in and out can't handle the traffic especially during raining season
4. This would be our view we didn't buy and build here to look at that type of ugliness, it's very upsetting to think something like this would pass through planning.

If they do want to build up a hotel with a few more it's would be one thing but this is just huge, ugly and not needed. Please don't approve the owners. The new they live on the corner of South Ground and have a beautiful view ask them if they'd like their back yard to look at this wall?

Being Caymanian, asking fellow Caymanians, please don't approve this eyesore, let try and ask for more beauty and taste in the things we are having built.

Regards
Liz

PO Box 32134
Grand Cayman
KY 1-1938

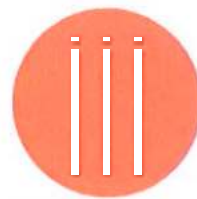
949 9212



[The page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.]

18

Appendix C



TRIO
ARCHITECTURE
INTERIOR DESIGN
ENGINEERING

November 28, 2021
Central Planning Authority
Re: Frisna Development, 17A-707E&1 + 17A-145-113

The Frisna Project being proposed by Loro LLC, the original developer of Crystal Harbour, is designed to meet the evolving needs of the Crystal Harbour community, the surrounding neighborhoods and the broader island.

Bringing together an mix of residential offerings, including loft style apartments, townhomes, duplexes, and single-family homes Frisna combines them with a series of intimate commercial retail, food and beverage offerings woven around an intimate marine basin, all anchored by a Boutique Hotel. Frisna will both create its own community and be a meeting place for the hundreds of families who live within walking distance of the site and currently have little or no public amenities to enjoy.

In addition, Crystal Harbour is one of the most active neighborhoods for walking and/or jogging but lacks a safe place for people to gather. The public plazas in Frisna provide the

the combination of product offerings also allows for a broad range of purchasers to be part of the community, from singles and young families through to multi-generational households.

Frisna is located on the coastline parallel to Crystal Harbour. In order to achieve the desired balance for the Crystal Harbour community, Frisna is designed well below what is allowed under the regulations for this site.

It is below in height, below in density and exceeds what is required for parking. Despite this it provides what's needed to meet its objective as a focal point for the community, without overwhelming the rest of Crystal Harbour.

The elements that make up Frisna have also been carefully positioned to interface appropriately with the surroundings, such as the boutique hotel being shaded across from the existing hotel by the hotel and away from the residential quays and the Duplexes situated across the central from similar sized homes.

Careful consideration has been given to minimizing vehicular traffic with an emphasis on pedestrian flow and public spaces and incorporating electric transport and shared vehicle approaches. The project has also been designed to enhance the surrounding

CAYMAN ISLANDS
131 Swan Lane, Suite 301, 2nd Floor
Camaña Bay, Grand Cayman

USA
210 1/2nd Street, Unit 107
Summer Isles Beach, FL 33142

Tina Andil Blackman



waters bringing them into the heart of the development surrounded by the pedestrian promenade, bridge and public gardens

Design specifications also emphasizes the need to both construct and operate in the most ecologically sustainable way, focusing on renewable options, minimizing water usage, efficient MEP systems and, as stated above, minimizing vehicular requirements.

1. Project Location:

Crystal Harbour is a residential community in the district of West Bay South, and it contains various types of residential structures, varying from coral front Single-Family Homes, Duplexes, Townhomes, and a Hotel. Below are illustrations of these structures:

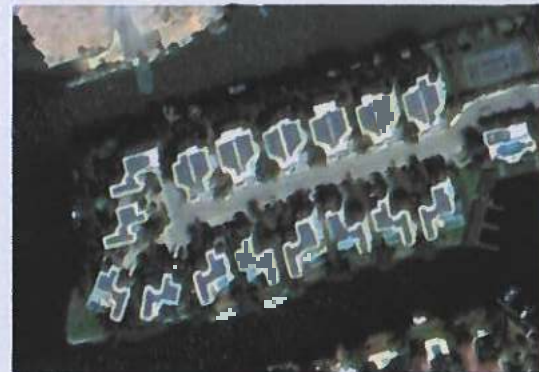
Crystal Harbour:



Single Family Homes:



Duplexes:



Townhomes:



Hotel:



2. Site:

- Block & Parcel: 17A-703EM1 + 17A-145 + 17A-146
- Acre: 328,508 Sq. Ft. = 7.54 Acres
- Zoning: Hotel/Tourism
- Proposed Use: Hotel, Residential, Commercial

3. Project Description:

Project consists of (1) 9 story Hotel, (5) Apartment Buildings (between 7 and 9 stories), (12) 3 story Duplexes, (22) 3 story townhouses, a 2 story garage/storage building, a lot's designed for single family homes, and a central amenity structure containing a Signature Restaurant, Café, and an Owner's Lounge, all interconnected via fire, landscaped pathways, courtyards, terraces, and public gardens.

The development proposed a total of 53 residential units and 44 hotel rooms for a total of 137 units.

4. Neighborhood bonding:

The illustration below shows the symbiotic relationship between the various types of proposed structures and the surrounding environment.

below please find a detailed description of each structure and their use:

Hotels:

Prisma Hotel is a 7 Story building with a Lobby/Restaurant on the ground level, 44 Hotel Suites on 6 floors, and a Rooftop bar and pool.

- **Apartment buildings 1, 3 and 5:**
Buildings 1, 3, and 5 are 4 stories with a 2,019 square foot retail space on the ground level and 18 apartment units each, for a total of 30 units.
- **Apartment Buildings 2 and 4:**
Buildings 2 and 4 are 5 stories with a 2,019 square foot retail space on the ground level and 14 apartment units each, for a total of 28 units.
- **Duplexes:**
There are 6- 3 story Duplex structures containing a total of 10 units.
- **Townhouses:**
There are 6- 3 story Townhouse structures containing 4 units each, for a total of 20 units.
- **Pods:**
There are 3 serviced pods for future single family residences.

Amenities:

The Amenities structure consists of a 2 story building containing a Signature Restaurant, a Café, an Owner's Lounge, and community pool. The creation of the Marine Basin and various Private and Footpaths, bridge, and public gardens will enhance the project as well as the surrounding neighborhood's public spaces.

Other amenities will be developed via community facilities, commercial retail offerings in the lower levels of the apartment buildings and through The Boutique Hotel.

- **Garage/Storage:**
The Garage/Storage structure consists of a 2-story building containing 12 covered parking garages on the ground level and 7,348 square feet of storage space on the second level.

5. Compliance with Development and Planning Regulations:

Zoning: R-10e/Tourism

Permitted uses:

Hotels, cottage colony developments and apartments

Proposed uses/complied:

Residential:

- Hotel, Apartments, Townhouses, Duplexes, Single family homes

Accessory & Amenities:

- Restaurant, Retail, Garage/Storage

Lot Size:

Required: 0.5 acres = 21,780 sq. ft.

Provided: 7.5 acres = 328,978 sq. ft. **complied**

Site Coverage:

Allowed: 47%

Provided: 24% **complied**

Density:

Hotel:

Allowed: 65 per acre

Provided: 6 per acre **complied**

Apartments:

Allowed: 25 per acre

Provided: 9 per acre **complied**

Townhomes:

Allowed: 25 per acre

Provided: 3 per acre **complied**

Duplex:

Allowed: 3.5 per acre

Provided: 1 per acre **complied**

Single Family Homes:

Allowed: 4.3 per acre

Provided: 1 per acre **complied**

Height:

Allowed: 120 = 10 stories

Provided: 120 = 9 stories **complied**

Parking:

Required: 909

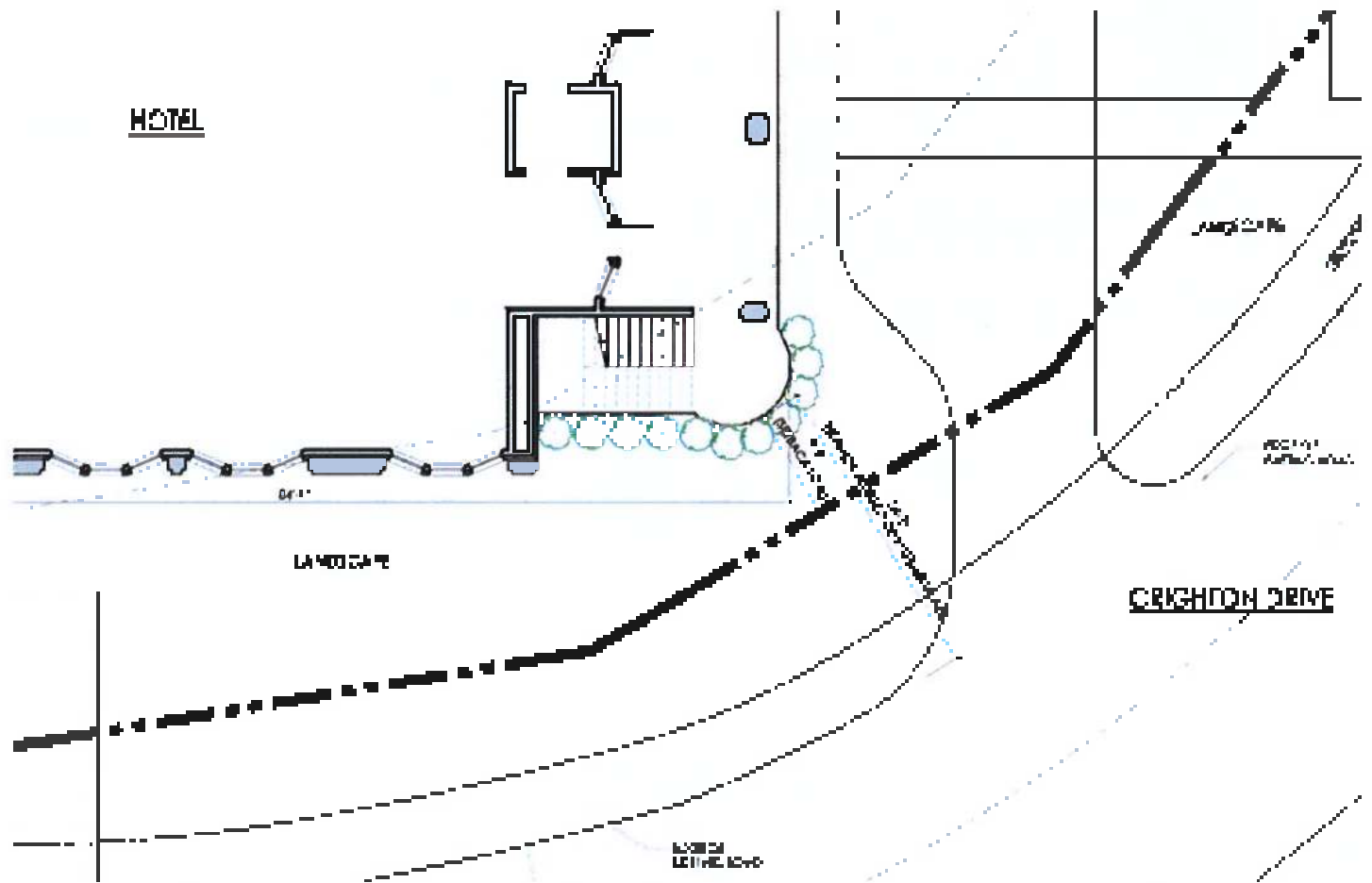
Provided: 928 **complied**

Variances:

The design of the project underwent a careful, multi-step review and development process and despite the wide range of elements included was able to achieve its intent with only the 2 variances that are being requested.

On behalf of our client, we are requesting the following variances to be granted:

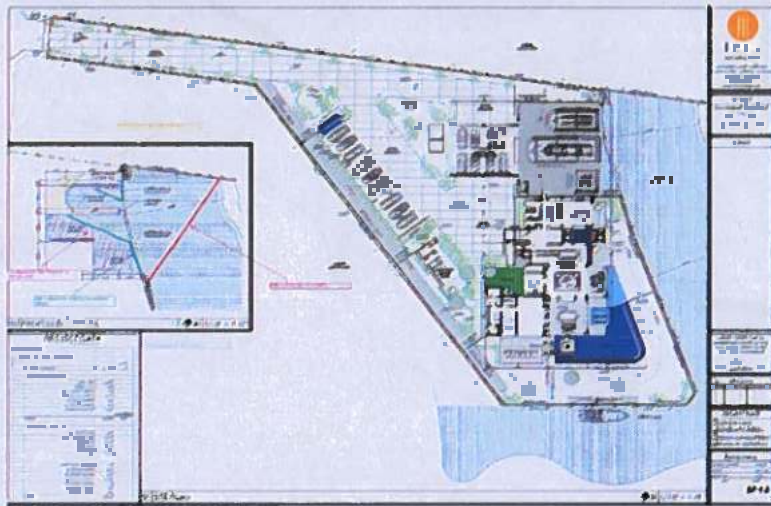
1. The Southeast corner of the Hotel Building is encroaching on to the front setback by 2'-5". It is important to note that the distance between the existing edge of the road and the proposed building is 26'-1". Please see illustration below:



As can be deduced on the sketch above, the following exceptional circumstances apply:

- ~~§(13)(b)(1)~~ any of laws characterizing that the client's investment potential,
- ~~§(13)(b)(1)~~ the project will not be unduly detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

2. The Duplexes and Townhomes are being proposed along the edge of the existing wetland, and reaching on to the canal section. It is important to note the following previously approved projects with similar conditions:
 - a. **Ducharme Residence**, located at Diamond's Edge, immediately adjacent to Marina. The Planning number for reference is P20-0340, which was approved in September, 2020. See below for exact location and details.



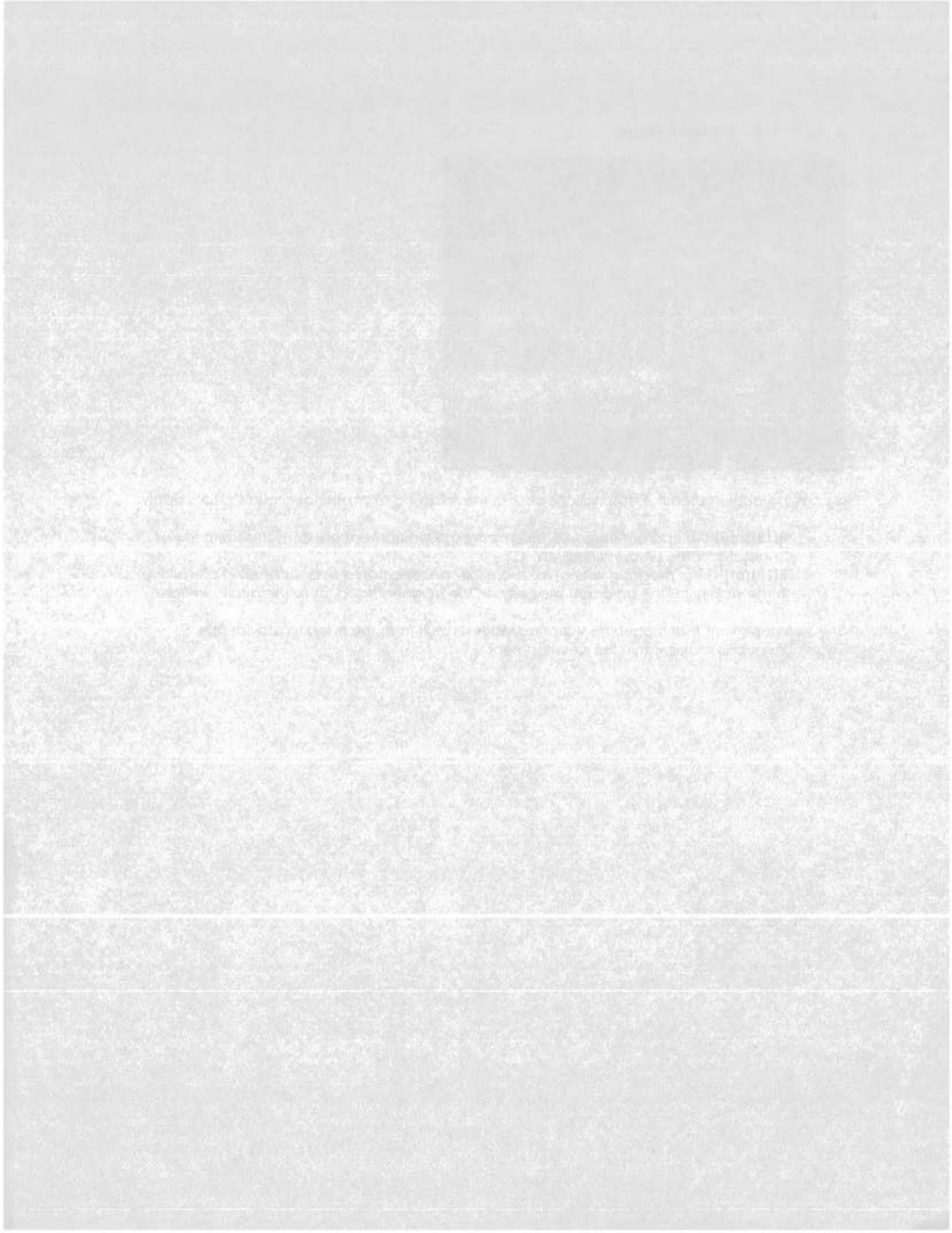
b. Ritz Deck Houses



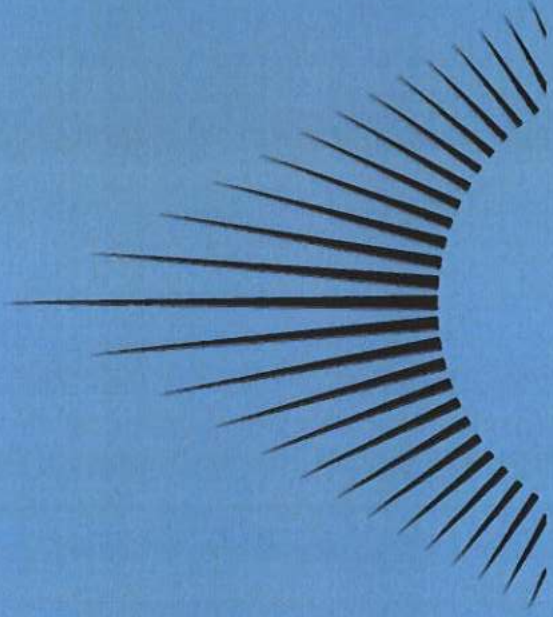
As can be deduced from the descriptions above, the following exceptional circumstances apply:

- 8(73)(b)(i) the place, timing, of the proposed development is consistent with the character of the surrounding area
- 8(74)(b)(ii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the neighborhood, or to the public welfare

The two conditions triggering the sunshine review, result from the effort to provide the maximum public space within the development.



Appendix D

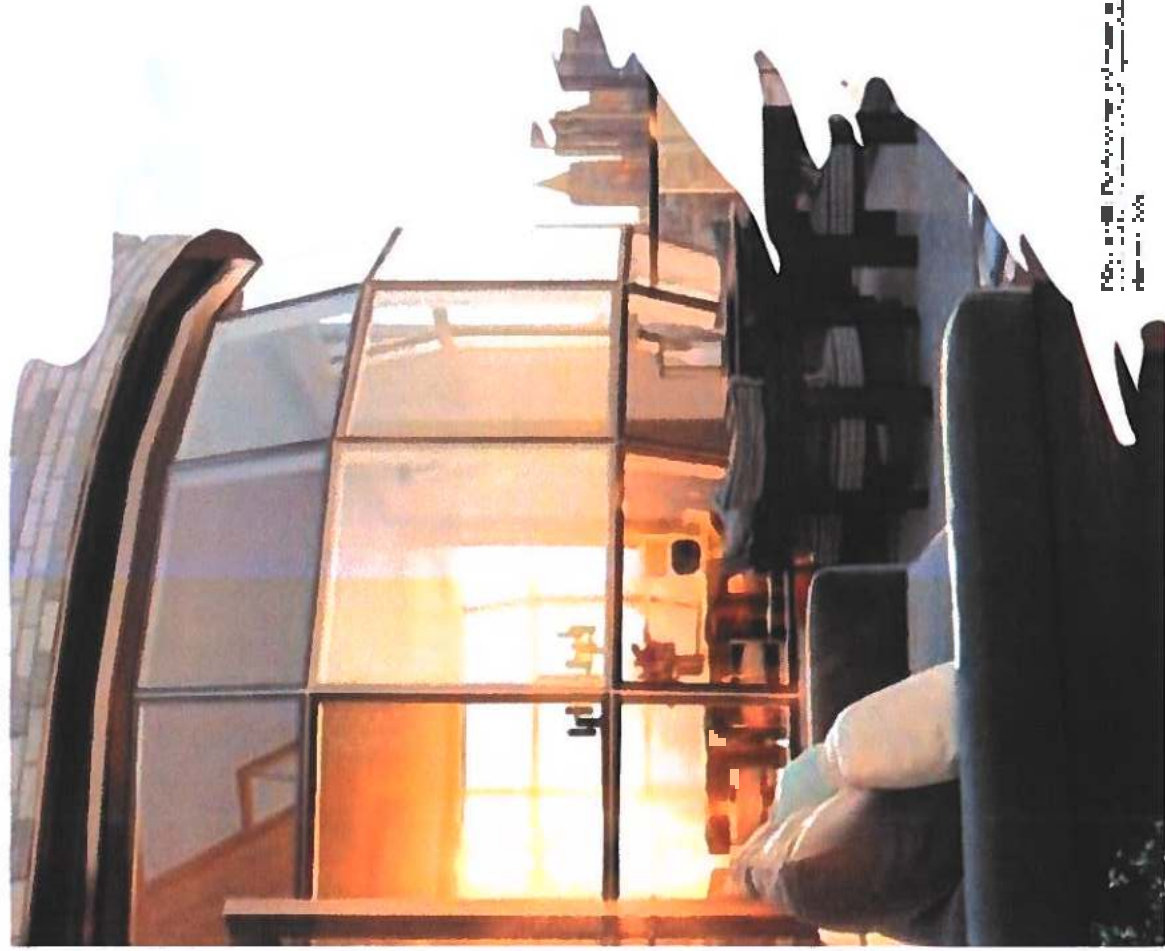


P R I S M A

HEART OF THE CRYSTAL

Design Brief — Prepared December 2021

INTRODUCTION TO PRISMA



DESIGN VISION

Prisma is a new mixed-use development located in the heart of Crystal Harbour

As the community and the client has grown its requirements have evolved and Prisma's design has not only met those of today but also the planning and building regulatory and evolving with the Crystal Harbour Community and that of the wider Queensland Waters

Prisma is designed to create community by bringing together a wide variety of useable outdoor settings all tied together in a generous urban and walkable and accessible public amenities that will enhance the lifestyle of the residents and the surrounding Crystal Harbour community

Although, as stated above, Prisma provides for a wide variety of unit types and services in many smaller buildings, all the elements are tied together with the structure windows and facade elements that create a cohesive architectural statement

CRYSTAL HARBOUR



PRIMA
BY LAND OR BY SEA

DISCLAIMER: This map is provided for informational purposes only. It is not intended to be used as a legal document. The actual boundaries and features of the property may vary from those shown on this map. For more information, please contact the relevant authorities.

INTRODUCTION TO PRISMA

Since its introduction in 1988, Crystal Harbour has long been vialen to create a community - the heart of the Seven Mile Beach Corridor, connected by and connective all elements to the North Sound's community which would offer a vibrant and varied life-style in Crystal Harbour. The applicaion is limited to the original developer of Crystal Harbour and the site is within the Project project which was, from the outset, set aside to be the key parcel to build out a vibrant community and services that a mature community would need and want.

The large site, over seven acres, was specifically designed and zoned to allow a vibrant community to grow to the point where there was sufficient residential occupation to both need and support the higher levels of services and amenities that the project brings. With over four hundred homes already existing in the community it has now reached that point.

The overall goal of the Seven Mile Beach Corridor was also necessitated new solutions to create attractive and appealing communities that are not desirable ways for us to grow the beachfront.

Given its potential and importance to Crystal Harbour and the surrounding communities, the applicant has spent more than ten years studying different approaches to create what it feels is the optimal solution for this site.



PRISMA
PROFESSIONAL REAL ESTATE SERVICES

PRISMA is a registered trademark of PRISMA Real Estate Services, Inc. All other marks are the property of their respective owners. PRISMA should not be considered as real

Introduction continued/...

Crime is necessary to be in the heart of Crystal Harbour, an urban oasis that brings residents and the surrounding community together with offering residential spaces, recreational retail spaces, parkour-style areas, a bridge and promenade, all surrounding the marine zone. The design engages with, and responds to, the existing canal and the North Sound, and the basin is accessed by a spectacular two-story glass signature restaurant clubdeck area.

In order to address its goals, Prisma provides residential typologies with a wide variety of residents that reflects the changed and changing needs of the area. As described more fully below, the project has Lofts for people wanting out or downsizing, Townhomes for growing families and features for higher more established households, all reflecting the surrounding Crystal Harbour community.

All of these residential elements are supported under the same high-quality of a European boutique hotel. A hotel anchor will bring a new class of a community that is greatly needed in the market.

The commercial retail areas, located on the ground floors of the loft towers, are designed to be promenade so that they welcome in the local community via the way it always built into the design. They are planned to include such services as a coffee shop, gallery, bar, restaurant, theater and playgrounds at its heart. These are all anchored by the two-story glasshouse featured restaurant at the heart of the building's design, designed to be a magnet for the community and ensure Prisma's growing reputation as the cultural capital of the Caribbean.

The development team brings experience in designing and executing complex ground-breaking projects that expand what Caribbean has to offer and in doing so ensures the vibrant future.



PRISMA
CORPORATION

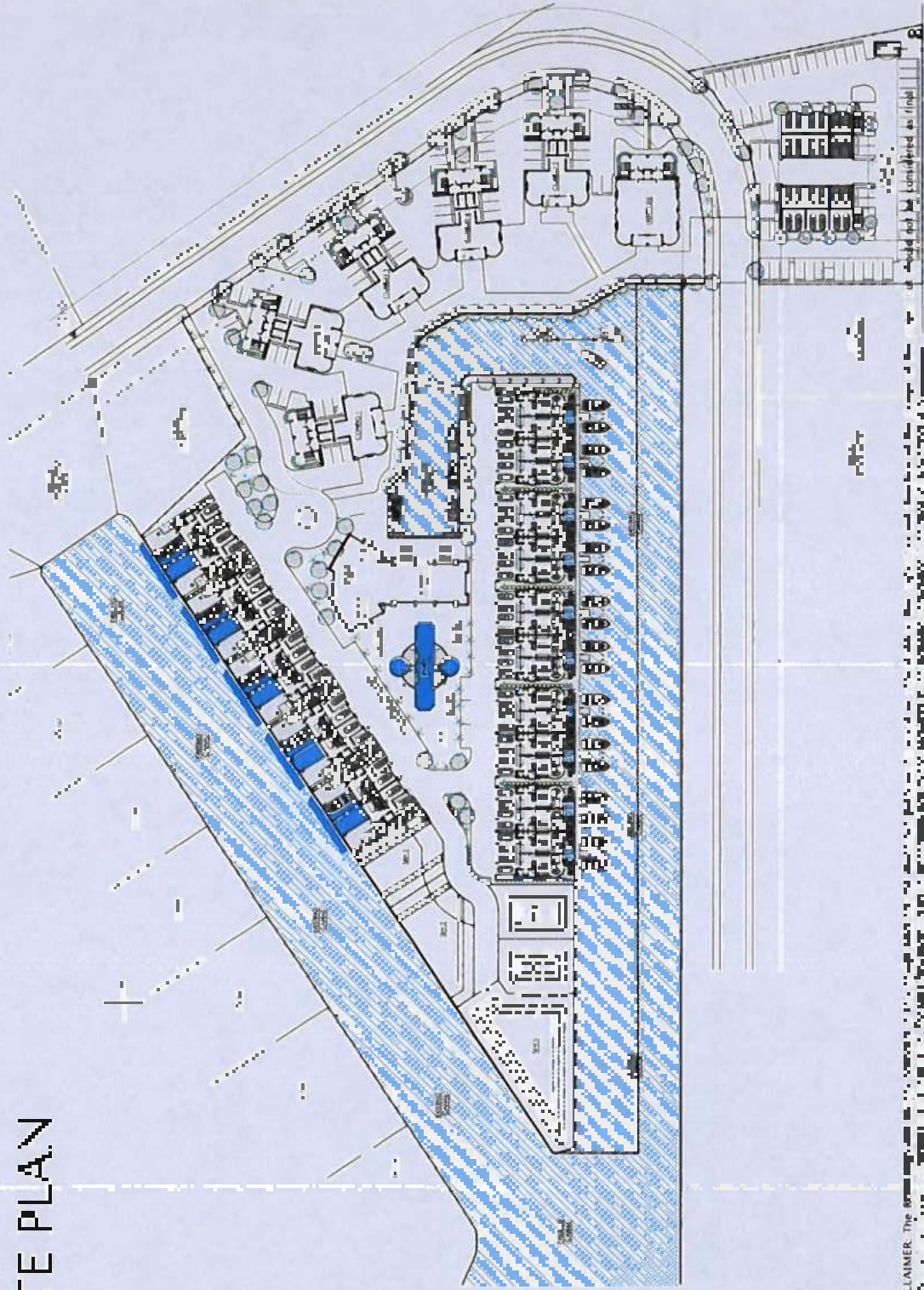
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P R I S M A S I T E P L A N

Prisma Design Brief



PRISMA SITE PLAN



COMMUNIAL SPACES

PRISMA COMMUNIAL SPACES

As can be seen in the following pages, the landscape plan for the project has been designed to welcome the community into Prisma via multiple access points onto the public promenade. The promenade winds from the parking area in the south along the edge of the nature-beam in 'twin' the commercial retail areas around the Glasshouse and back through landscaped pathways across the structure bridge so there is a natural flow

Along the way will be many areas, like the pocket gardens and seating areas where people can 'take and go' like a park down along the water channel in the twin and across the bridge.

The focal point is the Glasshouse, a two-story restaurant and owners club which will feature gastronomy on the highest level and herbaceous in an environment that will be unique in Europe.



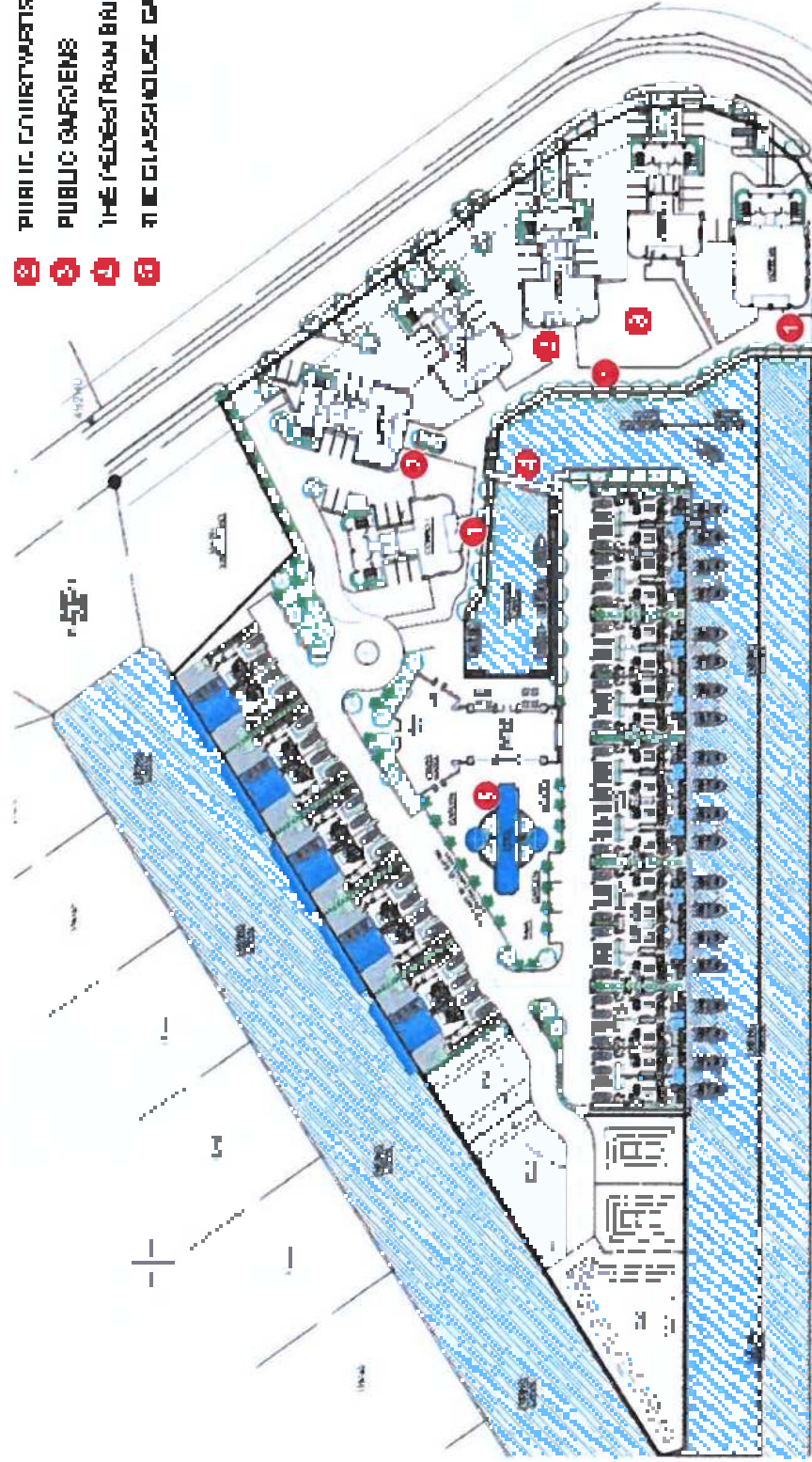
PRISMA
Landscape Architecture

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PRISMA COMMUNIAL SPACES

LEGEND

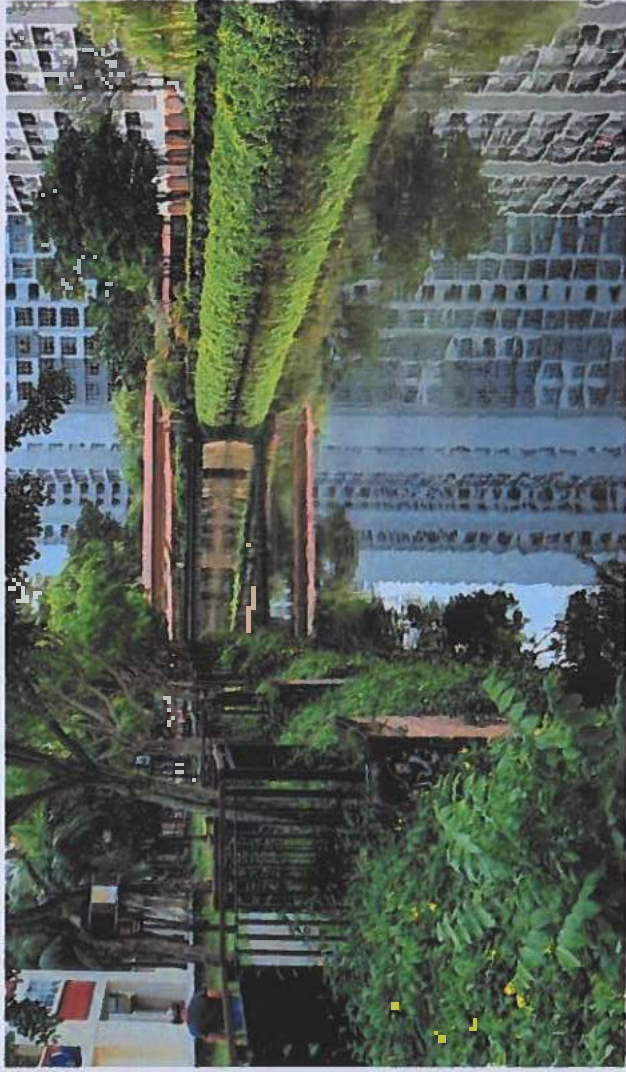
- 1** THE PROMENADE
- 2** PUBLIC COURTYARDS
- 3** PUBLIC GARDENS
- 4** THE PEDESTRIAN BRIDGE
- 5** THE GLASSHOUSE GARDEN



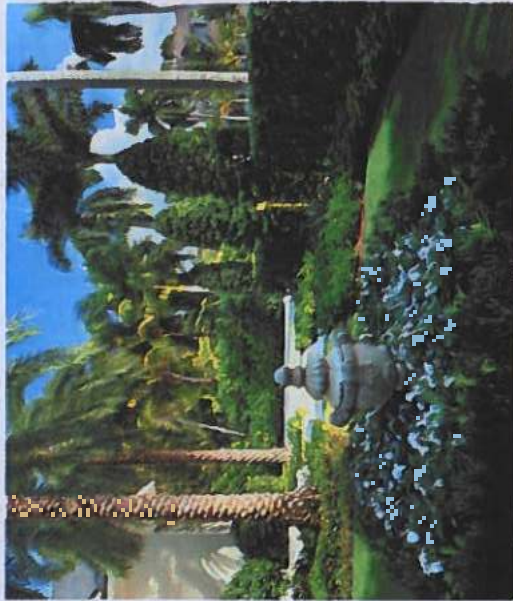
PRISMA
COMMUNIAL SPACES

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1 - THE PROMENADE



5 -THE GLASSHOUSE GARDEN



1
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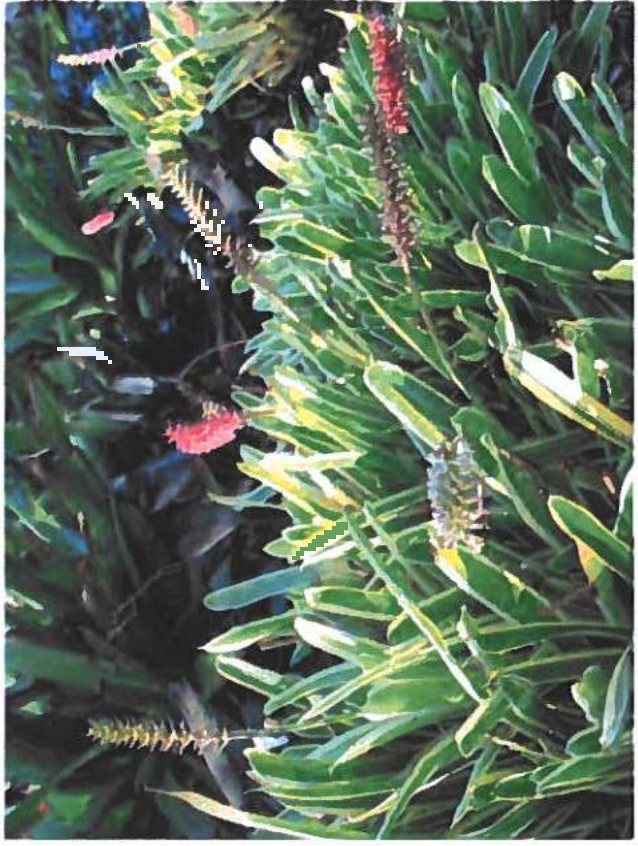
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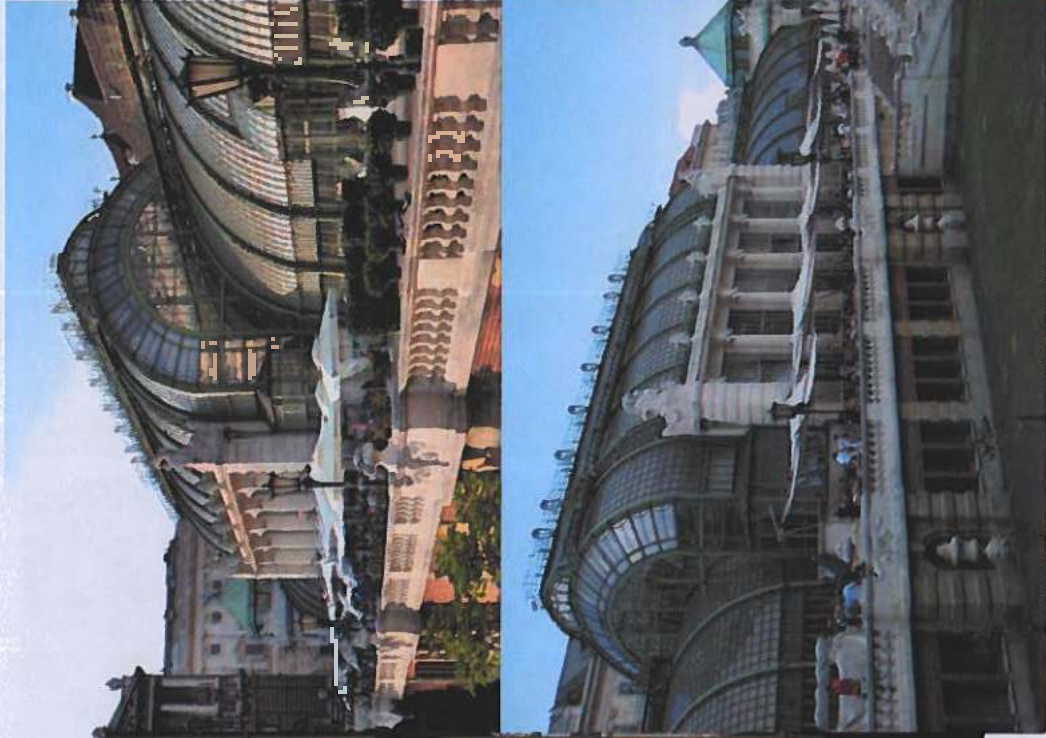
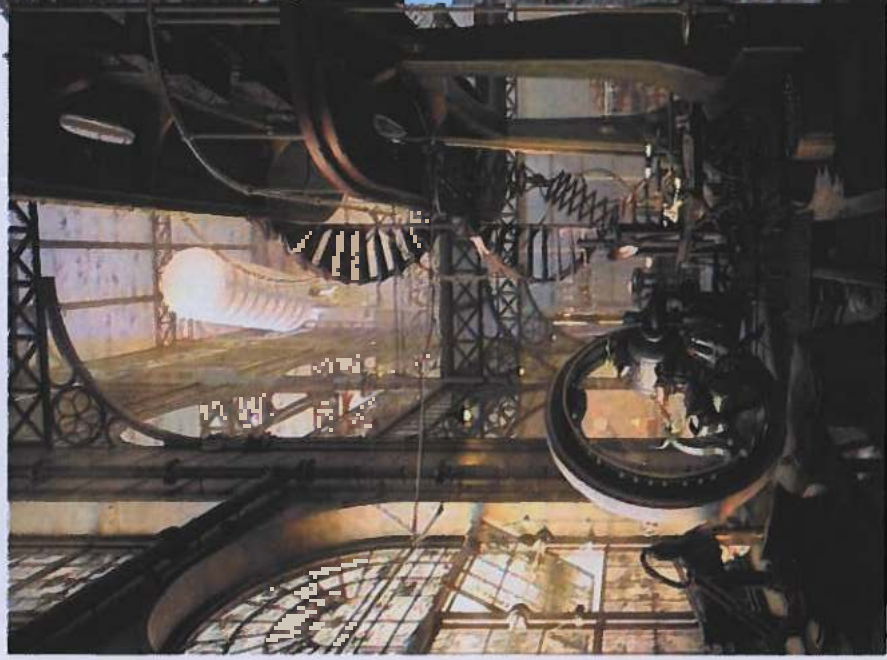
14

100g

8 - COLORFUL LOCAL PLANTING



GLASSHOUSE



GLASSHOUSE

GLASSHOUSE RESTAURANT, 100 BROADWAY, NEW YORK, NY 10038. RESERVATIONS: (212) 512-1234. WEBSITE: WWW.GLASSHOUSERESTAURANT.COM

P R I S M A P A R K I N G



Prisma Design Brief

PRISMA PARKING

Prisma has addressed the challenges normally associated with parking in a number of ways. Beginning by taking advantage of the advantages of a plan that is below the height and density allowed to provide more than is required.

Prisma's site also includes a larger parcel of land on the southeast corner dedicated to parking and storage, opening up more areas for public use of the main portion of the site. This parking feeds directly into the entrance providing easy and safe access for workers and community members alike.

The variety of unit types also allows for decentra and parking with each townhouse and duplex having a minimum of two dedicated spaces directly in front of the

Parking:

Required: 209

Provided: 228

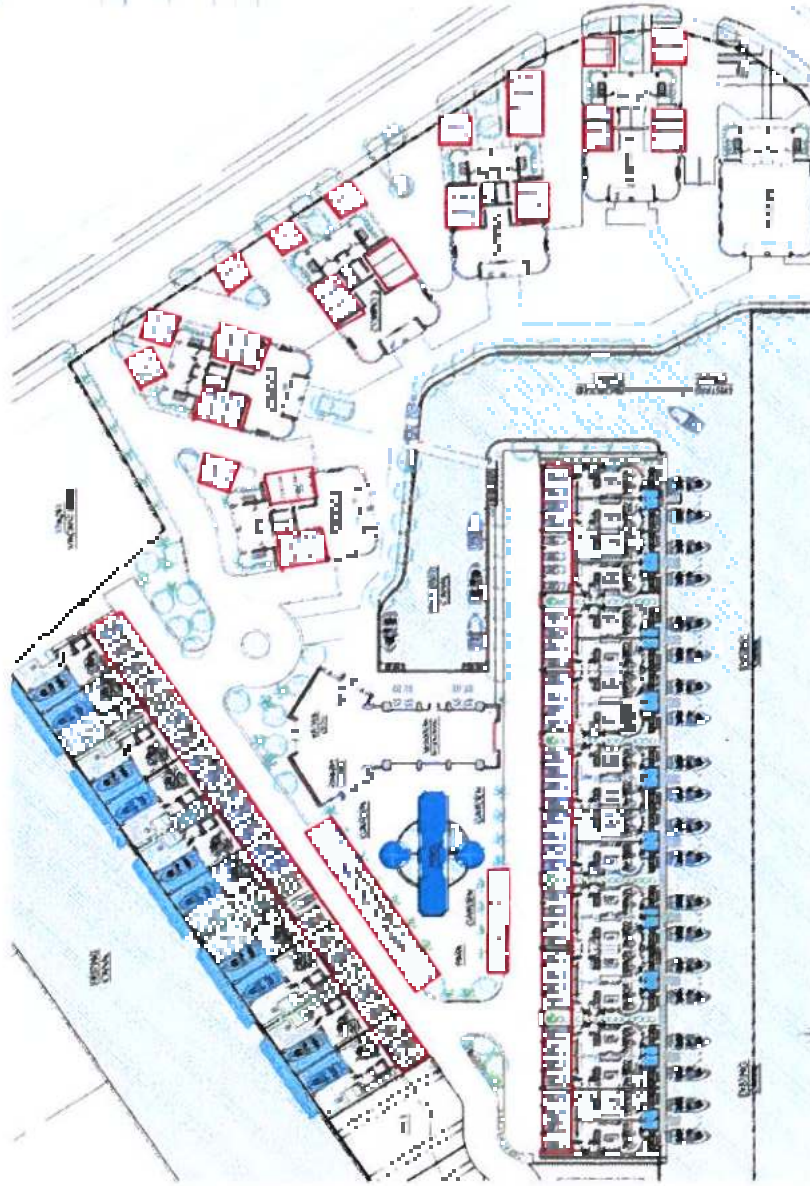


PRISMA
LIFE OF THE SITE

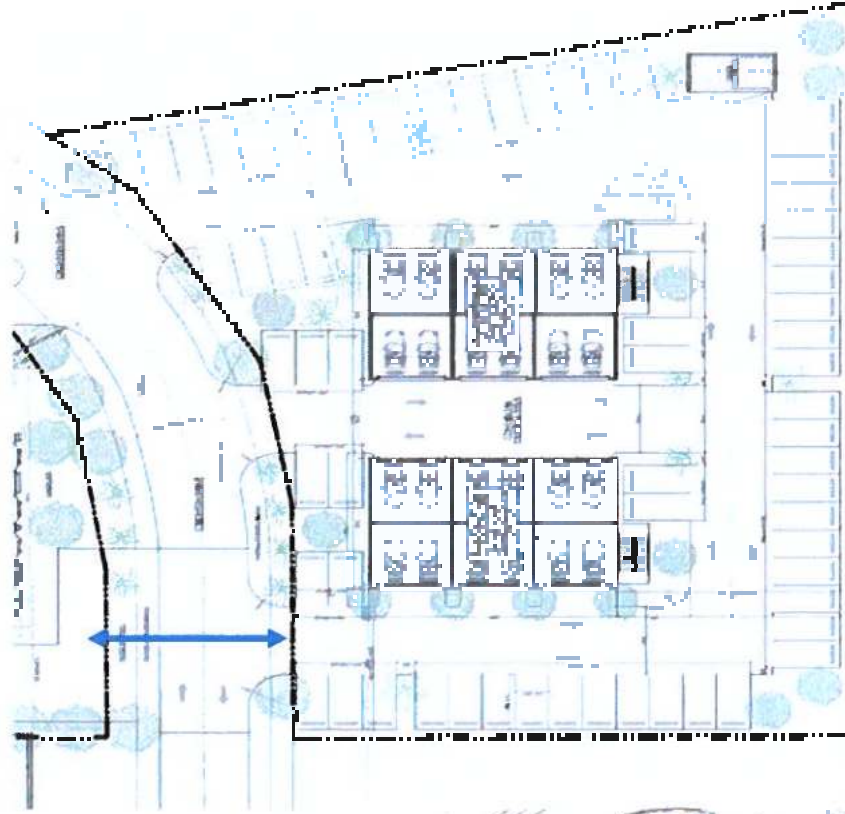
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PARKING

Parking for Residents outlined below.



South West Parking
 Accessing directly onto the Promenade



BRISHA
 CONSULTANTS

BRISHA CONSULTANTS (PVT) LTD. 10/11, 12/13, 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, 212/213, 214/215, 216/217, 218/219, 220/221, 222/223, 224/225, 226/227, 228/229, 230/231, 232/233, 234/235, 236/237, 238/239, 240/241, 242/243, 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GETTING AROUND THE COMMUNITY:

Prisma's design focuses on supporting alternative transport options



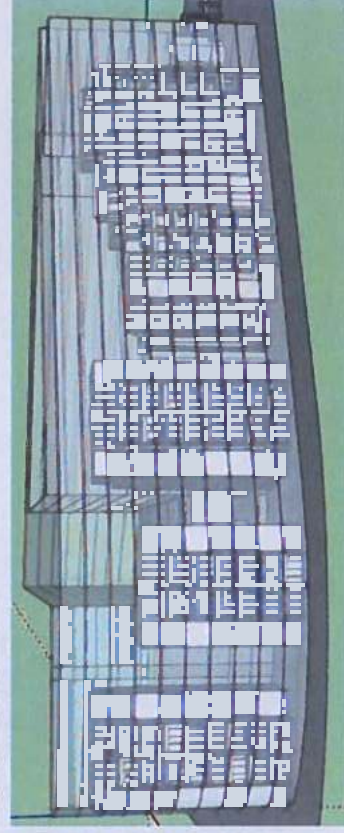
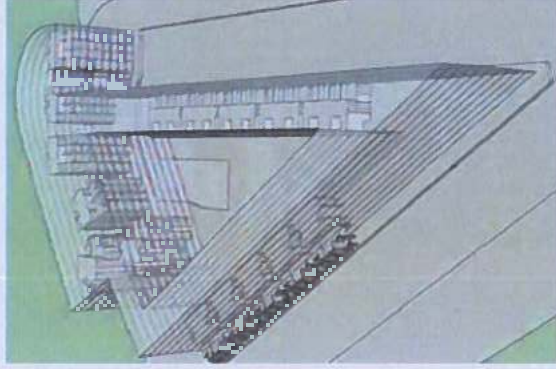
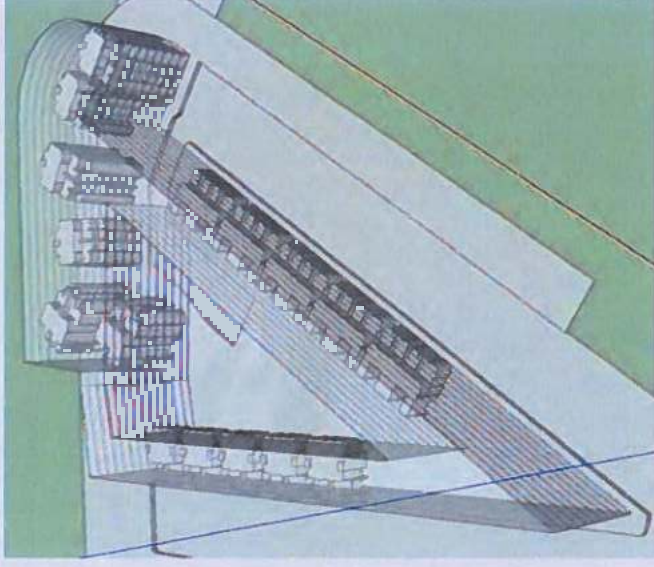
S I T E C O V E R A G E & C O M M U N I T Y I N T E R F A C E

SITE COVERAGE & COMMUNITY INTERFACE

The site was previously a park on the east large slope in the Green Mile North Future road with its major drainage slope of 1% surrounded by water with views in all directions.

The full allowances for the total building coverage for this area is represented in the attached massing studies are the proposed Program elements were:

Although, as can be seen in the attached massing studies, the total coverage allowances allowed for significantly more density and building height, after careful study the elements of the program design were developed to deliver the optimum solution for the project within the Crystal Harbour community while recognizing how what is currently permitted on the site.



SITE COVERAGE & COMMUNITY INTERFACE / Cont

The site is within the urban and remainder of the surrounding community and proper integration between the elements proposed is essential to the success of the site. The site is located in a well-established residential area and the proposed development is designed to be sensitive to the surrounding community. The site is located in a well-established residential area and the proposed development is designed to be sensitive to the surrounding community. The site is located in a well-established residential area and the proposed development is designed to be sensitive to the surrounding community.

Existing Site



Business



Residential



Residential



Public



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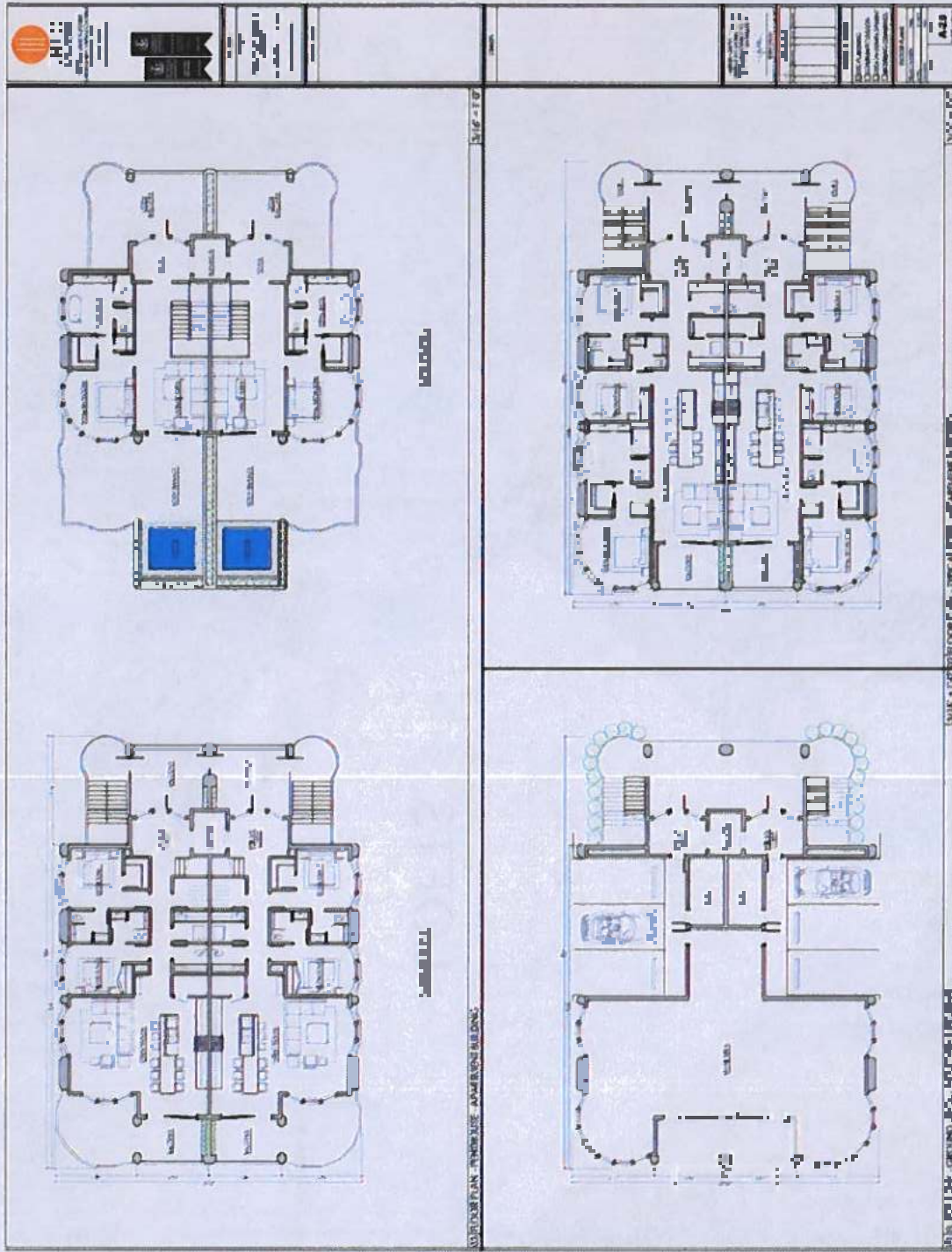
P R I S M A
P R O P E R T Y O P T I O N S

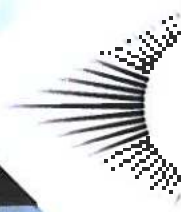
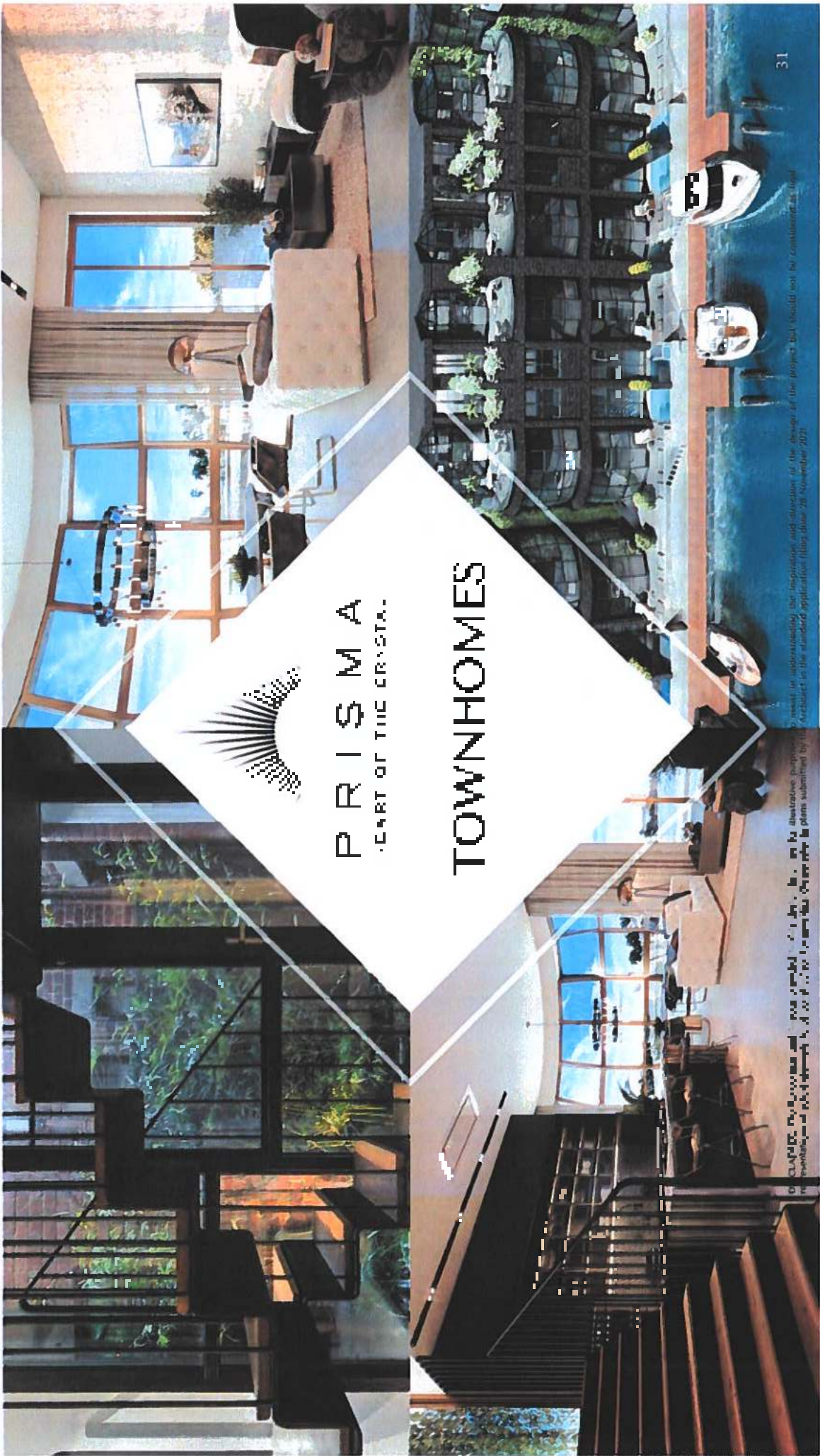
Prisma Design Brief

PRISMA LOFTS

The Lofts are contained in five stories ranging from 10 to 11 units per building. They are carefully sited to maximize views east and west.

With only two units per floor, using the signature glazing approach, they have extensive natural light with windows or three sides unit entrances on both the east and west sides.

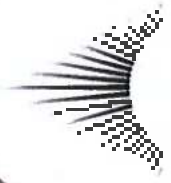




PRISMA
PART OF THE CRISTA.

TOWNHOMES

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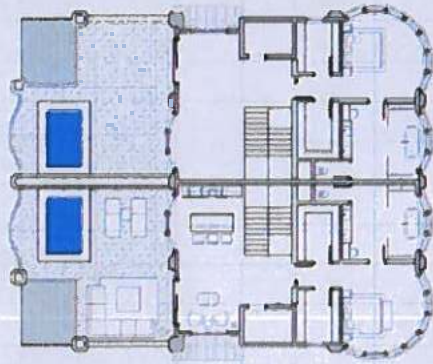
PRISMA
CONCEPT FOR THE EXHIBITION

DUPLEXES

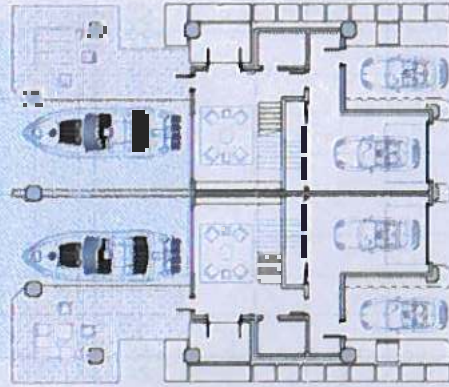
PRISMA DUPLICES

Residents luxuriate in every detail of the Duplexes, soaked to the finest finishes in that grace and beauty, a unique under-tenement garage for luxury cars, units into direct connection with the surrounding streets.

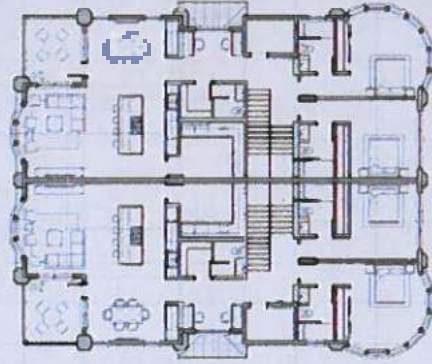
With over 100 thousand feet of living space and private elevators, the Duplexes offer a unique retreat.



1000 SQUARE FEET - DUPLEX



1000 SQUARE FEET - DUPLEX



1000 SQUARE FEET - DUPLEX



PRISMA



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PRISMA

P R I S M A
B O U T I Q U E H O T E L

Prisma Design Brief

PRISMA BOUTIQUE HOTEL

As an international brand and a success destination, Casman needs to update its offering in the hospitality market to meet and exceed what is available in the competitor markets.

In several years, the brand seeks to increasingly attract business travellers, more leisure travellers, properties with a more character reflective of the facilities they are based in.

Could this accommodate this shift with clients actively seeking such an experience and how to best do so?

Prisma Boutique Hotel offers an intimate but also modern and stylish English breakfast menu and a casual lounge bar with a contemporary glass pool, dining area and spa facilities.

The hotel will continue to see a demand for wellness as well as provide an easy and convenient stay for people associated with business owners and those in the Cross Harbour Community.

The hotel will also maintain the diversity of energy across the site to ensure providing a centralized management and control over the other offerings ensuring consistent high-quality delivery.

The success of the hotel should support future hospitality offerings, not necessarily in waterfront locations.

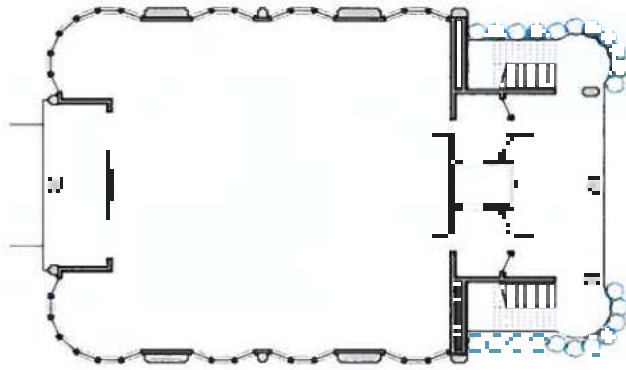
The developers have proven and numerous years of experience delivering the finest hospitality properties in Casman.



PRISMA
HOTELS & RESORTS

DISCLAIMER: The Renderings and Images are for illustrative purposes only and do not constitute an offer. The actual project may vary from the renderings and images shown. © 2024 Prisma Hotels & Resorts. All rights reserved.

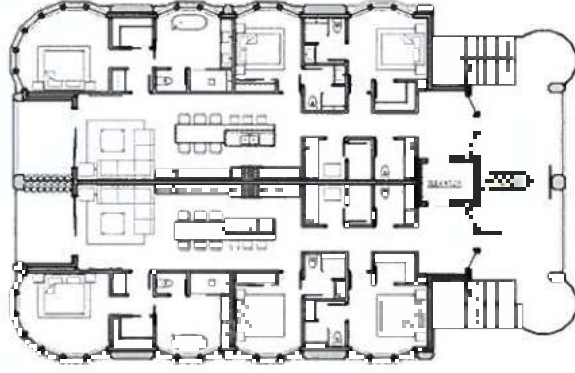
PRISMA BOUTIQUE HOTEL FLOOR PLANS



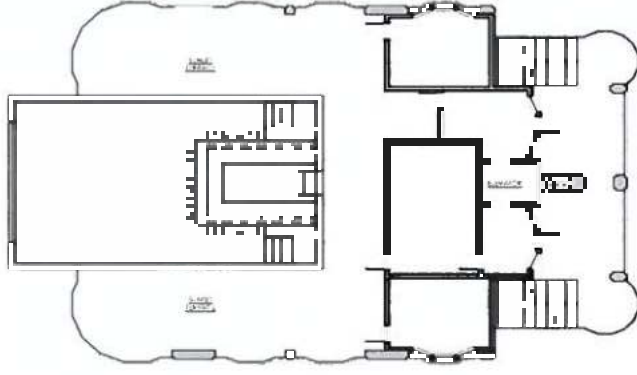
Lobby Ground Floor



First Suites & Rooms



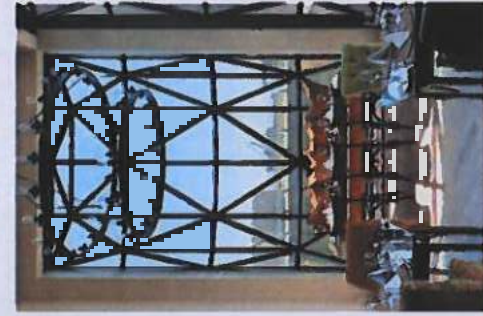
Second Suites & Rooms



PRISMA

PRISMA should not be considered as final

BOUTIQUE HOTEL INSPIRATION



PRISMA
MOUNT OF IML CRYSTAL



P R I S M A S U M M A R Y

Appendix E

17 January 2022

Land Limited
PO Box 1136
Grand Cayman KY1 1106
Cayman Islands

Dear Sir:

RE: USE OF BLOCK 17A - PARCEL 373

Land Limited, owner of Block 17A - Parcel 373 do hereby grant to Land Limited owner of Block 17A - Parcels 170 (Dn1), 145 and 146 the right to use the section of Block 17A - Parcel 373, as further described and outlined in yellow in the attached survey, for the construction of such sidewalks, curbs, parking spaces and structures as are necessary for its planned development known as Prisma on these parcels.

Yours sincerely,

For and on behalf of Land Limited


Dale Christian
Director

Appendix 'B'

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

March 28, 2022

Dear Sir,

LEGAL SUBMISSIONS - Prisma Development – Block 17A, Parcels 170REM1, 145 and 146

As you are aware, we act on behalf of the Applicant in the captioned matter, which was adjourned by the CPA on the 9th February, 2022, as a result of certain matters being raised late in the day by the Planning Department with regard to the status of the canal and applicable zoning requirements relating to the Hotel building, as well as the presentation at the hearing of written legal submissions by KSG Attorneys-at-Law, on behalf of a number of objectors, which related to the-then proposed hotel element of the development.

Our client has considered its position and the legal issues raised and has decided to not proceed with the hotel element of the development at this time, which obviates us having to address any of the legal arguments raised by KSG in its letter of 9th February. Amended plans depicting what is now being proposed have been submitted to the Planning Department and should by now have been distributed to the objectors who have legal standing in this application for their consideration.

We are therefore hopeful that any further legal argument relating to the hotel will be reserved for the future, in the event that our client decides to submit an application for the hotel.

In light of the amended application, these submissions are made in relation to the other matters raised by the Planning Department in their analysis, at page 33 of the CPA Agenda for the adjourned hearing, under the heading “Specific Issues”, regarding the provision of sidewalks and the proposed roadside parking, as well as the two setback variances which are being sought in respect of the proposed residential development on the canal frontage of North and South sides of the development site.

Roadside Parking and Sidewalks within Road Allowances

Whilst neither of these two things this should be an issue, since the land comprising the roadways and road shoulder (“road parcels”) is owned by the Applicant, for the sake of record, we will address these matters briefly.

- (i) **Roadside Parking:** The CPA should be cognizant that there are many instances of roadside parking which has been permitted, all over the island. We are not certain what the concern could be, since there is more than adequate space for parallel roadside parking, as well as a sidewalk which can be utilized by everyone in the Crystal Harbour area, without compromising the existing roadway or provision for pedestrian traffic. Indeed, the road reserve was created with this express purpose in mind and is consistent with the use of this reserve by many existing landowners with the Crystal Harbour development.

- (ii) **Sidewalks within the “road allowance”:** As regards the NRA recommendation that the CPA should require sidewalks on the development site, which sidewalks they obviously intend to be used by public pedestrian traffic, it is submitted that wherever planning permission is be conditioned so as to require a publicly accessible sidewalk to be located on private land, without any legitimate acquisition of that land, such in fact is tantamount to an illegal acquisition/dispossession of private land and constitutes an unlawful interference with the rights of a proprietor by a public authority, which is constitutionally prohibited. Worst yet, the irony is that typically the basis for the NRA insisting on such an unlawful condition being imposed on planning permission is that the NRA has itself failed in its statutory duty to provide adequate facilities for public pedestrian traffic. However, fortunately, in this instance, since all of the road parcels in Crystal Harbour are privately owned, and, unlike what the NRA has done in many instances with new public roads, the Applicant, who owns the road parcels has reserved adequate land along the side of the roadway so as to be able to place sidewalks (as well as roadside parking) along the side of the existing roadway, as that area was always intended for that purpose. That being the case, there is no need or justification for locating the sidewalks inside the boundaries of the development site, which will at some point become privately owned strata common property.

Combination of Parcels

Again, this is not an insurmountable issue, as the CPA can simply do what it has done in countless cases and grant permission subject to a condition precedent that the parcels must be combined prior to commencing construction of any buildings.

Setback Variances for Townhouses and Duplexes

The Townhouses proposed on the southern side of the site are proposed to be located some 4’10” from the physical edge of the canal, rather than the twenty feet required by

Regulation 8 (10) (ae) of the Development and Planning Regulations (2022 Revision). It should be noted that the southern canal is bounded on the opposite side by a narrow sliver of land and then the road parcel, so the nearest neighbouring development would be on the South side of the road and well over 150' away from the Townhouses.

The Duplexes proposed on the Northern side of the site have setbacks from the canal that are reduced from the prescribed twenty feet to 2' 6", albeit only at the upper level of the building, as the ground floor level is set back for a boat slip which is covered by the overhanging second level.

The bases for the two variances being sought have already been outlined by the Applicant's architects in their letter of November 28, 2021, on the statutory grounds set out under regulation 8 (13) of the Development and Planning Regulations (2022 Revision).

We would submit that in order to better demonstrate the exceptional circumstances upon which we are making the variance requests, we would first draw the CPA's attention to the stated purpose of setbacks, as set out under Section 2.6 of the Development Plan, Planning Statement, which provides:

"The provisions for development setbacks are for achieving the following purposes:

- (a) To provide adequate natural light, ventilation and privacy to all buildings;*
- (b) to provide amenity and space and to facilitate landscaping around the buildings;*
- (c) to maintain and enhance the quality and character of development fronting a road;*
- (d) to provide a buffer between buildings on neighbouring lots; and,*
- (e) to avoid or minimize any negative impact the development or use of one lot may have on the occupants of a neighbouring lot."*

We would therefore pray in aid the instruction given by the provisions of Section 2.6 of the Planning Statement and ask the CPA to note that whilst the design of both the townhouses and the duplexes is intended to implement the theme of enhancing amenity and public space whilst enhancing the "waterfront living" theme, the positioning of those two aspects of the development are actually in keeping with the spirit and intent of the zoning requirements and the provisions of Section 2.6.

We would submit that it should be borne in mind in particular that in both instances, the canal is comprised of a 100' privately-owned strip of land which is owned by the Applicant and that, in and of itself, is an exceptional circumstance, since the canal parcel itself provides a buffer with the neighbouring lots, so there can be no valid concern that the

proposed development is too close to the buildings on the lots on the opposite side of the canal. Also, given that the design of the Townhouses and Duplexes is such that the usual ancillary docking features are located further away from the opposite side of the canal, this actually promotes the “buffer” effect between the developments on opposite sides of the canal.

Our client would also like to point out that the positioning of the both the Townhouses and the Duplexes is essential to the ability of the development to provide the extensive public space within the development which is designed to create a safe pedestrian area, with open public spaces, restaurant, amenities and services, which will be open for the use of the entire Crystal Harbour community, and without the requested setback variances the overall functionality of the development would be significantly adversely impacted. In any event, it is submitted that the proposed setback variances conform to the spirit and achieve the intent of the provisions of Section 2.6 of the Development Plan and will not cause harm to any material planning interest.

We would therefore submit that, based on the exceptional circumstances outlined above, there is good and sufficient reason to grant the variances sought for the canal frontage setback.

Respectfully Submitted,

JacksonLaw