

# **Central Planning Authority**

**Agenda** for a meeting of the Central Planning Authority to be held on September 11, 2019 at 10:00 a.m. in the Conference Room, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue.

**19<sup>th</sup> Meeting of the Year**

**CPA/19/19**

**Mr. A. L. Thompson (Chairman)**  
**Mr. Robert Watler Jr. (Deputy Chairman)**  
**Mr. Kris Bergstrom**  
**Mr. Peterkin Berry**  
**Mr. Edgar Ashton Bodden**  
**Mr. Roland Bodden**  
**Mr. Joseph Coe**  
**Mr. Ray Hydes**  
**Mr. Trent McCoy**  
**Mr. Jaron Leslie**  
**Ms. Christina McTaggart-Pineda**  
**Mr. Selvin Richardson**  
**Mr. Fred Whittaker**  
**Mr. Haroon Pandohie (Executive Secretary)**  
**Mr. Ron Sanderson (Deputy Director of Planning (CP))**

- 1. Confirmation of Minutes**
- 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 to be Presented at CPA/19/19**

1. 1 **Confirmation of Minutes** of CPA/18/19 held on August 28, 2019. ....3

2. 1 **MOHG ST. JAMES POINT RESORT (BEACH BAY LAND LTD.)** Block 32D Parcels 313, 122 and 5 and Parcel 38E 282 (F06-0033) (P19-0468) (\$167 million) (JP) .....4

2. 2 **OCEAN REACH TOWNHOMES (Pro Plus Construction Ltd.)** Block 20D Parcel 438 (F05-0053) (P19-0782) (\$20,000) (CS) .....22

2. 3 **ROYAL BANK OF CANADA** Block 12D Parcel 95 Blk 3 Unit 3A (F03-0517) (P19-0848) (\$6,500) (CS) .....23

2. 4 **BRANDEE ELISE ROMANICA** Block 8A Parcel 129 (F19-0221) (P19-0691) (\$11,044) (MW) .....24

2. 5 **OSMOND ANDERSON** Block 24E Parcel 304 (F19-0300) (P19-0506) (\$471,468) (MW) .....26

2. 6 **JOHNNY EBANKS** Block 49B Parcel 104 (F19-0392) (P19-0716) (\$165,000) (MW) .....30

2. 7 **WEST CENTRAL STUDIOS** Block 9A Parcels 104 and 236 (F19-0237) (P19-0384) (\$2,780,000) (MW) .....32

2. 8 **ROBERT & DAWN ERYOU** Block 12C Parcel 496 (F19-0144) (P19-0828) (8,000) (AS) .....37

2. 9 **BOBBY JAMES** Block 43D Parcel 49 (F18-0475) (P19-0392) (\$34,830) (MW) .....38

**APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY**

<b>APPLICANT NAME</b>	<b>TIME</b>	<b>ITEM</b>	<b>PAGE</b>
MOHG Beach Bay (JP)	10:30	2.1	4

**1.0 CONFIRMATION OF MINUTES**

**1.1 Confirmation of Minutes of CPA/18/19 held on August 28, 2019.**

**2.0 APPLICATIONS**  
**APPEARANCES (Items 2. 1 to 2.)**

**2.1 MOHG ST. JAMES POINT RESORT (BEACH BAY LAND LTD.) Block 32D Parcels 313, 122 and 5 and Parcel 38E 282 (F06-0033) (P19-0468) (\$167 million) (JP)**

Application for a 9-storey resort hotel with residences, spa and conference centre and tennis court.

**Appearance at 10:30**

**FACTS**

<i>Location</i>	Beach Bay Road
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	34 AC/1481040 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Hotel/Tourism

**BACKGROUND**

**CPA/25/17; Item 2.1** – The Authority resolved to approve an application for an excavation, with material to remain on-site, subject to conditions relating to turtles and procedure/method for excavation material.

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

1. Principle of development.
2. Objectors' concerns.
3. Agency comments.
4. Beach access
5. Parking
6. Scenic coastline
7. High water mark setback variance between 16' 9" and 116' 11" v 130'

**AGENCY COMMENTS**

Comments from the Chief Environmental Health Officer, Water Authority, National Roads Authority, Public Land Commission, Department of Environment, Cayman Islands Airports Authority and Department of Tourism are noted below.

### **Chief Environmental Health Officer**

*“DEH has no objections to the proposed in principle. The applicant must submit the following:*

- 1. Details and specifications for garbage compactor and storage enclosures must be provided for review.*
- 2. Layout details of the spa, restaurants and bars, and specifications for equipment and hot water heaters, kitchen vent-hoods must be submitted for review.*
- 3. Swimming pool plans including structural and plumbing details must be submitted for review.”*

### **Water Authority**

*“Please be advised that the information submitted is inadequate for the Water Authority to approve of the developments wastewater treatment system.*

*For further review and approval. The Water Authority requires that the standard onsite wastewater system proposal form attached to the memo to be fully completed and submitted along with all the documentation as required per Section 5 of the form.*

*Upon receipt and review of the required submittals, the Water Authority will send a follow-up approval memorandum.”*

### **National Roads Authority**

*“As per your memo dated May 10<sup>th</sup>, 2019, the NRA has reviewed the above-noted planning proposal. Please find below our comments and recommendations based on the site plan and information made available.*

### **Development Assumption**

*NRA’s understanding of the project is that the developer is proposing a Resort development consisting of 100 guestrooms, 25 residence-apartments, a small conference facility, restaurants and several other ancillary and support buildings located at the terminal of Beach Bay Road and Sea Spray Drive in Bodden Town. The project will span four parcels and entails about 9.62 acres of land, with the bulk of the development located to the east of Beach Bay Road, with additional amenities on the east side of Beach Bay Road just north of Sea Spray Drive.*

### **Existing and Planned Road Infrastructure**

*The subject lands has the planned coastal road know as Boundary Plan 40 (50 feet width) that bisects the main site -that planned coastal road was gazetted in 1979 but never constructed. At the request of a previous development promoter of the subject lands, the Cayman Islands Government (CIG) agreed to a partial realignment of Boundary Plan 40 in relation to Block 38E Parcels 282 & 283 and published Boundary Plan 576 on April 7 2015 after an agreement was signed with the promoter indicating that the construction of the realignment of the road,*

to NRA's standards and satisfaction, would be at the developer's cost. Once the construction of the road was completed and signed-off by NRA, CIG was to close and vest the portion of the BP40 that was no longer necessary and publish a Prescribed Composite Map of the new road alignment pursuant to Section 5 of the Roads Law and making the road a public road. Clearance of the land for the construction of the realignment of BP40 (BP576) was started sometimes in late 2015/early 2016 but the roadworks were never completed. **A new agreement between CIG and the current developer will become necessary if Planning Permission is granted by the CPA for the proposed project.**

The proposed development and the siting of the various amenities of the project are in-line with the proposed realignment of the route of Boundary Plan 40 as illustrated by BP576. Note that previous agreement for the construction of the road for BP576 never included road construction of Boundary Plan 40 west of Beach Bay. Furthermore, the proposed roundabout intersection shown at Beach Bay Road and Boundary Plan 40 was also never formed part of a signed agreement. **While the NRA can endorse these additional road features and works, an agreement between CIG and the current developer will be necessary if Planning Permission is granted by the CPA.**

The developer is showing a planned "Cart Bridge" over the planned road, no details of the bridge have been provided with the plans provided for review. The NRA has no issues with the proposal of the component of the project provided a **clearance height of 18 feet** above the road surface is maintained over the 50 feet width of the road corridor.

#### **Existing Traffic Condition on Beach Bay Road**

Beach Bay Road is a public road classified as a Collector Road with a chip and spray road surface averaging about 24 feet in width within a 30 feet wide right-of-way. From the intersection of Shamrock Road to Spray Drive, the length of Beach Bay Road is about 4,450 feet (or 0.84 miles) in length. In April 2018, Beach Bay Road had an average weekday daily traffic volumes near Shamrock Road of about 1,600 vehicles per day (vpd). During a typical weekday, the morning peak condition on Beach Bay Road generally occurred between 6:30-7:30 am with an average of 113 vehicles leaving the area and about 6 vehicles entering the community. For the afternoon condition, traffic generally peaks from 6:00 to 7:00 pm with an average inbound traffic volume of 85 vehicles and 15 vehicles for outbound.

#### **Traffic Generation of the Proposed Development**

Due to limited trip generation data for resort development of a similar nature available from ITE, the anticipated traffic demand to be generated by this development is assessed in accordance to ITE's Hotel landuse code 310. Assuming a worst case traffic generation scenario, the 9<sup>th</sup> Edition ITE Trip Generation Report provides the following average daily, AM and PM peak hour trip rates per room: 8.19, 0.53 and 0.60 respectively.

The 25 residence apartments can be assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively.

The anticipated traffic added onto Beach Bay Road by the proposed development to be is estimated as follows:

Dev't Type	Expected Daily Trip (vpd)	AM Peak Hour Total Traffic (vpd)	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic (vph)	PM Peak In	PM Peak Out
Hotel	892	67	39	28	70	34	36
Apartments	166	13	3	10	16	10	6
<b>Total</b>	<b>1,058</b>	<b>80</b>	<b>42</b>	<b>38</b>	<b>86</b>	<b>44</b>	<b>42</b>

From the NRA's perspective, the traffic that will be generated by the proposed development during peak conditions amounts to about 2 vehicles per minute. Additionally, it is critical to note that peak hour traffic generation from a hotel in the Cayman Islands does not coincide with residential and commercial developments traffic patterns due to the arrival and departure times experienced at the airport; it is NRA's opinion that the morning peak traffic at hotel generally occur before or after commuting times whereas afternoon peak does occur in mid-afternoon, before the evening rush hour condition.

#### **Future Growth in Beach Bay Area**

Beach Bay Road currently provides direct or indirect road access to about 290 residences. Based on existing available but unbuilt house parcels, planned and approved subdivisions in the area and other large undeveloped parcels (that amount to over 35 acres), which would require road access from Beach Bay Road, the NRA estimates that the Beach Bay area could see an additional 600 residences built over the next 10-20 years as the community matures to full capacity. From traffic generation perspective, these additional 600 residences could generate traffic volumes in the order of 5,700 trips a day with AM peak hour and PM peak hour levels of 450 and 600 trips per hour respectively (based on TIE Land Use Code 210 for Single Family Detached houses).

In order to provide some context of traffic volume estimates for the future build out of the Beach Bay Community, the following table provides a summary of traffic level comparison estimates by

Traffic Condition	Daily Trip (vpd)	AM Peak Hour Total Traffic (vph)	PM Peak Hour Total Traffic (vph)	Daily Traffic % Growth	% of Total Traffic Forecast
Existing Condition (April 2018)	1,058	80	86	N/A	12.7%
Mandarin St James Resort Hotel	1,600	120	100	60%	19.1%

<i>Development Impact of Hotel</i>	2,658	200	186		
<i>Future Residential Growth</i>	5,700	450	600	78%	68.2%
<i>Traffic Forecast for Beach Bay Community</i>	8,358	650	786	n/a	100%

*As a collector road, Beach Bay Road is essentially similar to Hirst Road in terms of attribute and the type of development, although a shorter road; Hirst Road north of the East-West Arterial road currently accommodates about 9,200 vpd. The NRA is of the view that collector roads could accommodate up 10,000 vpd if the number of access points, such as house-lot driveways along the road, are minimized and allowed only in a controlled fashion. As the community develops and matures in reaching its full development potential, the coastal road that was gazetted in the late 1970's (i.e. Boundary Plan 40) that connects Manse Road to Pedro Road (or an alternative) will eventually have to be constructed.*

***Access and Traffic Management Issues***

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

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

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

***Stormwater Management Issues***

*The 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) or preferably a site grading plan 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 Pasture 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. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.

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

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

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

### **Fire Department**

No final comments provided by the Fire Department. On the 8<sup>th</sup> August the agent emailed Darnley Scott of the Fire Department confirming discussions and providing the fire access endorsements on the main Site Plan

### **Public Land Commission**

*"We refer to the application made to the Central Planning Authority (CPA) for planning consent for the Mandarin Hotel at the terminus of Beach Bay Road. As requested, the Public Lands Commission (PLC) hereby provides comments on the applicant's proposal with regard to the obligatory requirement for an owner to ensure the provision of public access to the sea.*

*The PLC notes and supports Regulation 32 of the Development and Planning Regulations (2017), whereby applicants for development of land zoned Hotel / Tourism must make minimum provision for public access to the sea from a public road.*

*The ratio prescribed in Regulation 32 is a minimum of one 6ft public right of way for every 200 ft. shoreline being developed, where the shoreline exceeds 200 ft.*

*and the proposed development is not private single dwelling units.*

*The PLC notes that;*

- 1) The applicant's proposal does not appear to fulfill the requirement of Regulation 32. The proposal allows for a single 12 ft. public right of way at the east extremity of the site (cliff edge), although the length of shoreline subject to the planning application appears to be well in excess of 400 ft.*
- 2) The applicant's proposed 12 ft. public right of way does not connect to a public road.*
- 3) The beach extent is approximately 550 ft. in length east of Beach Bay Road, after which the shoreline is cliff rock / ironshore, where physical access to the sea is difficult.*

*The PLC recommends that:*

- 1) The CPA ensures the applicant/owner fully complies with the public access requirements of Regulation 32, being a minimum of one 6 ft. public right of way to the sea per 200 ft. shoreline.*
- 2) The CA ensures that the applicant provides public access(es) to the beach extent of the shoreline; in particular at the east end of the beach, given existing public (road) access to the west end of the beach.*
- 3) The CPA ensures that new public rights of way connect to a public road."*

### **Department of Environment**

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

*The Department of Environment (DoE), under the delegated authority of the National Conservation Council, has screened this planning application for an Environmental Impact Assessment (EIA). The DoE is of the opinion that the Proposed Development does not require an EIA as although there are likely to be significant adverse effects on turtles, the DoE has sufficient expertise to assess and advise on these effects (within this Planning Review). We enclose a copy of the EIA Screening Opinion, which should be read in conjunction with this Planning Review.*

*The DoE met with the applicant on 28 May 2019 to discuss our concerns on the initial plans submitted. One of our main concerns was building directly on the beach. The applicant has proposed beach front villas, pool deck, a guest services area, a pathway and a sewer directly on the beach. This has the effect of reducing the beach area by almost half in some areas. The existing beach is approximately 170 feet wide at its widest point and with the proposed villas, sewer and pathway, there will be only approximately 90 feet remaining of beach.*

*While we understand the desire to create an experience where villas open directly onto the beach, we do not support building directly on the beach. The villas could be positioned so they open onto the beach but are not directly built on the beach.*

Similarly, instead of building the guest services, pool and deck directly on the beach, they could be moved north slightly so they offer the same experience without reducing beach size. The plans as proposed make a relatively small beach (for the size of development) even smaller, and this effect will worsen as the wider development comes forward. We believe the applicant should maximise their beach area by building back away from the beach. Beach Bay is also an active turtle nesting beach for Loggerhead turtles (*Caretta caretta*), and there will be significant adverse impacts on turtles from building directly on the beach, as shown in Figure 1.

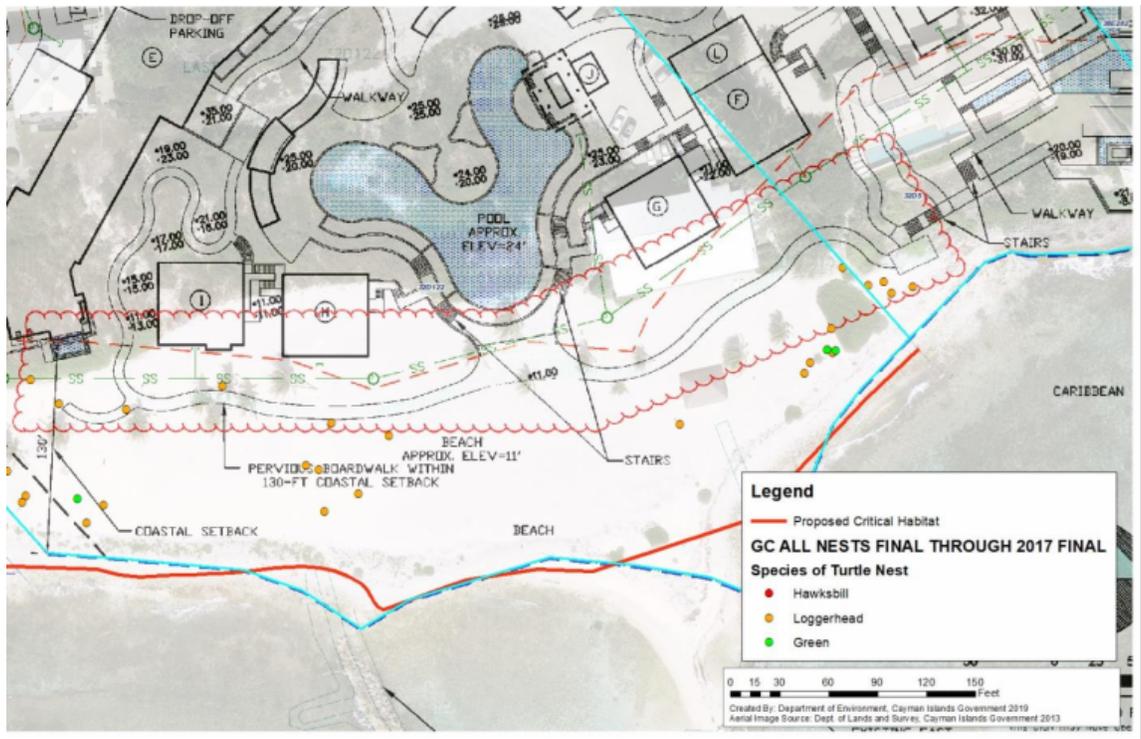


Figure 1. The Proposed Development includes building directly on the beach, which is an active turtle nesting beach.

The majority of the proposed development has been located on a man-modified area, however the proposed development will result in the loss of approximately 10 acres of primary habitat including dry forest and shrubland and dwarf vegetation and vines. The area of dry shrubland and dry forest is mostly lowland mixed evergreen-deciduous dry forest, grading to coastal shrubland as it approaches the sea. Specifically, the forest community is a *Bursera simaruba* – *Guapira discolour* – *Ficus aurea* forest community, characteristic of Cayman dry forests growing on dolostone karst close to the sea. No Schedule Part 1 protected plant species under the NCL are known from this community type. We recommend that native vegetation be retained and incorporated into the landscape design wherever possible.

*In addition, greenhouse gases (GHGs) and climate change does not appear to be accounted for in the project programming and design. Project expansion and operational lifetime suggest significant contribution of direct and indirect emissions attributed to the building sector and national carbon footprint which the annual GHG inventory and National Energy Policy (NEP) seek to monitor and, in the latter case, reduce.*

*Loss of primary habitat associated with this project affects national carbon sinks and compromises the ability of remaining natural systems to sequester carbon at a rate anticipated to meet national emissions reduction targets (assuming climate mitigation policies integrate an ecosystem-based approach). NEP strategic action relies on the quantification of habitat loss from such projects as does international climate treaty obligations to assess sectoral emissions and removals wherever possible.*

*The proposed development's sensitivity to predicted changing climatic parameters e.g. less total annual rainfall, highlights project-specific water resources demand given multiple uses (residential, spa, eventspaces, restaurants, pool, landscaping, etc.). It is assumed standard water conservation measures are programmed for implementation (e.g. low-flow fixtures). However, no details are provided regarding an on-site reverse osmosis plant in the current or future building programme suggesting the proposed development is heavily reliant on public water facilities and infrastructure. There is a cistern included on the plans, however no details are provided regarding capacity, source and purpose.*

*No renewable energy systems have been incorporated into the design therefore the proposed development is reliant on the national grid with similar large-scale resort projects coming online cumulatively. The proponent should promote best practices for the sector and leverage Government incentives for implementing renewable energy technologies by identifying subsidiary applications (e.g. car/Electric Vehicle charging stations, etc.) and more importantly, readying energy-intensive buildings, essential services and critical infrastructure for future installation. Lack of generators and renewable capacity may lessen resilience to future catastrophic events and affect business continuity for the hotel and residences. It may be prudent to build in redundancy or fortify crucial systems (e.g. waste water treatment facilities, cooling and refrigeration systems) using renewable energy target hybrids.*

*If the CPA is minded to approve the application, we strongly recommend the following conditions:*

- The applicant shall submit a revised plan locating the proposed villas and pathways off the beach.*
- The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be*

*approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*

- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.”*

The Department of Environment also screened the development to assess whether an Environmental Impact Assessment (EIA) is required. The following is the Executive Summary (ES) provided in the Screening Opinion (SO):

*“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 comprises a hotel resort including residences, spa and conference centre, and tennis courts.*

*The Proposed Development, Beach Bay Hotel, includes 100 guest rooms and 25 apartments, with a maximum of 9 storeys. The majority of the resort has been designed around the beach and the embayment. There are two main hotel buildings, with a pool near the centre, landscaping and beachfront villas proposed. To the east, there are tennis courts and an area on the cliff which includes a restaurant, pool, and cliff-top experience. There is a gazetted road running through the site, under Boundary Plan 40, although the layout in the site plans provided by the applicant is different than those on the gazetted plan. On the northern side of the proposed road, there are conference rooms, event spaces and the spa. There is a cart bridge over the road to provide a connection between the two areas. In the western part of the site, to the north-west of the intersection of Sea Spray Drive and Beach Bay Road, there is employee parking, a truck loading area and a back of house area.*

*The planning application was considered against the screening criteria outlined in the EIA Directive and there were no significant adverse effects identified to any receptors, except sea turtles due to building directly on the beach and illumination of the beach. Therefore, no EIA is considered to be required because the DoE has the expertise to assess the effects on sea turtles. We recommend conditions on the application to include measures to protect turtles during construction, turtle friendly lighting and to remove all buildings and structures from the active beach.*

***The Department of Environment is of the opinion that the Proposed Development does not require an EIA.”***

**Department of Tourism**

***“1. Project at a Glance***

*The Department of Tourism has been asked to provide comments on the Planning Application for the project named The Mandarin Oriental, St. James Point Hotel and Resort located at block 38E, parcel 282.*

***2. Tourism Recommendations***

*The Department of Tourism (DOT) received the following information on the proposed development which will be located in Beach Bay. The property will be branded as a Mandarin Oriental Hotel, a full-service hotel with 100 hotel rooms and 89 residences. The amenities that will be offered at the property, such as, a full fitness center, spa, multiple restaurants and kids club, will continue to deliver on the brand promise of a luxury destination for the Cayman Islands.*

*The Department of Tourism supports the growth of tourism expansion in the eastern districts and this development will allow visitors to experience the Cayman Islands in a new and unique way, off of seven-mile beach. This property will also provide job opportunities for those persons living in the eastern districts and those particularly within the hospitality sector. The property will also provide additional support to those local businesses in the Bodden Town, North Side and East End areas and be a driver for local entrepreneurs to start local tourism businesses in these areas.*

*DOT has no objections to this application.”*

**AGENT’S LETTER**

*“We act for Applicant Beach Bay Land Ltd as agent and as agent, hereby make application to the Central Planning Authority (‘CPA’) for grant of planning consent for the proposed Mandarin Oriental St James Point Resort on parcels 32D5, 32D122, 32D313 and 38E282 Lower Valley District Bodden Town, Grand Cayman (to be combined in due course).*

*In summary, the Resort is to consist of:*

- *hotel component comprising 100 guestrooms and suites (‘keys’)*
- *guest reception /arrival lobby/lounge*
- *3-meal restaurant, a ‘theme’ restaurant and bar facilities*
- *back-of-house (BOH) facilities (kitchens, stores, utilities, access)*
- *25 apartments (‘Residences’) • spa and wellness facility*
- *conference centre with separate BOH facilities*
- *tennis courts*

*all set in landscaped and hardscaped grounds with 2 separate swimming pools, fountains, ponds, walkways and decks all providing a lush resort environment of a standard equivalent to that of a 5 Star Resort as understood by the international*

hospitality and resort industry. Approximate total area of the Resort is **418,990 sq ft**.

**Planning Constraints:**

The parcels on which the Resort is to be developed are zoned Hotel /Tourism (Zone 2) which allows the development of hotel and associated resort accommodations in terms of s.10 of the Development & Planning Regulations (2017) and limited to a density of 65 guestrooms per acre or alternatively 25 apartments per acre and in both cases, a maximum coverage of 40% of the parcel area. Maximum height is 10 storeys or an overall building height (as defined in Law) of 130'-0" whichever is the more restrictive.

**Density & Coverage:**

The component parcel density and coverage are summarised as follows:

Parcel	Area (acres) zoned HT	Max allowable guestrooms	Max allowable apartments	Max allowable coverage (acres)
32 D5	2.81	182	10	1.12
32D 122	6.46	419	161	2.58
32D 313	2.3	149	57	0.92
32E 282	30	1950	750	12
Total	41.57	2700	978	16.62
Actual provided		100	22	
Actual coverage				9.62 (23.1%)

The proposed development coverage is comprised of the following components:

Buildings 'footprint': 132,882

Roadways & Parking: 164,335

Sidewalks: 13,146

Walkways & Hardscape: 108,710

**Total Coverage: 419,073 sq ft = 9.62ac (23.1%)**

**Parking:**

S.8(1) of the Development & Planning Regulations (2017) require that parking in these ratios be provided for the development:

Development component	Area/Unit	Provision requirement	Bays required	Bays provided
Hotel guestrooms	100	1 bay per 2 guestrooms	50	50
Residences	25	2 bays per 3 apartments	38	38
Commercial/retail	12089 sf	1 bay per 300 sf	40	40
Additional restaurant	3096	1 bay per 200 sf	16	16
Conference/meeting	6378 sf	1 bay per 60 sf	106	106
TOTAL			250 bays	250 bays

The total parking requirement for the proposed development is thus 250 parking bays which includes 12 ADA-compliant bays.

**Public Access to Beach/Coastline:**

*Section 32 of the Development & Planning Law Regulations (2017) requires the provision of a 6'-0" wide Public Right of Way for every 200 feet of coastline to be accessible from (the nearest) public road.*

*Applicant respectfully requests that CPA interpret the intent of this Regulation to allow the existing Beach Bay Road as a public road that extends to the High Water Mark to the west of parcel 32D122, to be equivalent to a 30 foot wide PROW that would, in terms of s.32 of the Regulations, yield access to 1,000 feet of shoreline of which 500 feet would extend eastwards over Applicant's parcel 32D122. Applicant proposes to establish a 12'-0" wide PROW east of the easternmost extent of the proposed Resort development under application for planning consent, and which will provide access to 400 feet of shoreline. (Refer to Annexure [B] appended hereto.)*

*Applicant also respectfully requests CPA to allow the full 400 feet of shoreline served by that PROW to be located immediately to its west on the premise that any further phases of development on parcel 38E282 to the east of the PROW under a new application for planning consent, will require a further and additional PROW to provide access to the remainder of the coastline in terms of that future application.*

**Conclusion:**

*The intended Resort as proposed for planning consent is significantly underdeveloped in terms of the component parcels' maximum development allowances, and indicates a generous proportion of natural and landscaped areas have been provided or retained to enhance the development. If considered in the light of a maximum of 9 storeys in a Zone allowing 10 storeys and an overall design aesthetic of stepped elevations and sustainable components and finishes generally, this Resort will enhance the tourism and hospitality of the Cayman Islands whilst giving impetus to a general trend to expand the hospitality product out of George Town and towards the eastern districts. We thank you for considering this application for the grant of planning consent as motivated herein."*

**OBJECTIONS**

**See Appendix A**

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application site is located within the Lower Valley area of Grand Cayman. The site is accessed from Beach Bay Road which is directly north. An existing public beach access runs to the west of the application site beyond which a private

residence is located. Remaining land to the north and east is vacant and the Caribbean Sea forms the southern boundary.

The application seeks planning permission to develop a 9-storey hotel with 100 guest rooms and 25 condominiums with associated facilities such as a restaurants/bars, pools, banquet hall, spa, cart bridge.

As presented the submitted plans details a development which consists of:

100 guest rooms	i)	4x 2 bed units (guest suites)
	ii)	15x 1 bed units (guest suites)
	ii)	72 guest rooms (standard hotel room)
	iii)	9x 1 bed villas (beach villas)
Condominiums/apartments		25 units with a total of 69 beds

### **Zoning**

The property is zoned Hotel/Tourism.

### **Specific Issue**

#### **a) Principle of Development**

The scheme proposes a hotel and associated facilities located on land within the Hotel/Tourism zone 2 as identified in Schedule 4 of the Development and Planning Regulations (2018 Revision). Regulation 8 stipulates parking standards and Regulation 10(1) permits hotels subject to compliance with criteria a) to g).

To aid CPA's consideration of the application the following can be confirmed:

- Maximum number of hotel rooms permissible for the identified lot is 2700. The application proposes 100 hotel rooms.
- The proposed development generates a demand of 242 parking spaces. The application proposes a total of 227 direct parking spaces.
- Minimum lot size is half an acre. The application site is 41.57 acres.
- Minimum lot width is 100'. The application site measures 181' 11" in width.
- Maximum site coverage of 40%. The application pack provides for 23.1%.
- Minimum side setbacks of 20' are met.
- Minimum rear and road setbacks of 25' are met.

Members are invited to reflect upon the above information to aid their consideration on the acceptability of a hotel in this location.

#### **b) Height of Development**

Regulation 8(2)(e) identifies the maximum height of hotels in Hotel/Tourism zone 2 shall not exceed 130 feet or 10-storeys.

The submitted plans propose a 10-storey hotel with a maximum height of 123'9" excluding elevator towers to accord with 8(4) of the Regulations.

**c) Agency comments**

**NRA**

The National Roads Authority requires the applicants enter into a legal obligation with the Cayman Islands Government to replace/update an existing agreement whereby:

- construction works cost of the realigned road, to NRA's standards, borne by the developer;
- Inclusion of road construction of BP40 west of Beach Bay Road to be financed by the developer;
- Proposed roundabout at intersection to be recognised in revised legal agreement and paid by developer.

Members are invited to note that the roundabout would be partially constructed on parcels of land that are not within the Developer's ownership specifically 32D 259, 32D 260 and 32D 295. The NRA has confirmed costs associated with the construction of the road such as land acquisition would be borne by the developer.

**DoE**

A meeting was held on 28<sup>th</sup> May with the developer, DoE and Planning Officer. Concerns were raised regarding the detrimental impact of the proposed development on the beach which is an active turtle nesting site.

Two specific features were identified as requiring relocation:

- Beach footpath; and
- Beach villas.

Revised plans submitted attempting to address the concerns, however, the villas remained in situ and the footpath was only marginally relocated. A plan overlaying the original and revised plan will be available to demonstrate the extent of revisions to CPA members.

**Water Authority**

The Water Authority has been unable to assess the proposal due to inadequate information. Consequently, at this stage the agency is unable to advise whether adequate capacity is provided to cope with the potential demand for water and wastewater treatment.

**d) Beach Access**

Section 32 of the Development and Planning Regulations 2018 requires the developer to set aside and dedicate to the public a right of way of not less than six feet in width per every two hundred feet of shoreline. The right of way should be from a public road to the sea.

For the avoidance of doubt, the overall site extent is relied upon when calculating the acceptability of the scheme in terms of number of hotel rooms and condominiums and overall site coverage. Therefore, the same principle has been applied for calculating proposed beach access provision whereby the entire shoreline which is associated with the application site is measured.

A beach access, outside of the development site, currently exists adjacent to the western perimeter of parcel 32D 122; however, this is not related to the application site.

The shoreline measures 2000 ft based on the submitted planning application. This would equate to a total width of 60 feet of public right of way to access the beach.

Figure 1 detailing the overall site plan provides:

- A dashed red line indicating extent of property;
- Reliance of an existing beach access of 15' which falls outside of the development site;
- A proposed 12' beach access which does not connect a public road or the beach;
- An assumption that the extent of shoreline simply runs from edge of built form, not the site boundary;

Members are invited to decide:

1. Whether the level of beach access provided by the applicant is commensurate to the scale of development having regard to the extent of shoreline.
2. If the beach access was extended to reach the cliff edge, whether a cliff fulfils the definition of 'beach access' having regard to the intention of the Regulations.
3. Consideration should be given as to whether any additional features should be included such as parking for members of the public to support/enable beach access and reduce the number of vehicles.
4. Reflect upon the Public Land Commission's comments.

**e) Parking**

Regulation 8(1) requires parking provision at the following rates:

Clubs, restaurants, recreation halls and bars – one space per 200 sq. ft.

Commercial development – one space per 300 sq. ft.

Hotels – one space per 2 guest rooms

Apartments – one and a half spaces per apartment.

Department of Planning parking calculations based on the above requirements:

Description	Area (SF)	Regulation 8(1) requirement	Units	Minimum
Hotel	Guest room	1 per 2 rooms	72	36
	2 bed suites	1 per 2 rooms	8	4
	1 bed villas	1 per 2 rooms	9	5
	1 bed suites	15	15	8
Condominiums	-	1.5 per condo	25	38
Commercial – restaurant/banquet	21838	1 per 200 sf	-	110
Commercial – spa/retail/real estate	10297	1 per 300 sf	-	41
<b>Total required</b>				<b>242</b>

The Department of Planning parking calculations require **242** spaces. The application identified a need of **250** spaces to support the development. The difference in calculations can be attributed to dissimilar assumptions. The plans submitted identify **227** spaces as calculated by the Department of Planning.

Submitted revised plans state 250 parking spaces are provided with the following breakdown:

Description	Spaces provided (ea)
Hotel	112
Condo under hotel	48
B.O.H	34
Event space/spa	55
WWTP	1
<b>Total provided</b>	<b>250</b>

Based on the submitted plans the Department of Planning identify the following parking provisions:

Location/description	Spaces provided (ea)
Under hotel	29
Back of house	34
Hotel	103
North of restaurants/bars	6
Event space/spa	54
WWTP	1
<b>Total provided</b>	<b>227</b>

Based on the above calculations, comparing the revised plan parking provision against the Department of Planning parking calculations there is a **shortfall of 15 parking spaces to support the development.**

**f) Scenic coastline**

The application site is identified as a scenic coastline whereby regulation 20 of the Development and Planning Regulations places a duty on the Authority ‘to ensure that the open character of scenic shoreline land is preserved, in

particular that of the beaches, and also to safeguard the public's right to use the beaches and to gain access to them through public rights of way'.

Members are invited to reflect upon the previous comments regarding public beach access to assess whether the application satisfies the objectives for preservation of the scenic coastline.

**g) High water mark setback variance between 16' 9" and 116' 11" v 130'**

Regulation 8(10)(e) requires a minimum setback of 130' from the high water mark for all structures up to the first 3 storeys. Beyond that an additional fifteen foot setback for each additional storey from the fourth to seventh storeys and the minimum setback for the eight through the tenth storeys shall be the same as that the seventh.

The application includes a pool associated with the presidential suite within the right wing of the west building which would be 116' 11" from the High Water Mark. The clifftop experience, pool and pool bar associated with the restaurant would be sited 22' 4" and 16' 9", respectively, from the High Water Mark. Additionally, a beach boardwalk is proposed forward of the 130' setback.

Notwithstanding the above variances, for the avoidance of doubt, Members are invited to note that the bulk of the hotel structure accords to this regulation with regards to the staggered design. Members are asked to consider whether the above variances are justified.

**2.0 APPLICATIONS**  
**REGULAR AGENDA (Items 2. 2 TO 2. 22)**

**2. 2 OCEAN REACH TOWNHOMES (Pro Plus Construction Ltd.) Block 20D  
Parcel 438 (F05-0053) (P19-0782) (\$20,000) (CS)**

Application for two (2) 1,000 gallon LPG tanks, four (4) 500 gallon LPG tanks and to modify the location of approved building types.

**FACTS**

<i>Location</i>	Old Crewe Road, South Sound
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	2.16 ac/94,089 sq. ft.
<i>Current Use</i>	Approved Apartments
<i>Proposed Use</i>	LPG tanks
<i>Building Footprint</i>	14,769 sq. ft.
<i>Building Area</i>	29,369 sq. ft.

**BACKGROUND**

April 10, 2019 (CPA/07/19; Item 2.1) - The Authority granted planning permission for thirty two (32) townhomes, thirty three (33) raw land strata lots, covered parking, cabana, swimming pool, perimeter walls and a sign.

**Recommendation:** Grant planning permission for the LPG fuel tanks and modify planning permission for the location of approved building types.

**AGENCY COMMENTS**

Comments from the Petroleum Inspectorate are noted below.

**Petroleum Inspectorate**

*“The OfReg Fuels has reviewed the above captioned plans for proposed location for 2 underground storage tank in accordance with NFPA 58 and the Dangerous Substances Law and Regulations. The proposal location is in code compliance. All technical plans are required to be submitted at BCU stage.*

*In addition, an Operating Permit will be required from the Utility Regulation and Competition Office (“OfReg”) for the two (2) underground storage tanks.”*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is requesting planning permission for two (2) 1,000 gallon LPG tanks, four (4) 500 gallon LPG tanks and to modify location of approved building types.

**Zoning**

The property is zoned Low Density Residential.

The location of the proposed tanks comply with setbacks and the modifications to the site plan & floor plans do not affect parking, site coverage, setbacks, building height or density.

**2.3 ROYAL BANK OF CANADA Block 12D Parcel 95 Blk 3 Unit 3A (F03-0517) (P19-0848) (\$6,500) (CS)**

Application for one (1) projecting sign and one (1) building sign.

**FACTS**

<i>Location</i>	Block 3, Camana Bay
<i>Zoning</i>	<b>GC</b>
<i>Notice Requirements</i>	N/A
<i>Parcel Size</i>	200 ac
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Signs

**BACKGROUND**

The Camana Bay Block 3 commercial building exists on this site.

**Recommendation:** Grant planning permission.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is requesting planning permission for one (1) 20 sq. ft. projecting sign and one (1) 120 sq. ft. building sign.

**Zoning**

The property is zoned General Commercial.

**Specific Issues**

**a) Compliance to Sign Guidelines**

Section 5.2 a. of the Sign Guidelines allows up to 10% of a building façade be utilized for signage. The 120 sq. ft. sign is the first sign proposed for the west building frontage.

The projecting sign complies with Section 5.2 for Projecting Signs.

**2.4 BRANDEE ELISE ROMANICA Block 8A Parcel 129 (F19-0221) (P19-0691) (\$11,044) (MW)**

Application for a nine (9) lot raw land strata subdivision.

**FACTS**

<i>Location</i>	Powery Road, West Bay
<i>Zoning</i>	<b>HT</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	1.554 Ac. (67,692.24 sq. ft.)
<i>Parcel Size Required</i>	0.5 Ac. (21,780 sq. ft.)
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Subdivision

**BACKGROUND**

**June 19, 2019** (CPA/12/19; Item 2.7) – The Authority granted planning permission for nine (9) apartments, (9) pools and a 4’ fence.

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

1. Lot size and width variances.

**AGENCY COMMENTS**

Comments from the National Roads Authority and Water Authority are noted below.

**National Roads Authority**

*“Based on the information shown on the submitted application, the NRA has no objections or concerns with the above proposed subdivision.”*

**Water Authority**

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

**Water Supply:**

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

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

**Wastewater Treatment:**

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

**LETTER FROM APPLICANT**

*"Enclosed please find the relevant documents relating to a 9 lot raw land strata subdivision. The purpose of the subdivision is to create 9 raw land strata lots in the footprint of the approved duplex building on the property. We are asking for a variance on the lot size and width under the Planning Regulation 8(13) (b) (iii) to accommodate this.*

*Please do not hesitate to contact me if you have any questions or require additional information."*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a nine (9) lot raw land strata subdivision.

**Zoning**

The property is zoned Hotel Tourism.

**Specific Issues**

**a) Lot Size and Width**

The proposed subdivision is associated with an approved 9-unit apartment development.

Regulation 10(1)(c) states "*the minimum lot size requirement shall be ½ acre (21,780 sq. ft.) for apartments*". The proposed lots would only be approximately 3,496 sq. ft. to 4,144 sq. ft.

As the proposed strata lot boundaries follow the shared wall, the strata lots do not comply with the minimum 100' lot width at 59.8' to 60.2'.

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

**2. 5 OSMOND ANDERSON Block 24E Parcel 304 (F19-0300) (P19-0506) (\$471,468) (MW)**

Application for a four (4) unit apartment building.

**FACTS**

<i>Location</i>	Whirlwind Drive and Sweetleaf Close, George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objector
<i>Parcel Size Proposed</i>	0.2970 Ac. (12,937.32 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft. (0.574 Ac.)
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	3,251.50 sq. ft.
<i>Density</i>	4.455 units
<i>Allowable Density</i>	15 units per acre
<i>Building Coverage</i>	25.1%
<i>Proposed Parking</i>	6 spaces
<i>Required Parking</i>	6 spaces
<i>Number of Units</i>	4 units

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

1. Suitability.
2. Lot size variance (12,937.32 sq. ft. vs. 25,000 sq. ft.)
3. Lot width variance (94'-1" - 97' vs. 100').

**AGENCY COMMENTS**

Comments from the National Roads Authority, Water Authority and Chief Environmental Health Officer are noted below.

*“As per your memo dated April 16<sup>th</sup>, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

***Road Capacity Issues***

*The traffic demand to be generated by a residential development of a four (4)*

multi-family units has been assessed in accordance with ITE Code 220. Thus, the average trip rates per dwelling unit provided by ITE for estimating the daily, Am and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Whirlwind Drive is as follows:

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

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

**Access and Traffic Management Issues**

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

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

A six (6) foot sidewalk shall be constructed on West Bay Road and the access road, within the property boundary, to NRA standards.

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

**Stormwater Management Issues**

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

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

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

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

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

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

#### **Water Authority**

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

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

- *The developer shall provide a septic tank with a capacity of at least (1,500) US gallons for the proposed. The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- *Treated effluent from the septic tank shall discharge to an effluent disposal well, constructed by a licenced driller in strict accordance with the Authority's standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

### ***Water Supply***

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

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

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

### **Chief Environmental Health Officer**

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

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a four (4) unit apartment building to be located on Whirlwind Drive and Sweetleaf Close, George Town.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issue**

##### **a) Suitability**

The proposed is located on Whirlwind Dr. & Sweetleaf Cl., George Town. Several apartment / duplex developments were approved and built and are located in the area mixed with single-family homes.

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

**b) Lot Size**

Regulation 9(8)(f) of The Development and Planning Regulations (2018 Revision) states “*the minimum lot size for guest houses and apartments is 25,000 sq. ft.*” The proposed lot size is 12,937.32 sq. ft.

**c) Lot Width**

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

The applicant has submitted a letter outlining their reason for requesting a lot size and lot width variance.

The parcels within a 150’ radius were notified and no objection was received.

Under Section 8(13) the Authority must determine if there is an exceptional circumstance and sufficient reason to grant the variance.

**2. 6 JOHNNY EBANKS Block 49B Parcel 104 (F19-0392) (P19-0716) (\$165,000) (MW)**

Application for a 3-bedroom house.

**FACTS**

<i>Location</i>	Uncle Berts Lane, North Side
<i>Zoning</i>	<b>MDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.15 Ac. (6,534 sq. ft.)
<i>Parcel Size Required</i>	7,500 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	1,376 sq. ft.
<i>Building Coverage</i>	21.1%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

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

1. Lot size variance (6,534 sq. ft. vs. 7,500 sq. ft.).

## **AGENT'S LETTER**

*“On behalf of our client, we wish to apply for a variance in regards to the proposed Private Dwelling on Block: 49B Parcel: 104. The request for a variance pertains to the lot size. Where we have 6,534 sq. ft., which the required lot size is 7,500 sq. ft. please note that all properties, should at least be able to do a private dwelling on.*

*Also in reference to section 8(13). Base on lots being established before new lot size requirements. You will find that there will be similar dwellings on lot sizes, as our proposal*

*We have notified the adjacent neighbors, which all signed off in favour of our proposal. We hope that CPA will also favorably consider our proposal.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 1,376 sq. ft. 3-bedroom house to be located on Uncle Bert's Lane, North Side.

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issue**

#### **a) Lot Size**

Regulation 9(7)(d) states *“the minimum lot size for each detached and semi-detached house is 7,500 sq. ft”*. Therefore the proposed residence would require 7,500 sq. ft. however the subject parcel is currently only 6,534 sq. ft. a difference of 966 sq. ft. respectively.

The Authority is advised that this parcel has not been mutated – the size and boundaries were established prior to 1976.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with section 8(13) to warrant granting a lot size variance.

**2.7 WEST CENTRAL STUDIOS Block 9A Parcels 104 and 236 (F19-0237) (P19-0384) (\$2,780,000) (MW)**

Application for forty (40) apartments and recreational building with swimming pool.

**FACTS**

<i>Location</i>	Chestnut Drive, West Bay
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	1.63 Ac. (71,002.8 sq. ft.)
<i>Parcel Size Required</i>	25,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartment Buildings and Recreational Building with Swimming Pool
<i>Building Size</i>	20,758 sq. ft.
<i>Density</i>	40 units
<i>Allowable Density</i>	18.75 units
<i>Building Coverage</i>	16.1%
<i>Proposed Parking</i>	60 spaces
<i>Required Parking</i>	60 spaces
<i>Number of Units</i>	40 units

**BACKGROUND**

**(CPA/12/19; Item 2.10)** – The Authority adjourned the application to invite the applicant to appear before the Authority to discuss concerns regarding the apartment density and the number of parking spaces.

**(CPA/15/19; Item 2.2)** – The Authority adjourned the application to allow the Authority to further discuss the application.

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

1. Whether revised drawings address CPA’s reasons for adjournment.

**AGENCY COMMENTS**

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

**National Roads Authority**

*“As per your memo dated May 13th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

**Road Capacity Issues**

*The traffic demand to be generated by a residential development of a forty (40) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Chestnut Drive is as follows:*

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
266	20	4	16	25	16	9

*Based on these estimates, the impact of the proposed development onto Chestnut Drive and Batabano Road is considered to be minimal.*

**Access and Traffic Management Issues**

*The Applicant is proposing to make the private road (Chesnut Drive) only 22 feet wide, the NRA would recommend a minimum width of 24 feet.*

*Two-way driveway aisles shall be a minimum of twenty-four (24) ft. wide.*

*Entrance and exit curves at the driveway 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 Chestnut Drive and Batabano Road, within the property boundary, to NRA standards.*

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

**Stormwater Management Issues**

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that die 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 Chestnut 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. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

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

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

### **Water Authority**

*"Please be advised that the Water Authority’s requirements for the proposed Recreation Centre development on **Block 9A Parcel 236** are as follows:*

### **Wastewater Treatment & Disposal**

- *The developer shall provide a **septic tank** with a capacity of at least **(1,500) US gallons** for the proposed. The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools.*
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well, constructed by a licenced driller in strict accordance with the Authority’s standards.** Licenced drillers are required to obtain the site-*

*specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*

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

***Water Supply:***

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

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

**Department of Environment**

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

*Block 104 Parcel 104 is a long linear fragment of habitat which contains some dry shrubland and dry forest, although it appears disturbed. We have no objections to the proposed apartment buildings however native vegetation should be retained where possible."*

**Chief Environmental Health Officer**

*"DEH has no objections to the proposed.*

1. *This development requires (1) 8 cubic yard container with twice per week servicing.*
  - a. *Provide a deeper radius curve at the sidewalk area for the parking lot located south of the pool as this will be used for the turning area.*
2. *A swimming pool application must be submitted for review and approval prior to constructing the pool."*

**LETTER FROM APPLICANT**

*"On behalf of our clients "Premium Industries Ltd." We are applying for variances in regards to the amount of apartments, bedrooms, parking and setbacks to the recreational area for this project.*

*The amount of bedrooms we are applying for is 40, having an allowable count of 39.12 bedrooms. The amount of Apartments is also 40, the allowable being 24.45. Our parking area having 52 spaces with the preferred being 60. The back wall of recreational area being 6' from side boundary and the front wall being 7' from access road.*

*Please take into consideration that we are only covering 16% of the property, with and allowable of 30%. Also we are allowed to build up to 3 storeys high, while we are only 2 storeys high. Almost 100 notices had been sent out to the neighbors, with no objections.*

*We hope you will look favourably upon our application.”*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for five (5) apartment buildings (20,100 sq. ft.) with 658 sq. ft. recreational building with swimming pool to be located on Chestnut Drive, West Bay.

### **Zoning**

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

### **Specific Issues**

#### **a) CPA concerns**

The applicant has submitted revised plans showing additional parking along the street totaling 60 spaces, which matched the required amount for the proposed development.

The number of bedrooms remain at 40, while the maximum allowed is 39.

The Fire Department and DEH have reviewed the revised drawings and no concerns have been received by the Department.

The Authority should assess if the revised plans submitted satisfies the Authorities requirements for approval.

**2.8 ROBERT & DAWN ERYOU Block 12C Parcel 496 (F19-0144) (P19-0828) (8,000) (AS)**

Application for a 4' roadside wall.

**FACTS**

<i>Location</i>	Clipper Bay Drive
<i>Zoning</i>	<b>LDR</b>
<i>Parcel Size</i>	.3465 AC (15,093 sq. ft.)
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Wall
<i>Proposed Height:</i>	4'

**BACKGROUND**

May 8, 2019 (CPA/09/19; Item 2.8) – The Authority granted planning permission for a duplex, pool and carport.

**August 15, 2019** - Administrative approval was granted for one (1) LPG tank.

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

1. Location of road side wall.

**PLANNING DEPARTMENT ANALYSIS**

**General**

The application is for a 4' high roadside wall.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issue**

Pursuant to Section 13(3)(e) of the Development and Planning Law (2017 Revision) the erection of walls and fences with setback adjacent to the road requires Planning permission.

The 4' wall is proposed to be located on the front boundary line.

**2. 9 BOBBY JAMES Block 43D Parcel 49 (F18-0475) (P19-0392) (\$34,830) (MW)**

Application for a duplex porch addition and septic tank relocation.

**FACTS**

<i>Location</i>	Dickens Street, Bodden Town
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	10,890 sq. ft.
<i>Parcel Size Required</i>	12,500 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Porch Addition and Septic Tank Relocation
<i>Building Size</i>	3,284.92 sq. ft.
<i>Building Coverage</i>	30.2%
<i>Proposed Parking</i>	4
<i>Required Parking</i>	2
<i>Number of Units</i>	2

**BACKGROUND**

February 20, 2019 (CPA/04/19; Item 2.11) - Duplex approved.

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

1. Rear setback - 16'-2" vs. 20'.
2. Site coverage - 30.2% vs. 30%.

**AGENT'S LETTER**

*"We have submitted an application on behalf of Mr. Bobby James who is young Caymanian who is looking to start the construction of his duplex who has purchased the above mentioned parcel has recently had the unfortunate situation of having to try to rebuild the above mentioned and having to deal with sickness with her parents.*

*With the above the lot being smaller than the required minimum lot size and the building being nearer than the required rear setback minimum of 20'-0", under the regulation we would like to apply for the above mentioned variance.*

*With the area of 3139.00 Sq. Ft. being proposed and according to the planning department advise the proposal would exceed the allowable area coverage by 30.2%. As this is .2% over the max allowable, we would also like to beg a variance for the .2% over the allowable area coverage.*

*(We also note that our calculation proves that the application as submitted does not exceed the allowable 30.00% area coverage as requested to be done by the planning department as a variance request). (Parcel Area 0.25 Acre = 10890.00 Sq. Ft. @ 30.00% =3267.00 Sq. Ft, The proposed area submitted for approval is 3139.00 Sq. Ft. (28.82 %), This would allow for an additional area of 128.00 sq. ft as useable area without having to request a variance for site coverage.*

*8 (13) (b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that –*

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

*8 (13) (d) in the case of an application where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the adjoining property owners have been notified of the application.*

*We would appreciate the board's favorable decision to this request."*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a duplex to be located on Dickens Street, Bodden Town.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issue**

##### **a) Rear Setback**

Regulation 9(8)(i) states "*the minimum rear setbacks is 20'*" ".The proposed porch addition would be 16'-2" from the rear boundary a difference of 3'-10" respectively.

##### **b) Site Coverage**

Regulation 9(8)(h) states "*the maximum site coverage for detached and semi detached houses, duplexes, guest houses and apartments is 30% of the lot size.*" The proposed addition would put the proposed site coverage at 30.2% a difference of 0.2% respectively.

The adjoining parcels were notified and no objections were received.

The Authority should assess if there is sufficient reason and an exceptional circumstance that exists in accordance with section 8(13) to warrant granting the setback & site coverage variance.

### **SUPPLEMENTARY ANALYSIS**

The Board should be reminded the Duplex application with a lot size variance was seen and approved on February 20, 2019 (CPA/04/19; Item 2.11).

**3.0 DEVELOPMENT PLAN MATTERS**

**4.0 PLANNING APPEAL MATTERS**

**5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

**6.0 CPA MEMBERS INFORMATION/DISCUSSIONS**

## Appendix 'A'

## Peacey, Jessica

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**From:** Kerry G. Forbes <kerrygforbes@gmail.com>  
**Sent:** Friday, May 24, 2019 12:24 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Re" Mandarin Oriental St. James Point. Hotel & Resort - Block 32D Parcel 122

Good Afternoon Ms. Peacey,

I write in relation to the above captioned proposed hotel and resort at St. James Point, Beach Bay.

Please note that I object to this project. My objection is not only for objecting because I am a firm proponent of fee enterprise and the Cayman Islands is a capital economy.

Prior to Wednesday Evening's Meeting, This Project was relatively unknown to me. I had heard that there would be a hotel being placed in Beach Bay, but I was unaware that it would be hotel and resort of this size and magnitude.

Now that I am a party to this information, please note that I am concerned as the owner of 32D Parcel 85 and eventhough I have not built a home there as yet, my plans are to begin construction of a very small retirement home there within the next six months. My objections are subjective to the following reasons:

1. I do not know enough about the Project other than it was discussed that a hotel would be placed there, but not a resort and hotel which is another different kettle of fish, pardon my pun.

2. A resort of this magnitude would come with all the headaches that this type of resort normally brings:

Possible Traffic Woes

Possible loss of access to the Beach

Possible Noise Pollution/ thereby loosing the tranquility and ambiance of Beach Bay.

Possible lack of access to Sea-spray drive

3. I am also concerned that the beach would undergo a dramatic shift, not only the Sand there, but has information been collated in regards strong currents in this area. Should any incident , what would be the outcome if someone should go out swimming in this area, how would the resort mitigate against such an outcome and would that be a burden for the Cayman Islands Government and its people to bear.

4. I believe; and as recorded in the meeting on Wednesday, a lot of the Residents are completely unaware of what is being proposed for the 65 acre site. It would be wonderful for us to have a meeting with the Developer so that concerns are recorded and queries are responded to.

I thank you for your kind attention.

Kerry Forbes-Akinnibosun.

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\*Kerry

## Peacey, Jessica

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**From:** Lee Maragh <leecarib@yahoo.com>  
**Sent:** Saturday, May 25, 2019 11:01 AM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Fw: Proposed Hotel Resort Including Residences Spa & Conference Centre

Hi Jessica,

The forwarded message should be self explanatory.

Lee Maragh  
324-6060

----- Forwarded Message -----

**From:** Lee Maragh <[leecarib@yahoo.com](mailto:leecarib@yahoo.com)>  
**To:** [planning.dept@gov.ky](mailto:planning.dept@gov.ky) <[planning.dept@gov.ky](mailto:planning.dept@gov.ky)>  
**Sent:** Saturday, May 25, 2019, 10:58:47 AM EST  
**Subject:** Re: Proposed Hotel Resort Including Residences Spa & Conference Centre

The Director of Planning  
PO Box 113  
Grand Cayman KY1-90000  
Cayman Islands

Dear Director,

In compliance with the notice I received in the mail, please consider this note as my official objection to the proposed development of a hotel resort etc. in Beach bay.

I live at 60 Natures Circle 32D 156

My objection is based on:

- The developer's failure to arrange a meeting with the area's residents
- The absence of details of how the zoning of the location meets the perceived requirements of the project
- Many questions as to how the area's existing infrastructure will be increased to adequately accommodate a project of this magnitude
- Questions as to solutions to soften the impact to the quality of life of neighboring residents
- Preservation of beach access etc.

The over arching question is who is the real benefactor should this project be approved. Transparency is of vital importance as once built it can not be easily removed. No white elephants needed which should be a paramount concern of the developer.

Sincerely,

Lee Maragh  
324-6060

## Peacey, Jessica

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**From:** Donna Moodie <dsmoodie@gmail.com>  
**Sent:** Sunday, May 26, 2019 12:20 AM  
**To:** Peacey, Jessica  
**Subject:** Beach Bay Land Ltd. Development Objection Letter - 32D258  
**Attachments:** Beach Bay Land Ltd. Development Objection Letter - 32D258.pdf

Hi Jessica,

Please see the attached with regard to the above mentioned. Kindly confirm receipt of the attached.

Kindest Regards,



**Donna Moodie**

**Mobile:** 345-546-6827 / 345-927-1263

**Fax:**

**Email:** dsmoodie@gmail.com

**Address:** PO Box 195, Grand Cayman KY1-1501, Cayman Islands

# Donna S. Moodie

PO Box 195  
Grand Cayman KY1-1501  
Cayman Islands  
Email: [dsmoodie@gmail.com](mailto:dsmoodie@gmail.com)

May 25<sup>th</sup>, 2019

Director of Planning  
The Department of Planning  
PO Box 113  
Grand Cayman KY1-9000  
Cayman Islands

## **RE: BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT OBJECTIONS AND CONCERNS**

Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.

- Beach Access: From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for residents.
- 'Back of House' Area: As the owner of Lot 32D258 this area is literally in my back yard! Further information needs to be given to residents regarding the 'Back of House' area on the corner of Beach Bay and Sea Spray Drive. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, especially those that have spent considerable monies to live in a quiet and harmonious area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. I cannot agree to this unless certain concessions are agreed upon.

With regards to Block and Parcel 32D 102, this 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves, both of these, have already single family dwellings situated on them. We are quite aware that no proposed plans have yet gone in regarding this land parcel, but feel we must stress to the developer that we do not want there to be anything other than was the intention. As the land is not sea front and viable to tourists, we are not quite of the understanding of what their future plans might be. We are all unanimous that a twenty-foot setback is simply not adequate and forty-foot setback must be given including some kind of tall hedge and trees in landscaping on developers side would be better accepted as a concession. This area is going to be a major issue if the developers choose not to work closely with & take into

consideration the residents most affected by what is to be constructed on it. There are many factors that have to be taken into consideration on this piece of land.

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

Kindest Regards,

*Donna S Moodie.*

Donna Moodie

## Peacey, Jessica

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**From:** Nicholas Sykes <sykesn10@yahoo.com>  
**Sent:** Friday, May 24, 2019 2:07 PM  
**To:** Department of Planning  
**Cc:** Peacey, Jessica  
**Subject:** Objection regarding s.15(4) Notice of Application for Planning Permission (May 7 Cayman Compass)  
**Attachments:** Objection letter Planning.doc

Please find the letter attached.

Nicholas JG Sykes  
Winnifred EL Sykes  
Peter JD Sykes

38E/136

P. O. Box 719, Grand Cayman KY1-1603  
Lower Valley Block 38E Parcel 136  
*24 May 2019*

The Director of Planning  
Planning Department  
Grand Cayman  
Cayman Islands

planning.dept@gov.ky  
cc. jessica.peacey@gov.ky

Dear Mr. Pandohie,

Thank you for attending the meeting of some Beach Bay area residents on Wednesday last. As you are aware there are a range of concerns that were expressed.

We write from our particular point of view as residents &/or owners of property in Kingschase Drive in Mahogany Estate. Many of us in this estate, as you may be aware, have been active for several years in preserving something of its character from an industrial type of operation. This was blasting and excavating large quantities of fill from an adjoining large lot of what was originally (and when we bought our property) planned to be part of the estate, and then trucking it out of the estate through the estate roads for sale and use elsewhere.

In spite of the support we received from the Central Planning Authority and the Department, for which we are grateful, the arcane process of never-ending appeals from the CPA decisions that were allowed by the Planning Law to the quarrier (ironically referred to as the "developer") was about to take us back full circle, when to our great relief we received help from another quarter, from which time we have substantially been able to enjoy our properties in peace. Meanwhile the estate roads have been acquired by the government and gazetted.

We are very disappointed therefore to learn of the progress of some of the current very extensive plans for the properties that adjoin Mahogany Estate, in that we consider they ought to have been discussed openly with the current residents and that reasonable accommodation for all parties concerned should have been sought, rather than the existing residents being expected to respond to a tiny notification in the May 7, 2019 Cayman Compass to register their concerns, without any prior attempt, to our knowledge, being made to ascertain our own mind on the matter. We are not unreasonable or inflexible people, and we would like to accommodate the needs of any new and good development, and indeed hope to benefit from it ourselves; but we are not

pleased with the appearance of being bullied into acquiescence with the plans of a new player who has not seen fit, it would seem, to consult people in the area who have invested their lives and substance here already. We want to remind all concerned that in the Cayman Islands we have a Constitution which is among other matters designed to protect the Private and Family Life of all residents. This is set out in Section 9, where we read: **Government shall respect every person's private and family life, his or her home** and his or her correspondence. Agencies of Government such as the Planning Department and the Central Planning Authority as well as all laws such as the Planning laws and regulations are under a constitutional obligation to reflect that responsibility for our protection.

There are two immediate issues that we are concerned about as residents of Kingschase Drive, which we have only recently learnt is planned to be very close to the new development.

The first is that - we have again heard of it only very recently - the developer plans to construct a waste water treatment plant for the hotel and resort very near the southern end of Kingschase Drive. The main concern to us about this will be the stench that could result from it. There may also be environmental concerns concerning the disposal of the water, and we will want to know that appropriate government authorities will be required to report on the project, and also that the Planning Authority will require from such reports proper standards regarding the project before approval.

The second is the concern that the developer may wish to use our gazetted estate roads both for the development and the use of the project, and this again would most immediately concern Kingschase Drive and Berry Drive. Our residents here have had more than enough usage of our community's roads for industrial type operations such as blasting and fill extraction already for one lifetime, and we would not wish this to begin all over again, not would we want to have parked vehicles blocking up sections of the road.

There are quite likely to be other concerns such as general noise and a host of others which may yet be factors still hidden from our knowledge.

With thanks for your careful consideration of these concerning matters,

Yours sincerely,

Nicholas JG Sykes  
Winnifred EL Sykes  
Peter JD Sykes

## Peacey, Jessica

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**From:** Alan Correia <whitesandwatersports@gmail.com>  
**Sent:** Monday, May 27, 2019 7:29 AM  
**To:** Peacey, Jessica; Department of Planning  
**Cc:** Lindsay Correia  
**Subject:** 32D 102 Development Concerns  
**Attachments:** BEACH BAY development.docx

We reside and own block and parcel number 32D 158, and have a few concerns with the development scheduled for block and parcel number 32D 102. We have a letter attached with these concerns. Please contact us at either 916-7263 OR 924-7757 if you have any questions.

Kind Regards,  
Alan

**Director of Planning.**

**The Department of Planning**

[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT.**

**Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.**

We are homeowners residing in Natures Circle. We have lived here many years. We invested here due to the peacefulness and charm of the area. Having looked at the plans, there are certain points that we have to object to until more information is given, and certain concessions discussed with the Developer.

- 1)** Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for residents.
  
- 2)** Where is the car park spaces for said Residents and beach visitors?? Without car parking spaces, cars will be parking along Sea Spray Road and Beach Bay Road causing congestion to those of us living here. A certain portion of land to be determined needs to be ceded to government so that those that have already invested in living in Beach Bay continue to enjoy said beach.
  
- 3)** What effects to Traffic will two very large Hotels, Residences and daily Conferences, those wishing to use Restaurants and bars is expected? We all agree that there needs to be a "Traffic Impact study" Included in this report. Also to be included, the 178 lot single home residential subdivision Charles

Watler Block 32D Parcel 299 which will filter into Beach Bay Rd that has already been approved.

- 4) Further information needs to be given to Residents regarding the 'Back of House' area on the corner of Beach Bay and Sea Spray Road. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, especially those that have spent considerable monies to live in a quiet and harmonious area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. We cannot agree to this unless certain concessions are agreed upon. Some of us with the little time that has been made available in regards to late or no notifications have voiced their opinion that one solution to Natures Circle would be for the developer to give us a Gated community in fair exchange for our loss of privacy. Unlike some communities we are going to be faced with all of the discomforts of this large scale Resort we are prepared to be reasonable but this is our home and we invested here. The developers were aware of that when buying the land, which can clearly be seen on plans.
  
- 5) In Regards to Block and Parcel 32D 102. This 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves. Both of these, have already single family dwellings situated on them, it was always the belief that this land would eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development. From my understanding this is now owned by Beach Bay Ltd. We are quite aware that no proposed plans have yet gone in regarding this land parcel, but feel we must stress to the developer that we do not want there to be anything other than was the intention. No staff quarters, with noisy after parties, no car parking, with people coming back from bars and no 3 story town houses. In fact, as the land is not sea front and viable to tourists, we are not quite of the understanding of what their

future plans might be. We are all unanimous that a twenty-foot setback is simply not adequate and forty-foot setback must be given including some kind of tall hedge and trees in landscaping on Developers side would be better accepted as a concession. There are no houses on Beach Bay Groves at present, directly bordering this large parcel and they will have the luxury of adapting their architectural plans, we however at Natures Circle cannot change our footprint. In moving forward, it would be a good idea if a meeting was held between the developer and those residing here so that decisions and arrangements could be raised and discussed before any further plans go into planning regarding 32D 102.

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

## Peacey, Jessica

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**From:** Lindsay Wright <creationscayman@gmail.com>  
**Sent:** Friday, May 24, 2019 2:05 PM  
**To:** Department of Planning; Peacey, Jessica; Japal, Jon  
**Subject:** Objection Letter Regarding Beach Bay Ltd Mandarin Oriental  
**Attachments:** 19-05-24 Director Of Planning.docx

Good Afternoon,

Please can you kindly add this objection letter, regarding Mandarin Oriental, Beach Bay Ltd.

Can you kindly reply back that this letter has been submitted

Sincerely yours

Lindsay Parr

**Director of Planning.**

**The Department of Planning**

[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT.**

**Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.**

My Husband and I have heavily invested in the Beach Bay area, we own Seven parcels of land, one of which we built our forever home. For those coming to the area it is easy to see why. Far from the hustle and bustle of Seven Mile, there is a peacefulness and charm to the area, a place to quietly relax without tripping over tourists and gentle walks around our surrounding area. Indeed, we have made it our mission to 'save the Trees' organization back in 2007 to encourage new home owners to keep as much of the valuable habitat for the many wildlife that we have here.

It should also be mentioned with the amount of spendable income that we invested, we could easily have moved to seven-mile beach Condo land, or a house in the Seven-mile corridor. If we had so wished, so coming here was intentional due to the quiet neighborhood.

I understand that we must move forward with tourism, but it must be noted, the amount of Beach space available here, and surrounded by single family homes that a Resort of this size does not fit the area. Even more alarmingly, the developers have not only acquired Tourism zones but that of low Density zones, which is meant for single family homes, with no sea views, and it begs the question for what purposes. Hardly Tourists. If you yourselves would not like to be caught up in this mega Resort Phase one, how are we possible to convince others if we have no other means to move up and sell.

I have included here some of the views that as acting Chairman of Beach Bay heights has been conveyed to me along with other points of concerns.

- 1)** Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for residents.
  
- 2)** Where is the car park spaces for said Residents and other beach visitors?? Without car parking spaces, cars will be parking along Sea Spray and Beach Bay Road causing congestion to those of us living here. A certain portion of land to be determined needs to be ceded to government so that those that have already invested in living in Beach Bay continue to enjoy said beach.
  
- 3)** What effects to Traffic will two very large Hotels, Residences and daily Conferences, those wishing to use Restaurants and bars is expected? We all agree that there needs to be a "Traffic Impact study' Included in this report. Also to be included, the 178 lot single home residential subdivision Charles Watler Block 32D Parcel 299 which will filter into Beach Bay Rd that has already been approved.
  
- 4)** Further information needs to be given to Residents regarding the 'Back of House 'area on the corner of Beach Bay and Sea Spray Road. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, especially those that have spent considerable monies to live in a quiet and harmonious area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. We cannot agree to this unless certain concessions are agreed upon. Some of us with the little time that has been made available in regards to late or no notifications have voiced their

opinion that one solution to Natures Circle would be for the developer to give us a Gated community in fair exchange for our loss of privacy. Unlike some communities we are going to be faced with all of the discomforts of this large scale Resort we are prepared to be reasonable but this is our home and we invested here. The developers were aware of that when buying the land, which can clearly be seen on plans.

- 5)** In Regards to Block and Parcel 32D 313 This 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves. Both of these, have already single family dwellings situated on them, it was always the belief that this land would eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development. From my understanding this is now owned by Beach Bay Ltd. We are quite aware that no proposed plans have yet gone in regarding this land parcel, but feel we must stress to the developer that we do not want there to be anything other than was the intention. No staff quarters, with noisy after parties, no car parking, with people coming back from bars and no 3 story town houses. In fact, as the land is not sea front and viable to tourists, we are not quite of the understanding of what their future plans might be. We are all unanimous that a twenty-foot setback is simply not adequate and forty-foot setback must be given including some kind of tall hedge and trees in landscaping on Developers side would be better accepted as a concession. There are no houses on Beach Bay Groves at present, directly bordering this large parcel and they will have the luxury of adapting their architectural plans, we however at Natures Circle cannot change our footprint. In moving forward, it would be a good idea if a meeting was held between the developer and those residing here so that decisions and arrangements could be raised and discussed before any further plans go into planning regarding 32D 313.
- 6)** Furthermore, having heard that the parcel of land, where the proposed 'Back of House' is going to go, the Zone has now been changed to Tourism. I wish to make it known now, that we need to be informed if Developers put in permission for a zone change on 32D 313.

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

**As such, we, the owners of Block and parcels do not approve of this development.**

**32D 162**

**32D 152**

**32D 159**

**32D 155**

**32D 194**

**32D 220**

**32D 221**

**Regards**

**Lindsay and Robert Parr**

**Owners of ERSD Corp Ltd.**

My mailing address is Lindsay Parr, 31672 Seven Mile Beach, Grand Cayman, Cayman Islands, KY1-1207

Telephone 945-5164

Email [creationscayman@gmail.com](mailto:creationscayman@gmail.com)

## Peacey, Jessica

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**From:** Sandra Labuschagne <Sandra.Labuschagne@recholdings.com>  
**Sent:** Monday, May 27, 2019 1:23 PM  
**To:** Department of Planning; Peacey, Jessica  
**Subject:** RE: Letter of Objection - Block 32D Parcel 160  
**Attachments:** Director of Planning Nature Circle.docx

**Importance:** High

Good Afternoon,

Further to my email of Friday, please see enclosed objection letter. I understand that this must be submitted in word version. Please can you confirm receipt.

Thank you  
Sandra

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The information in this email is confidential and may contain proprietary or legally privileged information. No confidentiality or privilege is waived or lost by any error in transmission. If you receive this message in error, please immediately delete it and all copies of it from your system, destroy any hard copies of it and notify the sender. If you are not the intended recipient you must not, directly or indirectly, use, disclose, distribute, print, copy, or electronically store any part of this message or its attachments. We accept no responsibility for software viruses or for the reliability, security, inaccuracy, incompleteness, interception, corruption, loss or delay of information exchanged.

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**From:** Sandra Labuschagne  
**Sent:** Friday, May 24, 2019 2:59 PM  
**To:** 'planning.dept@gov.ky' <[planning.dept@gov.ky](mailto:planning.dept@gov.ky)>; 'jessica.peacey@gov.ky' <[jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky)>  
**Subject:** Letter of Objection - Block 32D Parcel 160

Dear Jessica,

Please note that my husband and I intend on submitting an objection letter on Monday, 27 May in relation to the planning proposal for the hotel resort, including residences, spa and conference centre in Beach Bay (Mandarin Oriental St James Point Hotel & Resort).

Regards  
Sandra

### **Property Details: Block 32D Parcel 160**

**Sandra Labuschagne**  
Corporate Manager

**MOBILE:** 345-325-4149  
**DIRECT:** 345-640-3323  
**MAIN:** 345-640-3600  
**EMAIL:** [Sandra.Labuschagne@recholdings.com](mailto:Sandra.Labuschagne@recholdings.com)

**PHYSICAL ADDRESS:** 89 Nexus Way, Camana Bay, Grand Cayman, Cayman Islands  
**MAILING ADDRESS:** 10 Market St, #771 Camana Bay, Grand Cayman, Cayman Islands KY1-9006

Please consider the impact on the environment before printing this email.

**Sandra Labuschagne and Ewen Campbell**

Suite 124, 10 Market Street, Camana Bay, Grand Cayman KY1-9006, Cayman Islands  
Property Details: 92 Natures Circle, Beach Bay, Block 32D Parcel 160

Date: 27 May 2019

**Director of Planning**

The Department of Planning

[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

Dear Sirs

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT  
Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre**

We are homeowners residing in Natures Circle. We have lived here many years. We invested here due to the peacefulness and charm of the area. Having looked at the plans, there are certain points that we have to object to until more information is given, and certain concessions discussed with the Developer.

- 1) Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for residents.
- 2) Where is the car park spaces for said Residents and beach visitors? Without car parking spaces, cars will be parking along Sea Spray Road and Beach Bay Road causing congestion to those of us living here. A certain portion of land to be determined needs to be ceded to government so that those that have already invested in living in Beach Bay continue to enjoy said beach.
- 3) What is the traffic impact with two very large Hotels, Residences and daily Conferences, including those wishing to use restaurants and bars? We all agree that there needs to be a "Traffic Impact study" included in this report. Also to be included, the 178 lot single home residential subdivision Charles Watler Block 32D Parcel 299 which will filter into Beach Bay Rd that has already been approved.
- 4) Further information needs to be given to Residents regarding the 'Back of House' area on the corner of Beach Bay and Sea Spray Road. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, especially those that have spent considerable monies to live in a quiet and harmonious area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. We cannot agree to this unless certain concessions are agreed upon. Some of us with the little time that has been made available in regards to late or in our case NO notifications have voiced their opinion that one solution to Natures Circle would be for the developer to give us a Gated community in fair exchange for our loss of privacy. Unlike some communities we are going to be faced with all of the discomforts of this large scale Resort we are prepared to be reasonable but this is our home and we invested here. The developers were aware of that when buying the land, which can clearly be seen on plans.

- 5) In Regards to Block and Parcel 32D 102. This 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves. Both of these, have already single family dwellings situated on them, it was always the belief that this land would eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development. From my understanding this is now owned by Beach Bay Ltd. We are quite aware that no proposed plans have yet gone in regarding this land parcel, but feel we must stress to the developer that we do not want there to be anything other than was the intention. No staff quarters, with noisy after parties, no car parking, with people coming back from bars and no 3 story town houses. In fact, as the land is not sea front and viable to tourists, we are not quite of the understanding of what their future plans might be. We are all unanimous that a twenty-foot setback is simply not adequate and forty-foot setback must be given including some kind of tall hedge and trees in landscaping on Developers side would be better accepted as a concession. There are no houses on Beach Bay Groves at present, directly bordering this large parcel and they will have the luxury of adapting their architectural plans, we however at Natures Circle cannot change our footprint. In moving forward, it would be a good idea if a meeting was held between the developer and those residing here so that decisions and arrangements could be raised and discussed before any further plans go into planning regarding 32D 102.

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

Sandra Labuschagne and Ewen Campbell

**92 Natures Circle, Beach Bay, Block 32D Parcel 160**

Email: [sandra.labuschagne@reholdings.com](mailto:sandra.labuschagne@reholdings.com) and [ewen@harbourhousemarina.com](mailto:ewen@harbourhousemarina.com)

Telephone: 345 325 4149 and 345 326 4711

## Peacey, Jessica

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**From:** Charmaine Richter <crichter@traversthorpalberga.com>  
**Sent:** Friday, May 24, 2019 2:28 PM  
**To:** Peacey, Jessica  
**Cc:** Charmaine Richter (crichter@hotmail.com)  
**Subject:** [EXTERNAL] FW: Objection Letter re Beach Bay Ltd Mandarin Oriental St James Point Hotel & Resort  
**Attachments:** Objection letter to Director of planning Nature Circle 230519.pdf

Dear Jessica

Please see my letter of objection to the proposed Beach Bay Mandarin project. I sent this to the Planning Department mailbox earlier today.

Kind regards

**Charmaine Richter**  
Senior Associate - Litigation



T: +1 345 623 2364 | M: +1 345 325 6743 | E: [crichter@tta.lawyer](mailto:crichter@tta.lawyer) | [Bio](#)

---

**From:** Charmaine Richter  
**Sent:** 24 May 2019 12:07  
**To:** 'Planning.dept@gov.ky' <[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)>  
**Cc:** Charmaine Richter ([crichter@hotmail.com](mailto:crichter@hotmail.com)) <[crichter@hotmail.com](mailto:crichter@hotmail.com)>  
**Subject:** Objection Letter re Beach Bay Ltd Mandarin Oriental St James Point Hotel & Resort

Dear Sirs

Please find enclosed my letter of objection to the proposed resort development by Beach Bay Ltd.

Kind regards

**Charmaine Richter**  
Senior Associate - Litigation



T: +1 345 623 2364 | M: +1 345 325 6743 | E: [crichter@tta.lawyer](mailto:crichter@tta.lawyer) | [Bio](#):  
Harbour Place, 2nd Floor, 103 South Church Street, P.O. Box 472, George Town, Grand Cayman KY1-1106, Cayman Islands  
[www.traversthorpalberga.com](http://www.traversthorpalberga.com)

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Charmaine Richter  
CharmSpresso Ltd (formerly Wine & Glass Ltd)  
Block 32D Parcel 154  
P O Box 31854  
Grand Cayman KY1-1207

Director of Planning.  
The Department of Planning  
[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT (“RESORT”).**

**Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.**

Generally speaking, I object to the proposed Resort as this is a massive project, certain aspects of which will have a profound negative impact on this residential area. It was extremely disappointing that the developer chose not to attend the community meeting held at the Savanah Primary School Hall on 22 May 2019. We need more information to understand how some aspects of the Resort will be built to be comfortable with it and not object. Some of my concerns which underpin my objections are listed below are also shared by my neighbours.

- 1) Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for Beach Bay residents (“Residents”).
- 2) Where are the car park spaces for said Residents? Without car parking spaces, cars will be parking along Sea Spray Dr and Beach Bay Road causing congestion to those of us living here. A certain portion of land to be determined needs to be ceded to government so that those that have already invested in living in Beach Bay continue to enjoy our beach, which will also benefit further property owners in Beach Bay.
- 3) What effects are expected to traffic with two very large Hotels, Residences and daily Conferences and those wishing to use Restaurants and bars? Also, what provisions have been made to contend with the increased traffic? We all agree that there needs to be a Traffic Impact Study included in this report. The Report should also take into account the 178 lot single home residential subdivision Charles Watler Block 32D Parcel 299 which will filter into Beach Bay Rd.
- 4) Further information needs to be provided to the Residents, in particular those of who live along and off Sea Spray Dr, in respect of the ‘Back of House’ area on the corner of Beach Bay and Sea Spray Dr.:

- a. Size of cooling towers, noise factor, hours of operation;
- b. Trucks, forklifts, deliveries, mechanical machines;
- c. Trash compactor, emissions and smells;
- d. night time activities, breakdown services and the likely constant pollution from diesel fuel.

I cannot agree to this unless some concessions are proposed to which the Residents would be agreeable.

5) Block and Parcel 32D 313.

- a. This parcel is a 9-acre Low Density Residential in between Beach Bay Heights (Nature's Circle) and Beach Bay Groves. Both of these subdivisions, already have single-family dwellings situated on them. It was always the belief that this land would eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development.
- b. From my understanding this is now owned by Beach Bay Ltd. On inspection at Planning, no plans have yet been submitted regarding this land parcel and I am very perturbed that this parcel of land is included in the Resort to be passed when we have no idea what the Developer proposes for the future use of this land.
- c. We are all unanimous that a 20ft setback is simply not adequate and a 40ft setback must be given including some kind of tall hedge and trees in landscaping on the Developer's side. This would be better accepted as a concession. There are no houses on Beach Bay Groves at present, directly bordering this large parcel and they will have the luxury of adapting their architectural plans, we however at Natures Circle cannot change our footprint.
- d. In moving forward, it would be a good idea if a meeting was held between the developer and those residing here so that decisions and arrangements could be raised and discussed before any further plans go into planning regarding 32D 102.

Please inform me of any subsequent meetings regarding this project so that we can be kept informed.

Yours Sincerely

Charmaine Richter

## Peacey, Jessica

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**From:** info <info@csgillandcompany.com>  
**Sent:** Friday, May 24, 2019 3:08 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] URGENT! Planning Objection to Hotel Resort including Residences, Spa, Conference Centre  
**Attachments:** Objection to Planning Notice.Hotel.emailed & hand delivered 24M.pdf

Please find attached an Objection to the planning application for Mandarin Oriental St James Point Hotel & Resort. The original will be delivered by hand.

Thank you.

# Beach Bay Heights Ltd.

24 May 2019

Director of Planning  
Central Planning Authority  
PO Box 113  
Grand Cayman KY1-9000  
CAYMAN ISLANDS

Dear Director,

**Re: Notice of Application for Planning Permission**

**For: Hotel Report including Residences, Spa, Conference Centre**

**Block/Parcels: 32D 5 / 32D 122 / 32D 313 / 32E 282 owned**

**by Beach Bay Land Ltd.**

➤ **Mandarin Oriental St James Point Hotel & Resort**

We are writing in connection to the above mentioned planning application and on behalf of the following parcels – and the communities of Beach Bay Heights and Beach Bay Groves Block 32D:

- P149
- P209
- P213
- P214
- P215
- P217
- P218
- P239
- P242
- P244
- P250
- P252
- P259
- P260
- P265
- P269
- P270
- P271
- P282
- P283
- P285
- P291
- P294
- P295

This is to notify you of our **STRONG OBJECTION** to the above application for planning permission, in particular the “Back House” area. It is our understanding that a utility building of sorts is to be erected on Block 32D Parcel 313. This will be unfair to owners and future owners and investors of these developments for the following reasons, to mention only a few:

1. Pollution due to fumes
2. Possible future health risks that the public may be concerned about
3. Noise from heavy machinery produced by generators and air conditioners and other machinery.
4. Excessive traffic generation
5. Traffic noise
6. Curtailment of residential amenity
7. Loss of views including natural beauty of scenery/views due to the removal of trees, etc. (the main reason the members of the community have purchased in this area – *especially those who's yards are backing this parcel from both developments*)
8. Devaluation of real estate values: sales/resales for the preserved loss of property value

Further objections may arise as we get further acquainted with the project.

Yours sincerely,

BEACH BAY HEIGHTS LTD.

By: Corporate Management Ltd., Director

By: \_\_\_\_\_

  
Administrator

## Peacey, Jessica

---

**From:** stoneytl <stoneytl@yahoo.com>  
**Sent:** Monday, May 27, 2019 3:55 PM  
**To:** Peacey, Jessica  
**Subject:** RE: [EXTERNAL] Beach Bay hotel proposal

Many reasons and unfortunately we were not notified. But some reasons

Traffic

parking

Environmental reasons including Turtle nesting Parrott nests etc

Noise

Beach access

Over developing in a residential area

We moved to beach bay to be away from the hotels etc of seven mile. We sit in traffic to commute to work because we love our neighborhood as it is.

Regards

Tracy and George stone

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: "Peacey, Jessica" <[Jessica.Peacey@gov.ky](mailto:Jessica.Peacey@gov.ky)>  
Date: 5/27/19 1:39 PM (GMT-05:00)  
To: Tracy Stone <[stoneytl@yahoo.com](mailto:stoneytl@yahoo.com)>  
Subject: RE: [EXTERNAL] Beach Bay hotel proposal

Thank you for your email.

Can you please state your grounds for objecting to the proposed development. This is a requirement as per Section 8(12) of the Development and Planning Regulations 2018.

Kind regards

**Jess Peacey MRTPI**

**Department of Planning | Cayman Islands Government**

( +1 345 244-6501 (Main ) ( +1 345 244- 6526 (Direct)

\* [jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky) | : [www.planning.ky](http://www.planning.ky)



DEPARTMENT OF PLANNING  
Cayman Islands Government

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**From:** Tracy Stone [<mailto:stoneyt1@yahoo.com>]  
**Sent:** Saturday, May 25, 2019 8:24 AM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Beach Bay hotel proposal

Good Morning,

Please note our **objection** to the hotel proposal on Beach Bay Road. Our block is 32D, Parcel 193.

Sincerely,

Tracy L Stone

George F Stone

## Peacey, Jessica

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**From:** V V <vasiliv@hotmail.com>  
**Sent:** Sunday, May 26, 2019 5:44 PM  
**To:** Peacey, Jessica; Department of Planning  
**Subject:** Objection letter to Dept of Planning for Mandarin Resort Beach Bay  
**Attachments:** The Mandarin Resort.docx

Please see attached.

Vane Vasiliev  
36 Beach Palm Way  
Block 32D Parcel 204  
[vasiliv@hotmail.com](mailto:vasiliv@hotmail.com)  
Cell: 525-0806

# The Mandarin Resort (Beach Bay)

First off I would like to start off by saying I am not against this development but I am interested in finding out more details as we currently have very little. I bought my property in 2008 with the hopes that there would be a Hotel/Tourism site at the end of Beach Bay Rd. I have highlighted all questions and statements in gray.

My details:

Name: Vane Vasiliev

Address: 36 Beach Palm Way

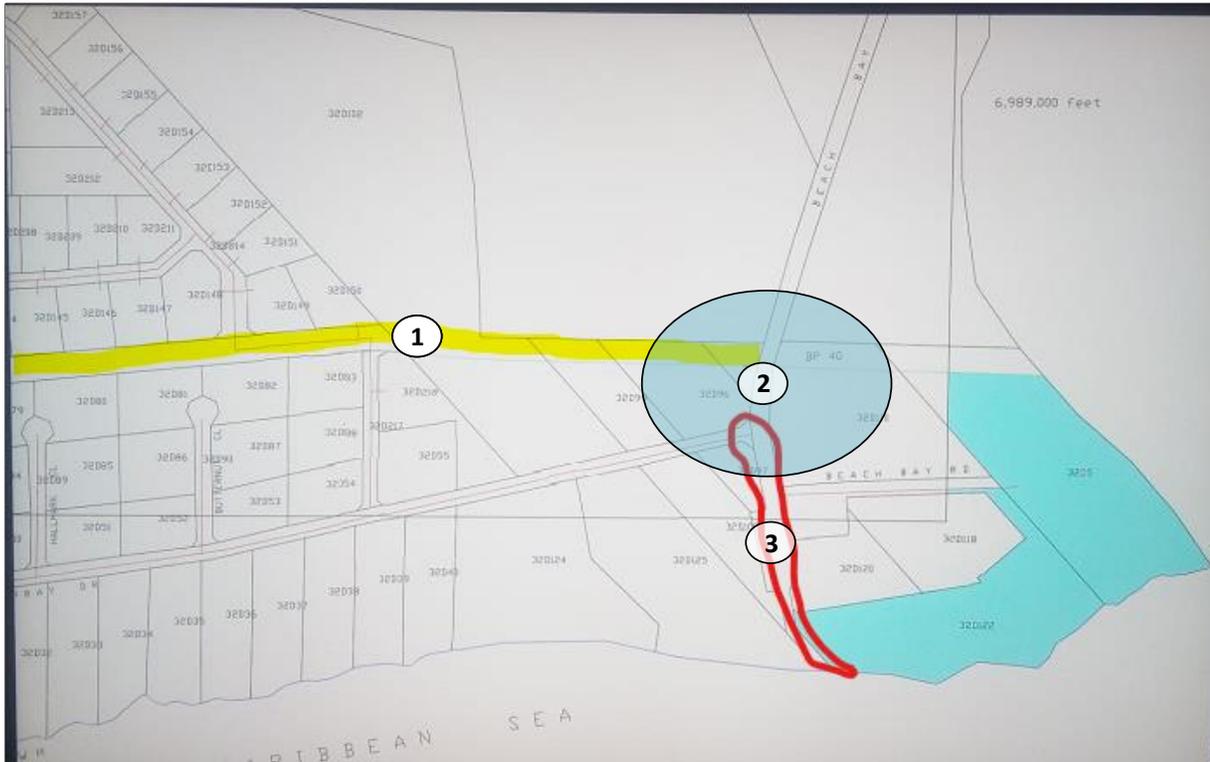
Block# 32D Parcel # 204

Pro's and Con's of the development:

Pro's	Con's
<ul style="list-style-type: none"><li>• Property Values may increase for properties in and around the Beach Bay area</li><li>• ISP's will fight to bring Fiber Internet to us</li><li>• Beach Bay Rd will get paved with asphalt</li><li>• Development will have restaurants – within walking distance</li><li>• The Development will have Pool(s) for our enjoyment</li><li>• Beach will be maintained by the property as opposed to being taken care of by volunteers</li></ul>	<ul style="list-style-type: none"><li>• Property Values may decrease for properties that are jugged against the development</li><li>• There is no downside to Fiber Internet</li><li>• Beach Bay Rd will experience higher levels of traffic</li><li>• Restaurants come with unwanted noise/smells/lights/events etc...</li><li>• Some people already have personal pools</li><li>• We may not get to enjoy the beach as we have previously done in the past</li></ul>

## Points of Interest:

Points of Interest Map



### Points of Interest (details)

#### 1. Queen Palm Way:

Several years ago there was a planning document that made the rounds but then was shortly afterwards rescinded. It looks like that road will be revived in this new iteration of the development. In the original document it showed how Queen Palm would join up to Beach Bay Rd but it did not show where/how it joined on the Western side (i.e Pedro Castle/Agriculture Center).

My questions are:

- Can we see how the “New” Queen Palm Way will join to the West (i.e Pedro Castle/Agriculture Center)?
- Will the traffic flow meet at Country Side or Savannah Primary School – or somewhere else?
- Can we again see how it will join to Beach Bay Rd – are there any changes since last document was released?
- This road will need to be build/extended before the Beach Bay development starts as construction will cause unwanted traffic congestion issues along Beach bay Rd.
- When will construction of this road occur – what is the timeline for completion?

#### 2. Center Spot:

This is an interesting spot as the “New” Queen Palm Way will join Beach Bay Rd as well Sea Spray Rd may no longer be connected to Beach Bay Rd.

My questions are:

- Would like to have some better understanding on how this will work?
- I would like to see a proper parking lot here so we can access the public beach – which ties into point #3

#### 3. Beach Access:

There needs to be a public beach access at this point. It should be 6ft wide, paved, with adequate lighting at night and should be open to everyone at all times for perpetuity. Also labeled as “Beach Path”

My questions are:

- Can the developer guarantee parking and unhindered access from Sea Spray to the public beach?
- As Beach Bay residents we do not want to lose access as we have currently enjoyed

## Some other questions/concerns:

1. Construction Employees:
  - The size of this development will require 100-200 or more construction workers onsite everyday
  - Where will these workers park – that is 100-200 cars?
  - Will they park along side of the road in the ditches?
  - The number of cars will be a traffic hazard and add to congestion on Beach Bay Rd
2. Construction noise/traffic:
  - The number of trucks carrying rock and gravel may be excessive
  - There will also need to be cranes and tall construction cranes for the multi-story development
  - Can we put in an ordinance that work will not start before 7am and will finish at 7pm?
  - Heavy trucks will damage Beach Bay Rd – I already made mention that the road will need to be properly asphalted
3. There are a large number of construction projects already live in Cayman:
  - Where will they get the 100-200 construction workers needed for this job?
  - I suspect they will need to import labor to fulfil this construction
4. Unexpected benefits of the construction:
  - There is the possibility to rent out houses or rooms to construction workers
  - Long term you may also rent out to Post Construction employees

## Post Construction Concerns:

1. How many Caymanians will be employed?
2. How many Expats will be employed?
3. How many Caymanians will be in middle level or higher management positions?
4. Where will they house their employee's?
5. Will there be onsite residences for the employees?
6. There was mention of onsite waste management facilities – can more details be provided?
7. Will there be a noise bylaw in place as this development is surrounded by residential properties?
8. What will be the benefit(s) to the community?
  - How will the development give back (i.e. charity, local community events, Beach Bay Days, discounts to locals)?
9. Will the development have an onsite generator?
  - If so when will it be tested?
10. Will the development incorporate alternative energy (Solar/Wind, etc...)?
11. What will be there Hurricane plan as they are located on the South facing side?
12. Will the Pool, Restaurant, Gym be open to the public?
13. What will be the garbage/recycling plan?

## Peacey, Jessica

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**From:** Yvonne Broderick <ybroderick@yahoo.com>  
**Sent:** Monday, May 27, 2019 10:25 AM  
**To:** Peacey, Jessica  
**Subject:** Beach Bay  
**Attachments:** Planning Letter 2.docx

Good Morning Jessica,

I hope you had a nice weekend. I am sure to day is going to be a very busy day. I dropped off my letter on Friday but here is an email copy.

Kind regards,

Yvonne Broderick

Director of Planning.

May 24<sup>th</sup> 2019

The Department of Planning

[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

**RE: BEACH BAY LTD**

**MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT.**

**OBJECTIONS and CONCERNS regarding proposed Plans for above Hotel Resort including Residences, Spa and Conference Centre.**

- 1) My lot **32D261** is directly beside the proposed roundabout. I would like to know exactly the type of lighting is to be used and what measures are being taken to reduce the glare that will undoubtedly be coming on my property. Also what provisions are to be made to reduce the noise that will also affect my property. A roundabout of this magnitude with the volume of traffic that will be using it will cause considerable noise. Thus making my land undesirable for the construction of my lovely home. It will also render my 2 lots monetarily worthless! No one in their right mind would want to buy them.
- 2) Beach Access. I would like to see detailed plans and access provisions for all public use. As well as plans for safe and sufficient parking. Similar to what has been done for Smiths Cove on South Sound. Maybe they would like to purchase my lots to use for that!
- 3) I would also like **detailed** information regarding the 'Back of House' area which will also touch onto one of my lots, and will pose the same concerns.
- 4) In Regards to Block and Parcel 32D 102. Surrounding it there are approximately 155 residential lots combined. This area is going to be a major issue if the developers choose not to work closely with & take into consideration the residents most affected by what is to be constructed on it. There are many factors that have to be taken into consideration on this piece of land.
- 5) A ZONING CHANGE FOR 32D102 WILL BE VEHAMINTELY OBJECTED TO

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

Yours Sincerely

**Yvonne Broderick**

**P.O. Box 31323,**

**KY1-1206**

# ELVA O. SMITH

P.O. BOX 11061, GEORGE TOWN GRAND CAYMAN, CAYMAN ISLANDS, B.W.I.

PHONE: (345) 949-0699 • FAX: (345) 949-8171

E-MAIL: ELVA.SMITH262@GMAIL.COM

26 May 2019

Director of Planning  
Central Planning Authority  
Department of Planning  
Government Administration Building  
Elgin Avenue  
George Town.

## Letter of Objection Proposed Hotel in Beach Bay by Beach Bay Ltd. ("the Developer") Block 32D Parcels 5, 122, 313 and Block 38E Parcel 282

Dear Sir,

I am the registered proprietor of Block 32D parcel 262 (12 Sand Castle Link) in the development named Beach Bay Groves. I object to the proposed development by Beach Bay Ltd. – Mandarin Oriental St. James Point Hotel and Resort ("Resort"), on the following grounds:

1. Size of Resort: The proposed Resort is too huge for Beach Bay and we will be negatively impacted in many ways by it:
  - a. Traffic: Currently there is no other road access to the proposed Resort except via Beach Bay Road. As you are aware, Frank Hall Homes have developed a huge portion of property off Beach Bay Road, and Mr. Charles Watler is in the process of developing Parcel 299 with 178 single home lots, which will exit on Beach Bay Road. Where will all this traffic exit? Beach Bay Road was not built for the traffic that will use it during the construction stage and afterwards when the Resort is functional.
  - b. Parcel 32D313 - Noise, Pollution, Garbage, Rodents: I note that Parcel 32D313 is included in the proposed Resort. It is nestled between residential homes. On the north-eastern boundary of it is less than 200 ft. my property. I also note that the eastern portion of Parcel 313 has been earmarked by the Developer to be used for cooling towers, air conditioning and mechanical building, trash compactor, sewage lift station, truck loading area with forklift, etc.

The noise, pollution and possible rodent/pests infestation that will emanate from that portion Parcel 313 will adversely affect the residents around that parcel - loss of peace and tranquility and exposure to the pollution from the machinery, pests, etc. That portion of Parcel 313 is too small and too close to the surrounding residents for the construction that is proposed on it.

- c. Beach Access: There is just a small bit of beach available on Parcel 122. Given the magnitude of the proposed Resort, there will not sufficient beach space for the patrols of the Resort to use, and the local residents who live and use that beach will not be allowed to use and enjoy it as we currently do.
- d. Loss of Privacy & Vulnerability to Crime: The privacy that I and my family, and the residents who live around the proposed development enjoy will be lost. With the proposed restaurants and night life activities that the Resort will boast, will cause our area to be open to all and sundry, thus causing the surrounding residents to be vulnerable to crime.

For example, since the Government has encouraged the iguana culling program, we have seen an increased in strangers in the area, and have experienced an increase in house break-ins.

2. Block 32D Parcel 313: The western portion of Parcel 313 rests between the homes of Beach Bay Heights and Beach Bay Groves? What is the Developer's intention for that portion of the property?
3. Haughty and High-handed: I understand that before the Developer submitted his plans to your department, he was asked by our sitting Legislative Assembly Members ("MLAs) to meet with the Beach Bay residents to discuss his plans for the properties that he owns, and he agreed. Sad to say, that did not happen. Since submitting plans for approval, our MLAs again reached out to him, and this time, their requests have been ignored. The Developer's refusal to meet with the Beach Bay residents is very haughty and highhanded, and we feel insulted and disrespected by him.
4. Other questions to be addressed:
  - a. Has the Government conducted/considered the impact that such a development will have on the Beach Bay area?
  - b. Given the magnitude of the Resort, what guarantees are there that it will be completed?
  - c. What is the source of funding for the project?

I trust that you and your Board will give consideration to my concerns and also to those of my fellow Beach Bay residents.

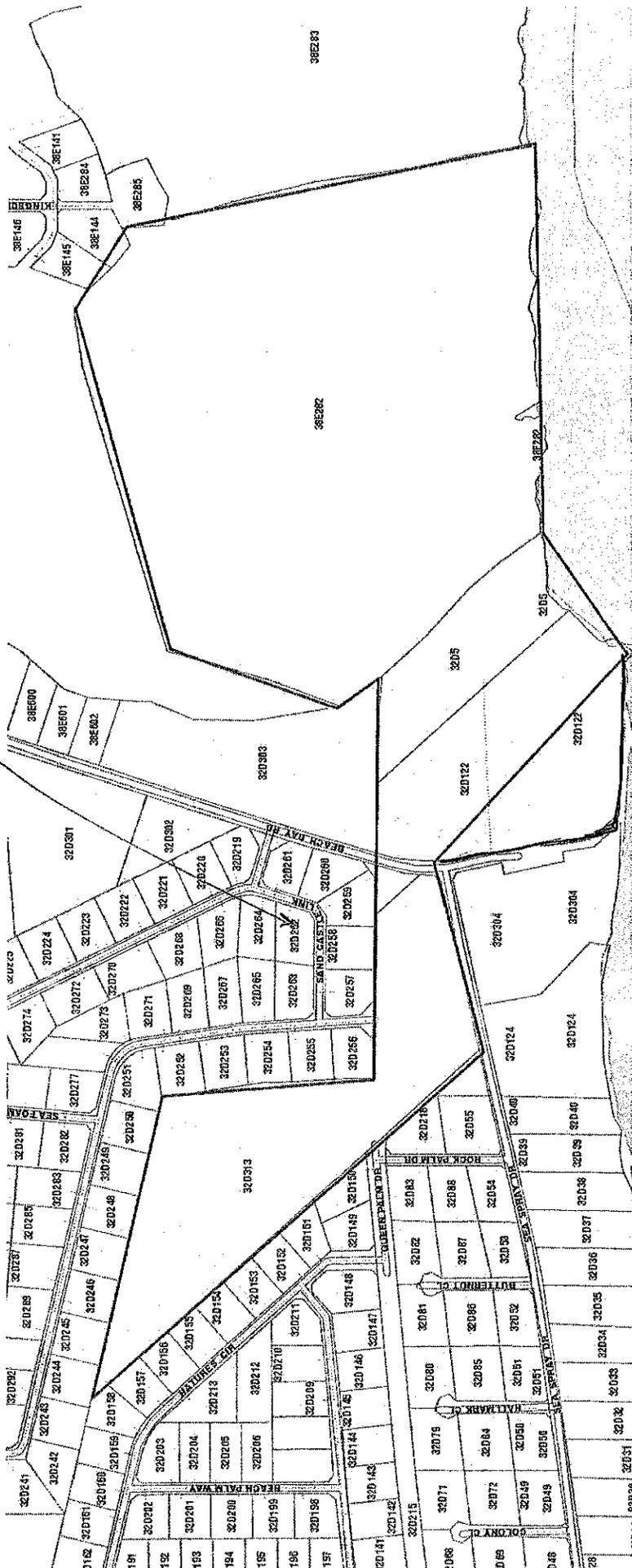
Yours truly,



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Elva Smith

Elva Smith



## Peacey, Jessica

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**From:** Dave Lawson <dave@whitesandwatersports.com>  
**Sent:** Monday, May 27, 2019 1:42 PM  
**To:** Peacey, Jessica; Department of Planning  
**Cc:** Tarah Lawson  
**Subject:** [EXTERNAL] 32D 102 Development Concerns  
**Attachments:** BEACH BAY development.pdf

Good afternoon,

My wife and I are owners of block and parcel 32D 243 on Pebble Beach Drive. We have lived in the Beach Bay area for several years and bought our land with the intention of building our home in a quiet and peaceful neighbourhood. We have some concerns with the proposed development and have written a letter which is attached. Please feel free to contact us at 938-7263 or 938-8359 if you have any questions.

Best Regards,

David & Tarah Lawson

Best Regards,

Dave Lawson  
White Sand Water Sports  
[www.whitesandwatersports.com](http://www.whitesandwatersports.com)  
+1.345.938.7263



Find us on 



**Director of Planning.**

**The Department of Planning**

[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD  
MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT.**

**Planning Proposal, Hotel Resort including Residences, Spa and  
Conference Centre.**

My wife and I are landowners on Pebble Beach Drive with hopes to start construction our home shortly. We invested here due to the peacefulness and charm of the area, and believed it was a great neighborhood to raise our Son. Having looked at the plans, there are certain points that we have to object to until more information is given, and certain concessions discussed with the Developer.

- 1)** Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for residents.
  
- 2)** Where is the car park spaces for said Residents and beach visitors?? Without car parking spaces, cars will be parking along Sea Spray Road and Beach Bay Road causing congestion to those of us living here. A certain portion of land to be determined needs to be ceded to government so that those that have already invested in living in Beach Bay continue to enjoy said beach.

- 3)** What effects to Traffic will two very large Hotels, Residences and daily Conferences, those wishing to use Restaurants and bars is expected? We all agree that there needs to be a "Traffic Impact study" Included in this report. Also to be included, the 178 lot single home residential subdivision Charles Watler Block 32D Parcel 299 which will filter into Beach Bay Rd that has already been approved.
- 4)** Further information needs to be given to Residents regarding the 'Back of House 'area on the corner of Beach Bay and Sea Spray Road. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, especially those that have spent considerable monies to live in a quiet and harmonious area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. We cannot agree to this unless certain concessions are agreed upon. Some of us with the little time that has been made available in regards to late or no notifications have voiced their opinion that one solution to Pebble Beach Dr would be for the developer to give us a Gated community in fair exchange for our loss of privacy. Unlike some communities we are going to be faced with all of the discomforts of this large scale Resort we are prepared to be reasonable but this is our home and we invested here. The developers were aware of that when buying the land, which can clearly be seen on plans.
- 5)** In Regards to Block and Parcel 32D 102. This 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves. Both of these, have already single family dwellings situated on them, it was always the belief that this land would

eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development. From my understanding this is now owned by Beach Bay Ltd. We are quite aware that no proposed plans have yet gone in regarding this land parcel, but feel we must stress to the developer that we do not want there to be anything other than was the intention. No staff quarters, with noisy after parties, no car parking, with people coming back from bars and no 3 story town houses. In fact, as the land is not sea front and viable to tourists, we are not quite of the understanding of what their future plans might be. We are all unanimous that a twenty-foot setback is simply not adequate and forty-foot setback must be given including some kind of tall hedge and trees in landscaping on Developers side would be better accepted as a concession. In moving forward, it would be a good idea if a meeting was held between the developer and those residing here so that decisions and arrangements could be raised and discussed before any further plans go into planning regarding 32D 102.

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

## Peacey, Jessica

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**From:** Alexandra Doja <alexandradoja19@gmail.com>  
**Sent:** Monday, May 27, 2019 1:56 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Mandarin Oriental Resort - Objections parcel 32D 161

Hi Jessica

We would like to object to the planning of the Mandarin Oriental Resort on the basis that too little information was provided in regards to the public beach access, traffic control and the environmental impact so far in our Beach bay neighborhood. We would like to understand how these public concerns will be handled if the developer will proceed with the project.

Our names and parcel # are as follows

Alexandra Doja  
Thomas Rose-Innes  
32D 161

Regards  
Alexandra Doja

## Peacey, Jessica

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**From:** Jean Ebanks <flyfish@candw.ky>  
**Sent:** Monday, May 27, 2019 2:02 PM  
**To:** Department of Planning; Peacey, Jessica  
**Subject:** Planning Objection letter - Beach Bay Proposed Hotel  
**Attachments:** Planning 25.5.19.pdf

Dear Sirs,

Attached please find letter of objection regarding the above.

Best regards

Jean Ebanks

Ronald, Jean & Matthew Ebanks  
PO Box 31520  
88 Berry Drive, Lower Valley,  
Grand Cayman, KY1-1207  
Tel:916-5753/ 329 0753  
Email:flyfish@candw.ky

25th May 2019

By email: [planning.dept@gov.ky](mailto:planning.dept@gov.ky)  
[jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky)

The Director of Planning  
Planning Department  
Grand Cayman, Cayman Islands

Dear Sir,

Block 38E, Parcel 82

Proposed Beach Bay Hotel

We write to voice our objections to the proposed development and hotel in Beach Bay on the grounds set out below.

We bought our land approximately 25 years ago when the whole of Beach Bay was zoned low density residential. We bought this property because we were assured that the plot of land directly behind our property was owned by the Crown and was designated as a bird sanctuary and because the whole of Beach Bay was zoned low density residential. We expected this to continue and that the area, even if developed with homes, would retain much of its natural beauty. We imagined that we would be living in a peaceful neighbourhood with little traffic and certainly no commercial activity.

We spent years of stress fighting for our rights with a local landowner who was (and still is to a lesser extent) illegally quarrying the land in our area. We dealt with 24 hour trucks in and out of the development at the height of the quarrying, the noise, the dust, the danger to our children. Some trucks parked outside homes in the area overnight, with the driver sleeping in the truck, so that they could be the first to load up when the quarry gates opened early in the morning - before daylight. This was eventually (almost) resolved and we hoped that we could now live in peace and tranquillity.

We believe that this should be in keeping with the area and be as environmentally friendly as possible. The drawings of this development look like something out of a space movie and will look ridiculous perched on the top of the cliffs. As the rest of the world is desperately trying to conserve what they have, it seems the powers that be in the Cayman Islands are determined to destroy as much of Cayman's natural beauty as they can. Once all the trees, banana orchids, the rare white shouldered bats and other wildlife in this area have been destroyed, it will be gone for good. Our children, grandchildren, etc. will have nothing left to enjoy except huge concrete developments. In our business, we have a lot of repeat customers and meet new customers all the time. The long time customers are appalled at what is happening in Cayman and several have decided regretfully, not to come back as things have changed so dramatically since they first started visiting 10, 20, 30+ years ago. The majority of people come here for peace and quiet, to escape from the rat race of their homelands. Cayman is fast becoming even worse and much more stressful than major cities, due to lack of proper planning.

## 1. Sewage Treatment Plant

Our main concern is the impact on the environment and the people who have to live around it. We find it very hard to believe that this would even be considered by Planning or the Government. There is a danger of airborne bacteria and germs as well as the leakages into the air and ground, danger of gases building up and explosions. What are the health impacts? What are the laws concerning this type of development so close to homes - several residents will have this literally in their back yards? Has anyone even thought of this? Several overseas studies conclude that there are detrimental risks to the health of those living close to a sewage treatment plant, including respiratory and gastrointestinal diseases.

## 2. Turtle Nesting / Environment

There are several turtles who return to Beach Bay to nest every year. What impact will the hotel lighting, hotel watersports operations, more people using the beach and the sea, have on the turtles, other organisms and the environment? The pool at Beach Bay is a nursery for all kinds of marine life. Beach Bay is one of the last remaining pristine areas of Grand Cayman. What are the environmental impacts of this huge development going to be?

## 2. Increased traffic on Beach Bay Road and Berry Drive

Portions of Beach Bay Road and Berry Drive are already being used by some people as a race track. There are children playing and people walking in the area. There is a danger that Berry Drive and Kings Chase Road will be used 24 hours a day by all and sundry including contractors, trucks etc. to enter the treatment plant or the hotel grounds, increasing noise, pollution and danger to residents.

Traffic on Beach Bay Road will also increase substantially with guests and staff arriving at all hours of the day and night. It will be more difficult and time consuming to get to and from work in George Town, a trip which can already take in excess of two hours at the present time.

## 4. Lack of Opportunity

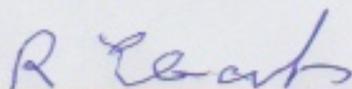
There are still many unemployed or underemployed Caymanians. Why would they need staff accommodation if they are planning on hiring Caymanians? Is there an agreement with the hotel to hire a certain number of Caymanians? If not why not? If the hotel is to offer watersports, it should be ensured that these are operated by local businesses, not the hotel. There are already far too many foreigners in the watersports industry, who know nothing and do not care about the reefs or the environment, who cause damage on a daily basis, take business away from Caymanians, this is also giving the industry a bad name as these people do not know enough about Cayman to show visitors the beauty of our island.

3. Under the constitution, section 9, the Government has a duty to respect each person's private and family life and his or her home. The fact that the zoning has been changed very quietly and secretly, the fact that the residents of Beach Bay were not notified of the changes or of the huge extent of this development, suggests that our rights are not being respected at all. The residents of Beach Bay discovered the extent of this huge plan by accident. If we had not, then the whole thing would have been done and dusted. This does not seem to us the way a transparent government, with the best interests of its people at heart, would behave. We would have at the very least appreciated hearing about this before all the various re-zonings took place.

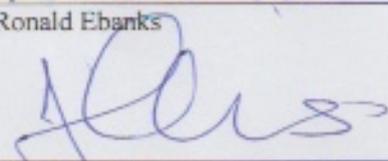
We also note from the drawings that the original road which would have gone through the property, has already, very conveniently, been re-routed to the back of the development, closer to the homes on Kings Chase and Berry Drive.

After 25 years of living in a beautiful natural area, the whole area behind our home to the sea is going to become a commercial development. We have no wish to live in such an area. We would never ever have purchased this property had we known that this was going to occur. At the very least, this seems to be a huge betrayal of trust. It seems to us that our rights under the constitution have been considered at all.

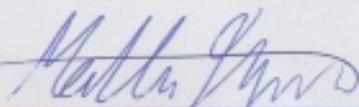
Yours faithfully



Ronald Ebanks



Jean Ebanks



Matthew Ebanks

## Peacey, Jessica

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**From:** Lydia Watling <lydiawatling@hotmail.com>  
**Sent:** Monday, May 27, 2019 5:21 PM  
**To:** Department of Planning; Peacey, Jessica  
**Subject:** Objection Letter  
**Attachments:** Objections\_Lydia Watling.docx

Dear Planning Department and Ms. Jessica Peacey,

Attached is an objection letter for your review.

Please confirm by way of replying to this email that you have received my attached objection.

With thanks and kind regards,

Lydia Watling  
324-3176

Lydia Watling (Block & Parcel 32D, 202)

PO BOX 30772

Grand Cayman KY1204

CAYMAN ISLANDS

26th May 2019

Director of Planning.

The Department of Planning

[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT.**

**Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.**

I am a homeowner residing in Natures Circle (32D, 202). I have just bought the house last year due to the calm and naturally preserved environment, which makes this part of the island a green sanctuary for a rich flora and lot of wild life, the elevation and protection from erosion in regards to sea level rise further motivating me to invest in this neighborhood. After viewing the plans for development, which I was completely unaware of at the time I acquired my property, the previous owner as well, I have major concerns and thus several points outlined below that I am objecting to until more information is given. In addition, I object any further rezoning of adjacent concessions to Nature's Circle (Block and Parcel 32D 102), that seem to be part of future phases' planning and is not documented so far in the plans made public at this time.

- 1) **Beach Access and swimming area** The actual plans do not indicate any or it is impossible to guess the actual size planned. Beach Bay beach in its current state does not allow swimming outside of a man-made catchment, and in regards to the public beach access policies from the Cayman Islands, access to the beach and swimming area provided by the latter catchment have to be guaranteed to residents. I request that the public access reserved to the beach and the swimming area in the catchment or any planned infrastructure replacing that, be guaranteed by being drawn on the actual plan with their actual size.
  
- 2) **Parking for public beach visitors** The above concern is further increased due to the absence of parking planned for public beach visitors, which rather indicate that this aspect is not part of development planned, and must be compulsory to any application granted. No parking available will cause traffic issues and congestions that will affect us residents of Nature's Circle.

- 3) **Public infrastructures to preserve access to the beach and its surroundings** Residents use the current roads out of Nature's Circle, Sea Spray and Beach Bay road for exercising, biking and walking with their children going to the beach. Looking at the plans, it seems that such activities will rather be dangerous due to traffic and the activities of the resort proposed, including delivery trucks in and out of the facility at the entrance of Nature's Circle. Adding bicycle lanes, also allowing walking, could be an option to allow those that have already invested in living in Beach Bay to continue to enjoy the environment they chose to settle in, including accessing the said beach, may it be by foot, bicycle or with strollers. I thus suggest that certain portion of the land be ceded to the government for such adequate planning that will respect the rights of Cayman people by providing a safe and non-exclusive access to the beach and its surroundings guaranteeing a certain level of freedom to Beach Bay community.
- 4) **Traffic Impact study** At this date, no information on the impact of this project on local traffic have been provided. Given the size of the road changes planned (including a round about and deviation of traffic around the Resort's sites), some kind of study should be provided before any development goes forward. The actual congestion of traffic in the morning to reach town past Pedro's is already a sign that adding such traffic will have impacts far beyond Beach Bay area, stressing the need for a comprehensive study to be considered, not adding that the 178 lot single home residential subdivision Charles Watler Block 32D Parcel 299 which will filter into Beach Bay Rd that has already been approved.
- 5) **Detailed planning of Back of House area** Further information needs to be given to residents regarding the 'Back of House 'area on the corner of Beach Bay and Sea Spray Road. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, to impose on those that have invested their life savings to live in a quiet, peaceful and nature-rich area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. We cannot agree to this unless certain concessions are agreed upon. For instance, the truck loading area on the side of our residential neighborhood, such as any equipment emitting noise or smell pollution, should be relocated somewhere the farthest from our residential areas and closer to the Resort since it is part of its activity; the way such equipment is placed right now is rather inconsiderate of us residents in Nature's Circle. In addition, some of us with have voiced their opinion that the developer should give us a gated community in fair exchange for our loss of privacy, alongside the adapted road infrastructure proposed in point (3) allowing to maintain the standard of living, including beach access and swimming, that residents have chosen before such development occurs. The developers were aware of the nature of the residential area when buying the land, as it can clearly be seen on plans.
- 6) **Objection to any rezoning of Block and Parcel 32D 102** This 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves, and was believed to eventually be developed into a third community, as suggested by slip roads that would eventually join the third development. From looking at the plans, this is now owned by Beach

Bay Ltd and is part of future planning, which are not documented so far. Due to the immediate proximity, we would like to express our objection to any re-zoning of this land since it is directly adjacent to our neighborhood. This land is still in residential zoning and I request that planning does guarantee our community that no future rezoning of this parcel will occur, so that future planning can be adequate to the quality of life of residents. In this regard, we request that any future plans regarding 32D 102 be discussed with the community at every stage so arrangements can be found and discussion happening with the Cayman community of Beach Bay.

- 7) **Environmental Impact Study and biodiversity threat** At this time, no environmental impact study has been made public. We were told that DoE was supposed to provide their report May 30<sup>th</sup> 2019. It is thus impossible to gauge the impact that this development will have on this nature-rich side of the island. However, a big Resort with a sewage plant is not a sustainable pathway compared to the current trees offering habitat to many endemic birds and fauna species, including the national Cayman parrots. Given the abundance of fauna and flora on this part of the island, I request as a Caymanian and resident of this beautiful island, that this aspect is considered seriously by planning, as they will be shaping the island for our children tomorrow. The robust projected drying over the Caribbean in climate model projections for the coming decades, makes the Caribbean a "hot spot" of climate change, which will dramatically impact wild life and biodiversity in the region, including Grand Cayman and sisters islands. Obviously, developing such Resort as the one proposed in a green sanctuary such as Beach Bay, extending on a beach where even turtles are nesting, is contrary to any reasonable decision in regards to the future of Grand Cayman wild life and biodiversity. Hence, I request that the result of the DoE assessment be made public and discussed with the community before any approval for the development proposed.
  
- 8) **Sea level rise and erosion** Adaptation to sea level rise is one the priorities of development in the broad CARICOM region. The topography of Grand Cayman makes the island most vulnerable to sea level rise. Beach Bay is Hurricane Ivan free zone due to its elevation, but also the abundance of trees that offer a barrier to potential flooding and erosion. Building in this area, both the resort's back of the house and main beach project with such large sizes, will surely be a blow to the protection of our communities to sea level rise, but also intense extreme rainfall events, including tropical cyclones. Most particularly, it will remove the natural barrier provided by the many trees that will be replaced by large concrete surfaces allowing runoff, which will increase potential for neighboring local erosion and potentials to flooding. The presence of a sewage plant on location will further increase the damages such increased runoff will directly create to our residential areas at the back, with a potential to contaminate all surroundings with unprecedented environmental damages in an area which is, as it is, naturally sheltered and thus protected from flooding during extreme rainfall episodes. Overall, the size of the development proposed, and its footprint on the original coastal landscape (both main Resort buildings and Back of the House) do not follow the recommendations from the Technical Report of the National Climate Change Committee on "*CLIMATE CHANGE ISSUES FOR THE CAYMAN ISLANDS: Towards A Climate Change Policy*", and on these bases I request that any development in this coastal area of Beach Bay, be reduced in size before being approved. As it

stands, it does not represent a reasonable pathway to sustainable development in regard of sea level rise and erosion, as well as climate change and biodiversity (see point (7)).

**Please inform me of any subsequent meetings regarding this project so that I can be kept informed.**

Sincerely,

Lydia Watling

32D, 202

lydiawatling@hotmail.com

345-324-3176

## Peacey, Jessica

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**From:** Davis, Sharon  
**Sent:** Wednesday, May 29, 2019 3:56 PM  
**To:** Peacey, Jessica  
**Subject:** RE: Beach Bay road application

Sorry for not including the Block and Parcel of land/property own; they are 38E-285 & 38E- 144. For my sister and myself as stated in my letter.

Regards

*Sharon Davis*

---

**From:** Peacey, Jessica  
**Sent:** Wednesday, May 29, 2019 3:31 PM  
**To:** [sharon\\_dav@hotmail.com](mailto:sharon_dav@hotmail.com); Davis, Sharon  
**Subject:** Beach Bay road application

Thank you for the letter of representation.

Section 8(12) of the Development and Planning Regulations states only persons who own land/property within 1000 ft of the application site may lodge representations in relation to a planning application.

On that basis, can you please provide

Kind regards

**Jess Peacey MRTPI**  
**Department of Planning | Cayman Islands Government**  
( +1 345 244-6501 (Main ) | +1 345 244- 6526 (Direct)  
\* [jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky) | \* [www.planning.ky](http://www.planning.ky)



**DEPARTMENT OF PLANNING**  
Cayman Islands Government

# Sharon Davis

P.O. Box 20, George Town  
Grand Cayman KY1-1001  
Cayman Islands  
[Phone Number - 917-1344](tel:917-1344)



May 25<sup>th</sup>, 2019

*Sharon\_daw@hotmail.com*

## Planning Board

133 Elgin Avenue  
Government Administration Building  
George Town  
Grand Cayman

*Sharon.davis@gov.ky*

Dear Ms. Peacey,

I am following up with the email I sent you on Friday May 24<sup>th</sup> 2019, objecting to the Beach Bay plans for [Block 38E-122](#).

It is my understanding that the intended development of this property will have a substantial environmental effect on the surrounding areas which would include my house, land and other properties.

I have considered the effects and financial cost that would be detrimental to my property as the measures I will now have to take to secure my property from the on slot of noise pollution, increase in traffic and the other variables that will coincide with this development. I would like to add this would be a cost that I would not have to face otherwise which is not incurred in my present living situation and surroundings.

I have many other reasons for objecting to this development and I am hereby requesting to meet with the PLANNING BOARD and all persons in connection with this project.

I looked at the proposed plan on Friday May 24<sup>th</sup>, 2019 and immediately noticed of all the inconsistencies. There were clearly no considerations for the adjoining neighbors like myself, for example. I must highlight the proposed sewage plant that will fall 20ft from my property line as well as my sister's property that conjoin to mine. The health and sanitation alone are grounds for consideration: possible leaks, air born spores and intolerable odor/air pollution and other serious life endangering factors with putting what is considered an industrial plot in a residential area.

- 1) **Another concern is pile driving**; as stated on the plan I looked at it stated 14ft of pile driving in the ground what it did not say was, how many of these 14ft holes will be needed and what if there is a problem and if they need to go another 14ft or more feet into the ground? The areas of Beach Bay where I live is on a cliff adjoining to this project, the vibration from the constant drilling will Eventually damage my foundation and crack my floor and walls; that will be a catastrophe. My greatest fear is that I am at the most risk in this project. I have already built and felt comfortable that I was going to live out my golden years in peace and quiet surroundings with fresh air.

- 2) **There are proposed Bars, Conference room's outdoor events etc.** all of which entertaine loud music and noises on any night or day of the week this will have a great effect not only on me but the neighbors closes to the establishment.
- 3) **How long will this project propose take to be completed?** I am concerned about my health, my sanity and my capability to function normally.

Reasons being:

- a. The dust from the project will be in my yard daily
  - b. The sounds of the equipment working day and night will have a great impact on my family and  
I. The vehicles include trucks, trackers and whatever heavy equipment needed; can nothing be done about it?
- 4) **This project is a huge one and requires a lot; Will the project be done in fazes?**  
I know that in going forward changes have to be made and I am awaiting a meeting where questions can be answered and the people's interest are taken into consideration and not just making money at the sacrifices of others.

Thank you for your time and consideration taken in this matter. I look forward to your reply.

Sincerely,



Sharon Davis

## Peacey, Jessica

---

**From:** Paulette Hines <jphines65@hotmail.com>  
**Sent:** Monday, June 03, 2019 10:24 PM  
**To:** Department of Planning  
**Cc:** Peacey, Jessica  
**Subject:** Rumours of very large waste water plant planned for the end of Kingchase Drive.

Dear all,

I hope this email finds you doing well.

Regarding the mentioned subject. My husband and I are concern owners of Block 38E Parcel 135 on Kingchase Drive. Here are a few concerns we have:

1. The possibility of our road being used to the resort
2. Parking on our roads.
3. Stench from the sewage treatment
4. Beach access.

Point #3 is the most important to us because of medical reasons. We're so disappointed that we were not notified of the decision regarding the same.

The stench is a serious matter, that will definitely cause or worsen persons with medical conditions.

We would like to continue enjoying living in our community without thinking about the serious impact this stench would have on our lives.

We have learnt about a notification in the May 7, 2019 Cayman Compass to register concerns, without any prior attempt, to get our views on the matter.

While we are not against any good and new development, considering that we may benefit from it, we believe the right and proper thing to do was to keep us inform and not to treat us as if we don't have any rights.

Our objections regarding this matter is without prejudice.

Many thanks for consideration of these concerns.

Sincerely,

Paulette Hines  
Roger Hines



Virus-free. [www.avg.com](http://www.avg.com)

## Peacey, Jessica

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**From:** Sara McKay <sara.carlowe@gmail.com>  
**Sent:** Tuesday, June 04, 2019 11:27 AM  
**To:** Department of Planning  
**Cc:** Peacey, Jessica  
**Subject:** Beach Bay Resort - Water Treatment Plant

4 June 2019

P. O. Box 30207, Grand Cayman KY1-1201  
Lower Valley Block 38E, Parcel 106 (97 Berry Drive)

The Director of Planning  
Planning Department  
Grand Cayman  
Cayman Islands

[planning.dept@gov.ky](mailto:planning.dept@gov.ky)  
cc. [jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky)

Dear Mr. Pandohie,

In the absence of adequate information we have concerns regarding the potential for odour and noise nuisance arising from the Wastewater Treatment Plant.

I would be grateful for more information in this regard and look forward to hearing from you.

Yours Sincerely  
David and Sara McKay

**SHEENA S. BUSH  
PO BOX 10990  
GRAND CAYMAN, KY1-1007**

4 June 2019

Director of Planning  
Central Planning Authority  
Department of Planning  
Government Admin. Building  
George Town.

**LETTER OF OBJECTION  
PROPOSED RESORT BY BEACH BAY LTD.  
BLOCK 32D PARCELS 5, 122, 313 AND BLOCK 38E PARCEL 282**

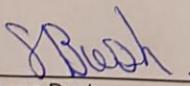
Dear Sir,

I am the owner of Block 32D Parcel 256, and I object to the proposed construction of the resort by Beach Bay Ltd. on the above stated parcels on the following grounds.

1. Give the proximity of my property to Parcel 313, and the structures proposed to be built on this parcel, I will be exposed to:
  - a. constant noise from delivery trucks and fumes from vehicles, chemicals, gasoline, etc.
  - b. odor and scent from garbage – proposed garbage compactor
  - c. loss of privacy as I will not be able to enjoy my yard
  - d. devaluation of my property
  - e. reduced opportunity to resell property, as no one will want to buy it.
2. The resort will be too big for the area and the beach space that is currently there will not be sufficient for the size of the proposed resort.
3. Beach Bay road cannot handle the traffic that the resort will bring into the area. There are already two other developments (Frank Hall Homes and Charlie Watler's 170 odd lots development) which will be bringing in excess traffic.

I sincerely hope you will consider these objections when considering the application submitted by Beach Bay Ltd.

Yours truly

  
\_\_\_\_\_  
Sheena Bush

# FLAMSTEAD LTD.

P. O. BOX 290  
GRAND CAYMAN KY1-1104  
john@beachbayhouse.com  
947-6725

By Hand

3<sup>rd</sup> June 2019

The Director of Planning  
Planning Department  
P. O. Box 113  
Grand Cayman KY1 900

Dear Sirs,

## Proposed Development Beach Bay Land Ltd.

Further to our email of the 24<sup>th</sup> May sent to both yourself and to Jessica Peacey stating our objections to the proposed development by Beach Bay Land Ltd. we as stated now set our reason for our objections.

We have received the proposed plans and have the following comments: -

### PLANS

The proposed plan shows that what is proposed is a massive development and leads one to consider whether the proper studies have been made for a project of this size: -

- a) Has there been an environmental impact study?
- b) Has consideration been given and if so, what plans are there for putting in the appropriate infrastructure? Until that is complete it may be appropriate to delay a development of this size

### ROADS

Currently we have one road out of Beach Bay. It cannot possible deal with the increase in traffic along the road, let alone exiting the road onto the Bodden Town road.

Beach Bray road cannot be widened building BP40 would be expensive and somewhat impractical as people will not go all the way to Bodden Town to come back to Beach Bay. In addition, it will impact Bodden Town residents. Taking the road west will also have similar problems

**2) Garbage.** The location of the garbage collection site is objected to on the basis that it will affect us from a smell and noise perspective.

Collection of garbage is at present problematic for the whole island. Delays in collecting garbage will lead to a huge pile up adding to smell, breeding of vermin and disease. It is bad enough at present it will become intolerable with commercial usage.

### **Sewage**

The location of the sewage plant will directly affect residents of Mahogany Estates. The smell will be intolerable. You only have to visit or be near the neighborhood of the Govt. sewage plant to experience this problem.

A development of this size must have mains sewage similar to all the developments on the West Bay road.

### **TRAFFIC**

The huge increase in traffic will lead to congestion, noise, delays. Look at the example of the traffic problems on the West Bay road. The residents of Beach Bay area will be severely impacted. People use Beach Bay road to exercise, go for a stroll all of that will be over it will be too dangerous and no longer enjoyable.

### **EMERGENCY SERVICES**

Has consideration been made for the emergency Services to be able to get to the residents of Beach Bay in a safe and timely manner? The huge increase in traffic will inevitably lead to delays which in times will lead to a) medical emergencies not being dealt with in a timely manner b) Fires will also have similar timing issues. It all leads to one inevitable conclusion a CATASTROPHY waiting to happen.

### **BUILDING WORKS**

Ten storey high buildings will need major foundation works. Has a study been undertaken of the land in the area? It will require blasting which will impact upon surrounding buildings leading to potential damage. We understand that the N.R.A have a directive not to allow blasting within 500 feet of existing buildings, will this be enforced?

## GENERAL DESCRIPTION

Will there be any consideration given in regard to the general disruption of the lives of the existing residents of Beach Bay and the surrounding area.

- 1) Is there a date for completion of the project?
- 2) Will Planning require a Construction/Development bond to ensure completion rather than a development running out of money and a half-built project sitting there as an eyesore, leading to a potential environmental hazard for everyone.

## DUE DILIGENCE

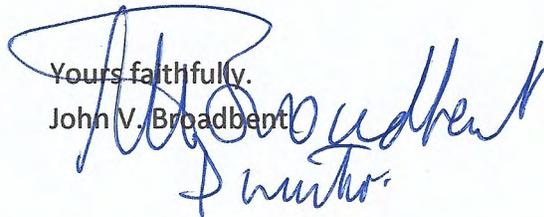
This development on a much smaller scale has been trying to get off the ground for years and despite huge concessions from Government has just never got anywhere. Have any checks been made to verify that the Developers have the wherewithal to complete the project in a timely manner?

## QUIET ENJOYMENT

Beach Bay has been allowed to develop and planning has granted permission for numerous private homes to be built in the area. It has developed into a quiet family neighborhood. This development will wreck that does Planning/Government not owe a duty under the Constitution to protect people, rights to a quiet family life. This is not the West Bay Road, why was approval given for Beach Bay Land to have (2) 10 storey buildings? This was approved by cabinet in secret, no one was aware of it. We strenuously object to it, 10 storey buildings will totally overlook our property. Buildings of this height were only supposed to be allowed on the West Bay road corridor. Beach Bay is not for the aforesaid reasons a suitable location for buildings of this size.

Yours faithfully,

John V. Broadbent

A handwritten signature in blue ink, appearing to read "John V. Broadbent" with a flourish underneath.

## **CEDAR VALLEY LTD.**

P. O. BOX 290  
GRAND CAYMAN KY1-1104  
john@beachbayhouse.com  
947-6725

**By Hand**

3<sup>rd</sup> June 2019

The Director of Planning  
Planning Department  
P. O. Box 113  
Grand Cayman KY1 900

Dear Sirs,

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## DUE DILIGENCE

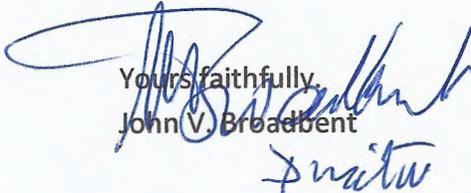
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Yours faithfully,

John V. Broadbent



## Peacey, Jessica

---

**From:** Lindsay Wright <creationscayman@gmail.com>  
**Sent:** Wednesday, July 10, 2019 3:05 PM  
**To:** Peacey, Jessica  
**Subject:** Objection letter to Mandarin Oriental Bay, Ltd  
**Attachments:** 19-07-10 Objection Letter to Director Of Planning.docx

Good Afternoon, Jessica.

Please can you kindly add this objection letter, regarding Mandarin Oriental, Beach Bay Ltd.

Can you kindly reply back that this letter has been submitted

Sincerely yours

Lindsay Parr

Attachments area

**Director of Planning.**

**The Department of Planning**

**[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)**

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT.**

**Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.**

My Husband and I have heavily invested in the Beach Bay area, we own Seven parcels of land, one of which we built our forever home. For those coming to the area it is easy to see why. Far from the hustle and bustle of Seven Mile, there is a peacefulness and charm to the area, a place to quietly relax without tripping over tourists and gentle walks around our surrounding area. Indeed, we have made it our mission to 'save the Trees' organization back in 2007 to encourage new home owners to keep as much of the valuable habitat for the many wildlife that we have here.

It should also be mentioned with the amount of spendable income that we invested, we could easily have moved to seven-mile beach Condo land, or a house in the

Seven-mile corridor. If we had so wished, so coming here was intentional due to the quiet neighborhood.

I understand that we must move forward with tourism, but it must be noted, the amount of Beach space available here, and surrounded by single family homes that a Resort of this size does not fit the area. Even more alarmingly, the developers have not only acquired Tourism zones but that of low Density zones, which is meant for single family homes, with no sea views, and it begs the question for what purposes. Hardly Tourists. If you yourselves would not like to be caught up in this mega Resort Phase one, how are we possible to convince others if we have no other means to move up and sell.

I have included here some of the views that as acting Chairman of Beach Bay heights has been conveyed to me along with other points of concerns.

- 1)** Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for residents.
  
- 2)** Where is the car park spaces for said Residents and other beach visitors?? Without car parking spaces, cars will be parking along Sea Spray and

Beach Bay Road causing congestion to those of us living here. A certain portion of land to be determined needs to be ceded to government so that those that have already invested in living in Beach Bay continue to enjoy said beach.

- 3)** What effects to Traffic will two very large Hotels, Residences and daily Conferences, those wishing to use Restaurants and bars is expected? We all agree that there needs to be a "Traffic Impact study" Included in this report. Also to be included, the 178 lot single home residential subdivision Charles Watler Block 32D Parcel 299 which will filter into Beach Bay Rd that has already been approved.
  
- 4)** Further information needs to be given to Residents regarding the 'Back of House' area on the corner of Beach Bay and Sea Spray Road. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, especially those that have spent considerable monies to live in a quiet and harmonious area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions

of smells, night time activities, breakdown services and the constant pollution of diesel. We cannot agree to this unless certain concessions are agreed upon. Some of us with the little time that has been made available in regards to late or no notifications have voiced their opinion that one solution to Natures Circle would be for the developer to give us a Gated community in fair exchange for our loss of privacy. Unlike some communities we are going to be faced with all of the discomforts of this large scale Resort we are prepared to be reasonable but this is our home and we invested here. The developers were aware of that when buying the land, which can clearly be seen on plans.

- 5)** In Regards to Block and Parcel 32D 313 This 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves. Both of these, have already single family dwellings situated on them, it was always the belief that this land would eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development. From my understanding this is now owned by Beach Bay Ltd. We are quite aware that no proposed plans have yet gone in regarding this land parcel, but feel we must stress to the developer that we do not want there to

be anything other than was the intention. No staff quarters, with noisy after parties, no car parking, with people coming back from bars and no 3 story town houses. In fact, as the land is not sea front and viable to tourists, we are not quite of the understanding of what their future plans might be. We are all unanimous that a twenty-foot setback is simply not adequate and forty-foot setback must be given including some kind of tall hedge and trees in landscaping on Developers side would be better accepted as a concession. There are no houses on Beach Bay Groves at present, directly bordering this large parcel and they will have the luxury of adapting their architectural plans, we however at Natures Circle cannot change our footprint. In moving forward, it would be a good idea if a meeting was held between the developer and those residing here so that decisions and arrangements could be raised and discussed before any further plans go into planning regarding 32D 313.

- 6)** Furthermore, having heard that the parcel of land, where the proposed 'Back of House' is going to go, the Zone has now been changed to Tourism. I wish to make it known now, that we need to be informed if Developers put in permission for a zone change on 32D 313.

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

**As such, we, the owners of Block and parcels do not approve of this development.**

**32D 162**

**32D 152**

**32D 159A**

**32D 155**

**32D 194**

**32D 220**

**32D 221**

**Regards**

**Lindsay and Robert Parr**

**Owners of ERSD Corp Ltd.**

My mailing address is Lindsay Parr, 31672 Seven Mile Beach, Grand Cayman, Cayman Islands, KY1-1207

Telephone 945-5164

Email [creationscayman@gmail.com](mailto:creationscayman@gmail.com)

SHEENA S. BUSH  
PO BOX 10990  
GRAND CAYMAN, KY1-1007

18<sup>th</sup> July 2019

Director of Planning  
Central Planning Authority  
Department of Planning  
Government Administration Building  
George Town

LETTER OF OBJECTION  
PROPOSED RESORT BY BEACH BAY LTD  
BLOCK 32D PARCELS 5, 122, 313 AND BLOCK 38E PARCEL 282

Dear Sir,

Please accept my objection to the proposed construction of the resort by Beach Bay Ltd on the above stated parcels on my following grounds:

1. Give the proximity of my property to Parcel 313, and the structures proposed to be on this parcel, I will be exposed to:
  - a. Health issues, stress , unseen and unavoidable airborne hazards;
  - b. Constant noise and, humming from the sewage plant
  - c. Irrevocable devaluation of my "residential" property;
  - d. Odour and scent from the industrial buildings;
  - e. Increase of pests like cockroaches, flies, mosquitos, rats, mice, and lice;
  - f. Abysmal opportunity to resell property
  - g. Loss of privacy.
2. The resort will be too big for area and the beach space that is currently there will not be sufficient for the size of the proposed resort and turtle nestings.
3. Beach Bay road cannot handle the traffic that the resort will bring into the area. There are already two other developments (Frank Hall Homes and Charlie Watler's 170 odd lots development) which will be bringing in excess traffic.

I sincerely hope you consider these objections when considering the amended application submitted by Beach Bay Ltd.

Yours truly,

  
Sheena Bush  
Owner of Block 32D Parcel 256

## Peacey, Jessica

---

**From:** Lindsay Correia <grandcaymanyoga@gmail.com>  
**Sent:** Friday, July 19, 2019 8:59 AM  
**To:** Department of Planning; Peacey, Jessica  
**Subject:** BEACH BAY RESIDENT  
**Attachments:** BEACH BAY development.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Block and parcel 32D 158  
Please see attached issues with planning. Please confirm you have received this email

Thank you  
Lindsay & Alan Correia

Namaste

Lindsay Correia

(345) 924-7757

[www.Grandcaymanyoga.com](http://www.Grandcaymanyoga.com)

Facebook: Grand Cayman Yoga

Yoga Alliance 200RYT, PRYT

**Director of Planning.**

**The Department of Planning**

[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT.**

**Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.**

We are homeowners residing in Natures Circle. We have lived here many years. We invested here due to the peacefulness and charm of the area. Having looked at the plans, there are certain points that we have to object to until more information is given, and certain concessions discussed with the Developer.

- 1)** Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for residents.
  
- 2)** Where is the car park spaces for said Residents and beach visitors?? Without car parking spaces, cars will be parking along Sea Spray Road and Beach Bay Road causing congestion to those of us living here. A certain portion of land to be determined needs to be ceded to government so that those that have already invested in living in Beach Bay continue to enjoy said beach.
  
- 3)** What effects to Traffic will two very large Hotels, Residences and daily Conferences, those wishing to use Restaurants and bars is expected? We all agree that there needs to be a "Traffic Impact study" Included in this report. Also to be included, the 178 lot single home residential subdivision Charles

Watler Block 32D Parcel 299 which will filter into Beach Bay Rd that has already been approved.

- 4) Further information needs to be given to Residents regarding the 'Back of House' area on the corner of Beach Bay and Sea Spray Road. Size of cooling towers, noise factor, hours of operation. It is not acceptable in a residential area, especially those that have spent considerable monies to live in a quiet and harmonious area to be faced with continuous sounds of trucks backing up, forklifts, deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. We cannot agree to this unless certain concessions are agreed upon. Some of us with the little time that has been made available in regards to late or no notifications have voiced their opinion that one solution to Natures Circle would be for the developer to give us a Gated community in fair exchange for our loss of privacy. Unlike some communities we are going to be faced with all of the discomforts of this large scale Resort we are prepared to be reasonable but this is our home and we invested here. The developers were aware of that when buying the land, which can clearly be seen on plans.
  
- 5) In Regards to Block and Parcel 32D 102. This 9-acre Low Density Residential is in-between both Beach Bay Heights and Beach Bay Groves. Both of these, have already single family dwellings situated on them, it was always the belief that this land would eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development. From my understanding this is now owned by Beach Bay Ltd. We are quite aware that no proposed plans have yet gone in regarding this land parcel, but feel we must stress to the developer that we do not want there to be anything other than was the intention. No staff quarters, with noisy after parties, no car parking, with people coming back from bars and no 3 story town houses. In fact, as the land is not sea front and viable to tourists, we are not quite of the understanding of what their

future plans might be. We are all unanimous that a twenty-foot setback is simply not adequate and forty-foot setback must be given including some kind of tall hedge and trees in landscaping on Developers side would be better accepted as a concession. There are no houses on Beach Bay Groves at present, directly bordering this large parcel and they will have the luxury of adapting their architectural plans, we however at Natures Circle cannot change our footprint. In moving forward, it would be a good idea if a meeting was held between the developer and those residing here so that decisions and arrangements could be raised and discussed before any further plans go into planning regarding 32D 102.

**Please inform us of any subsequent meetings regarding this project so that we can be kept informed.**

## Peacey, Jessica

---

**From:** Charmaine Richter <crichter@traversthorpalberga.com>  
**Sent:** Friday, July 19, 2019 10:59 AM  
**To:** Peacey, Jessica; Department of Planning  
**Cc:** Charmaine Richter (cdrichter@hotmail.com)  
**Subject:** Objection Letter - Beach Bay Ltd Mandarin Oriental St James Point Hotel & Resort  
**Attachments:** Objection Letter to St James Resort 19072019.pdf

Dear Jessica

I enclose my revised objections to the Beach Bay Ltd Mandarin Oriental St James Point Hotel & Resort. Kindly confirm receipt.

Kind regards

**Charmaine Richter**  
Senior Associate - Litigation

**TRAVERS THORP ALBERGA**  
ATTORNEYS-AT-LAW

**T:** +1 345 623 2364 | **M:** +1 345 325 6743 | **E:** [crichter@tta.lawyer](mailto:crichter@tta.lawyer) | [Bio:](#)  
Harbour Place, 2nd Floor, 103 South Church Street, P.O. Box 472, George Town, Grand Cayman KY1-1106, Cayman Islands  
[www.traversthorpalberga.com](http://www.traversthorpalberga.com)

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Charmaine Richter  
CharmSpresso Ltd (formerly Wine & Glass Ltd)  
Block 32D Parcel 154  
P O Box 31854  
Grand Cayman KY1-1207

19 July 2019

Director of Planning.  
The Department of Planning  
[Planning.dept@gov.ky](mailto:Planning.dept@gov.ky)  
[Jessica.Peacey@gov.ky](mailto:Jessica.Peacey@gov.ky)

**OBJECTIONS AND CONCERNS Regarding BEACH BAY LTD MANDARIN ORIENTAL ST JAMES POINT HOTEL & RESORT (“RESORT”).**

**Planning Proposal, Hotel Resort including Residences, Spa and Conference Centre.**

Generally speaking, I object to the proposed Resort as this is a massive project, certain aspects of which will have a profound negative impact on this residential area. Not least, the size of the resort does not match the beach area and this project does not make any sense for the location. This is not Seven Mile Beach! We need more information to understand how some aspects of the Resort will be built to be comfortable with it and not object. Some of my concerns which underpin my objections are listed below and are also shared by my neighbours.

- 1) Beach Access. From looking at plans we could not see the actual size, if any. We would like to have it drawn on plans where and what size is allocated for Beach Bay residents (“Residents”).
- 2) Where are the car park spaces for the Residents? Without car parking spaces, cars will be parking along Sea Spray Dr and Beach Bay Road causing congestion to those of us living here. A certain portion of land needs to be ceded to government so that the Residents and the public at large will continue to enjoy our beach.
- 3) What effects will this very large Hotel, Residences and daily Conferences and those wishing to use Restaurants and bars have on traffic? Also, what provisions have been made to contend with the increased traffic? We all agree that there needs to be a Traffic Impact Study included in this report. The Report should also take into account the 178 lot single home residential subdivision Charles Watler Block 32D Parcel 299 which will filter into Beach Bay Rd.
- 4) Further information needs to be provided to the Residents, in particular those of who live along and off Sea Spray Dr, in respect of the ‘Back of House’ area on the corner of Beach Bay and Sea Spray Dr.:

- a. Size of cooling towers, noise factor, hours of operation;
- b. Trucks, forklifts, deliveries, mechanical machines;
- c. Trash compactor, emissions and smells;
- d. night time activities, breakdown services and the likely constant pollution from diesel fuel.

5) Block and Parcel 32D 313.

- a. This parcel is a 9-acre Low Density Residential in between Beach Bay Heights (Nature's Circle) and Beach Bay Groves. Both of these subdivisions, already have single-family dwellings situated on them. It was always the belief that this land would eventually be developed into a third community. Both the Groves and Heights have slip roads that would eventually join the third development.
- b. From my understanding this is now owned by Beach Bay Ltd. On inspection at Planning, no plans have yet been submitted regarding this land parcel and I am very perturbed that this parcel of land is included in the Resort to be passed when we have no idea what the Developer proposes for the future use of this land.
- c. We are all unanimous that a 20ft setback is simply not adequate and a 40ft setback must be given including some kind of tall hedge and trees in landscaping on the Developer's side. This would be better accepted as a concession. There are no houses on Beach Bay Groves at present, directly bordering this large parcel and they will have the luxury of adapting their architectural plans, we however at Natures Circle cannot change our footprint.

Finally, I support the new development plan for the Cayman Islands, in particular small scale tourism (see Cayman Compass 18 July 2019, "Traffic, building heights dominate public concern"). I strongly suggest that this project be put on hold until the new zoning plans have been put in place. Again, this project is much too large for the location and small beach in a quiet low density residential neighbourhood.

Yours Sincerely



Charmaine Richter

## Peacey, Jessica

---

**From:** Kerry G. Forbes <kerrygforbes@gmail.com>  
**Sent:** Friday, July 19, 2019 1:02 PM  
**To:** Peacey, Jessica  
**Subject:** [EXTERNAL] Fwd: Re" Mandarin Oriental St. James Point. Hotel & Resort - Block 32D Parcel 122

Good Morning Jessica,

Thank you for your email sent in relation to the amendment plans for the Beach Bay Project. I am so sorry that we did not get a chance to speak one on one with the Developers when they were in town the other day.

I understand from conversations held with the Beach Bay NW Watch Committee that concerns in relation to these revised plans should be sent today in the hopes that they can be addressed.

Having reviewed the Revised Plans a little while ago at Planning Department, my concerns are:

1. Will the Access to the Beach be reinforced for the Residents of the Beach Bay Community by the Cayman Islands Government; and if it is how much access will the residents have to the Beach.
2. I am still concerned with Noise Pollution and Possible Traffic Woes that comes along with a hotel and condos of seven stories.
2. I am thankful to see that Sea-Spray Drive will not be blocked but will be accessible via round-about. My concern is that this does not change, but remains as is for the foreseeable future.
3. I am also concerned that the name of the Road will not be changed from Beach Bay Road to St. James Point Road as has been suggested by documents in the Press.
4. On a final point is the building itself. I am very happy to note the change of plans and the appearance of a hotel that is more in keeping with the ambiance of our neighbourhood. My concern is for this residential community was consideration given for five floors rather than seven floors. This concern is having the thought that yes development cannot be completely stopped on the Islands, but development in keeping with specific areas should be the norm rather than the exception in Cayman. Having said all of the above, I am speaking in the context of realizing that there are approximately another 185 residential lots coming on stream in the near future, as well as potentially others on the horizon. If these homes are single family residence, then serious thought needs to be had in regards the Islands Infrastructure Plans. I am not trying to preach here but I trust that serious thought has and will be given in this area so that the quality of life in Cayman does not disappear but rather continue to rise for future generations.

Thank you for your kind attention.

Kerry Forbes-Akinnibosun

----- Forwarded message -----

From: **Kerry G. Forbes** <[kerrygforbes@gmail.com](mailto:kerrygforbes@gmail.com)>

Date: Fri, May 24, 2019 at 12:24 PM

Subject: Re" Mandarin Oriental St. James Point. Hotel & Resort - Block 32D Parcel 122

To: <[jessica.peacey@gov.ky](mailto:jessica.peacey@gov.ky)>

Good Afternoon Ms. Peacey,

I write in relation to the above captioned proposed hotel and resort at St. James Point, Beach Bay.

Please note that I object to this project. My objection is not only for objecting because I am a firm proponent of fee enterprise and the Cayman Islands is a capital economy.

Prior to Wednesday Evening's Meeting, This Project was relatively unknown to me. I had heard that there would be a hotel being placed in Beach Bay, but I was unaware that it would be hotel and resort of this size and magnitude.

Now that I am a party to this information, please note that I am concerned as the owner of 32D Parcel 85 and eventhough I have not built a home there as yet, my plans are to begin construction of a very small retirement home there within the next six months. My objections are subjective to the following reasons:

1. I do not know enough about the Project other than it was discussed that a hotel would be placed there, but not a resort and hotel which is another different kettle of fish, pardon my pun.

2. A resort of this magnitude would come with all the headaches that this type of resort normally brings:

Possible Traffic Woes

Possible loss of access to the Beach

Possible Noise Pollution/ thereby loosing the tranquility and ambiance of Beach Bay.

Possible lack of access to Sea-spray drive

3. I am also concerned that the beach would undergo a dramatic shift, not only the Sand there, but has information been collated in regards strong currents in this area. Should any incident , what would be the outcome if someone should go out swimming in this area, how would the resort mitigate against such an outcome and would that be a burden for the Cayman Islands Government and its people to bear.

4. I believe; and as recorded in the meeting on Wednesday, a lot of the Residents are completely unaware of what is being proposed for the 65 acre site. It would be wonderful for us to have a meeting with the Developer so that concerns are recorded and queries are responded to.

I thank you for your kind attention.

Kerry Forbes-Akinnibosun.

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\*Kerry

"Do Not Let Evil Defeat You, but Defeat Evil by Doing Good"

## Peacey, Jessica

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**From:** Lydia Watling <lydiawatling@hotmail.com>  
**Sent:** Friday, July 19, 2019 4:56 PM  
**To:** Department of Planning; Peacey, Jessica  
**Subject:** Objection Letter  
**Attachments:** Objection Letter\_Lydia Watling\_July 2019.pdf

Dear Planning Department and Ms. Jessica Peacey,

Attached is an objection letter for your review.

Please confirm by way of replying to this email that you have received my attached objection.

With thanks and kind regards,

Lydia Watling  
324-3176

Lydia Watling (Block & Parcel 32D, 202)

PO BOX 30772

Grand Cayman KY1204

CAYMAN ISLANDS

19th July 2019

**To:** The Director of Planning, the Department of Planning ([Planning.dept@gov.ky](mailto:Planning.dept@gov.ky))

**Object:** Objections and concerns regarding Beach Bay Ltd Mandarin Oriental St James Point Hotel & Resort planning proposal, Hotel Resort including Residences, Spa & Conference Centre

I am a homeowner residing in Natures Circle (32D, 202). I have just bought the house last year due to the calm and naturally preserved environment, the elevation and protection from erosion in regards to future sea level rise further motivating me to invest in this neighborhood. After viewing the revised plans for development, I still have major concerns and I am really disappointed none of the community's previous objections have been considered by the developer in the new drawings. Hence, my objections can be summed up as follow:

- Undocumented beach/swimming access** for the community and broader public (1-3)
- No impact study** of planned infrastructure changes on the traffic (4) and environment (5-6)
- Back of the house area has worsened** with a sewage plan next to our neighborhood, to which we oppose as well as all smell- or noise-polluting equipment related to the resort activity (7)
- Future phases still undocumented**, we oppose to any future rezoning of block 32D 102 (8)

- 1) **Beach Access and swimming area** The revised plans still do not indicate any beach access. In regards to the public beach access policies from the Cayman Islands, access to the beach and swimming area provided by the man-made catchment have to be guaranteed to residents. We still request that the public access reserved to the beach and the swimming area in the catchment or any planned infrastructure replacing that, be guaranteed by being drawn on the actual plan with their actual size.
- 2) **Parking for public beach visitors** There is still no parking planned for public beach visitors in the revised development drawings, indicating that this aspect has still not been considered by the developers. Again, the latter is compulsory to any application in regards to public security on the roads of our neighborhoods and safe beach access.
- 3) **Public infrastructures to preserve access to the beach and its surroundings** Any of the current activities from residents using the current Nature's Circle, Sea Spray drive and Beach Bay road (exercising, biking and walking with their children going to the beach) will be dangerous in the revised plans due to traffic and the activities of the resort, including delivery trucks in and out of the facility at the entrance of Nature's Circle. Again, adding bicycle lanes, also allowing walking, could be an option to allow those that have already invested in living in Beach Bay to continue to enjoy the environment they chose to settle in, including accessing the said beach, may it be by foot, bicycle or with strollers. Thus, we still suggest that certain

portions of the land be ceded to the government for such adequate planning that will respect the rights of Cayman people by providing a safe and non-exclusive access to the beach and its surroundings guaranteeing a certain level of freedom to Beach Bay community.

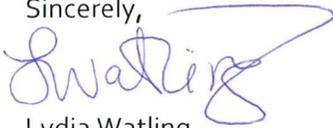
- 4) **Traffic impact study** There is still no information on the impact of this project on local traffic. The revised road changes planned seem rather inadequate in regards to the direct interference between the traffic volume from Bodden Town to Pedro's Castle and the resort facilities including the truck loading area. Hence, we still believe that some kind of more serious study should be provided before any development goes forward. Moreover, the actual congestion of traffic in the morning to reach town past Pedro's is already a sign that adding the traffic associated with the resort will have impacts far beyond Beach Bay area, stressing the need for a more comprehensive study.
- 5) **Environmental impact study** DoE was supposed to provide their report May 30<sup>th</sup> 2019 but still the developer does not make any reference to any impact that this development will have on this nature-rich side of the island. A big resort with now more than one sewage plant is not a sustainable pathway compared to the current trees offering habitat to many endemic birds and fauna species, including the national Cayman parrots. The robust projected drying over the Caribbean in climate model projections for the coming decades makes the Caribbean a "hot spot" of climate change, which will dramatically impact wild life and biodiversity in the region, including Grand Cayman. Developing such resort in the green "Beach Bay" sanctuary, where even turtles are nesting, is contrary to any reasonable decision in regards to the future of Grand Cayman wild life and biodiversity promoted by DoE. Hence, we still request that DoE assessment be discussed publicly with planning and the community, in addition to be considered seriously and specifically documented in the development proposed.
- 6) **Sea level rise and erosion impact study** Adaptation to sea level rise is one the priorities of development in the broad CARICOM region. Such big resort in the sheltered Beach Bay area will remove the natural barrier provided by the many trees that will be replaced by large concrete surfaces allowing runoff, which will increase local erosion, potentials to flooding and to contaminate all surroundings with unprecedented environmental damages due to now another sewage plant. The size of the development proposed, and its footprint on the original coastline do not follow the recommendations from the Technical Report of the National Climate Change Committee on "*CLIMATE CHANGE ISSUES FOR THE CAYMAN ISLANDS: Towards A Climate Change Policy*", and I still request that any development in this coastal area, be significantly reduced in size.
- 7) **Detailed planning of Back of House area** It is with great disappointment that we discovered a new sewage plan now located in 'Back of House 'area. It is not acceptable in a residential area, to impose on those that have invested their life savings to live in a quiet, peaceful and nature-rich area to be faced with such smell pollution which can contaminate the whole neighboring neighborhood due to wind across our communities. For instance, in Nature's Circle, we can hear the sea and we will surely be incommoded by the smell of this newly planned sewage plant, as well as the continuous sounds of trucks backing up, forklifts,

deliveries, mechanical machines and trash compactors emissions of smells, night time activities, breakdown services and the constant pollution of diesel. We request that all equipment emitting noise or smell pollution, are relocated the farthest from our residential areas and closer to the resort since it is part of its activity.

- 8) Objection to any rezoning of Block and Parcel 32D 102** No further information has been provided in the revised plans regarding this 9-acre Low Density Residential in-between both Beach Bay Heights and Beach Bay Groves. It is owned by Beach Bay Ltd and is part of future planning, which are still undocumented. This land is still in residential zoning and we again request that planning does guarantee our community that no future rezoning of this parcel will occur, and that any future plan regarding 32D 102 be discussed with the community at every stage so arrangements can be found.

**Please inform me of any meetings regarding this project so that I can be kept informed.**

Sincerely,



Lydia Watling

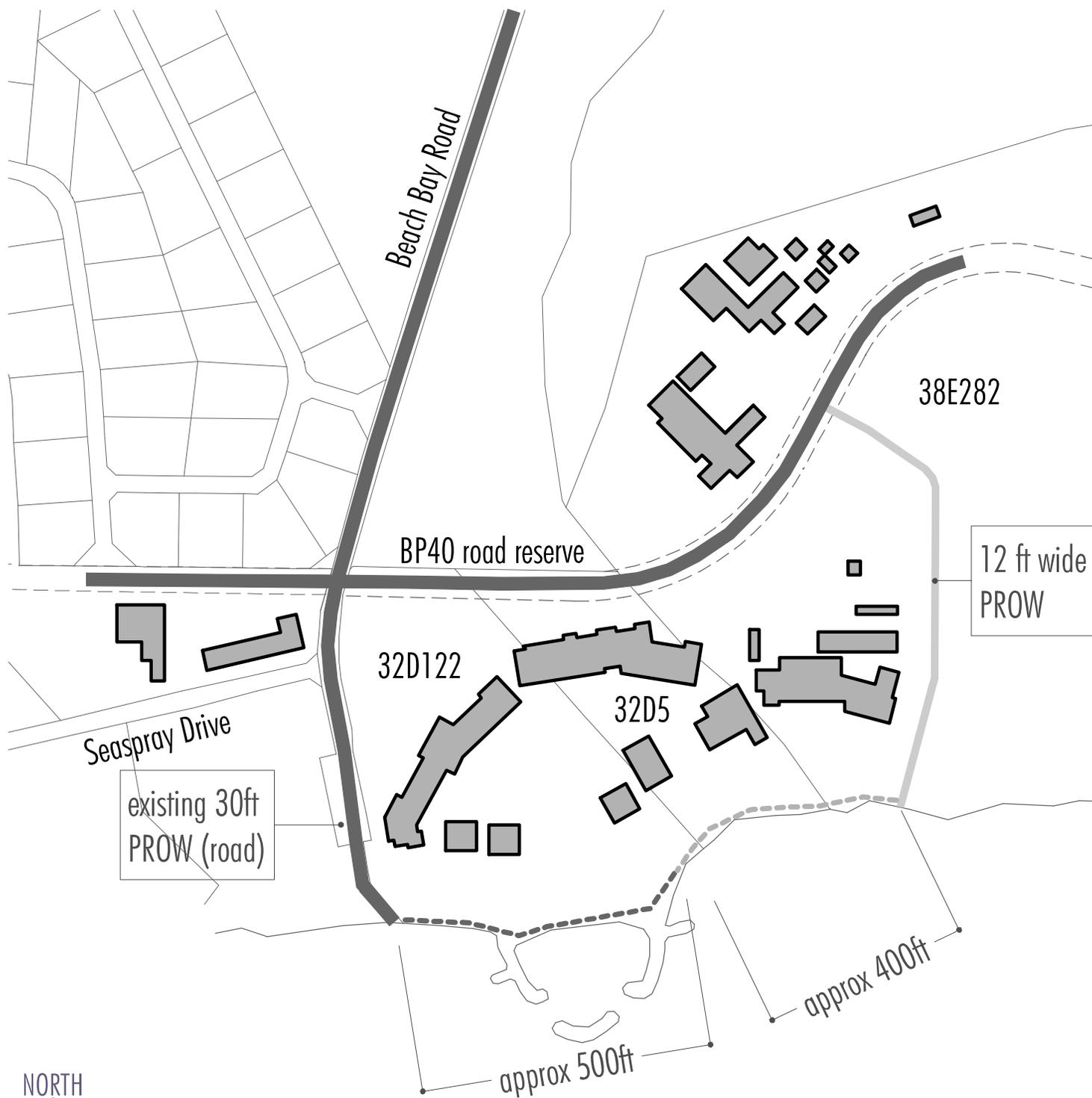
(32D, 202)

[lydiawatling@hotmail.com](mailto:lydiawatling@hotmail.com); 345-324-3176

## Appendix 'B'

# ANNEXURE 'A'

S.32 DEVELOPMENT & PLANNING LAW (REGULATIONS) 2017  
MOTIVATION OF INTERPRETATION & APPLICATION



0' 100' 200'

