

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on May 12, 2021 at **10:00am, in Conference Room 1038, 1st Floor, Government Administration Building, Elgin Avenue.**

10th Meeting of the Year

CPA/10/21

Mr. A. L. Thompson (Chairman)

Mr. Robert Walter Jr. (Deputy Chairman)

Mr. Kris Bergstrom

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden

Mr. Roland Bodden

Mr. Ray Hydes

Mr. Trent McCoy

Mr. Jaron Leslie

Ms. Christina McTaggart-Pineda

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary)

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

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

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APPLICANTS ATTENDING THE AUTHORITY'S MEETING

APPLICANT NAME	TIME	ITEM	PAGE
Stephane & Katia Dahan	10:30	2.1	5
John Bodden	11:00	2.2	14
Frank Schilling	11:30	2.3	17
Aster Medical PAD	1:00	2.4	30
Eamon McErlean	1:30	2.5	67
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1. 1 Confirmation of Minutes of CPA/09/21 held on April 28, 2021.

1. 2 Declarations of Conflicts/Interests

ITEM	MEMBER

2.0 APPLICATIONS **APPEARANCES (Items 2.1 to 2.8)**

2.1 STEPHANE & KATIA DAHAN (John Doak Architecture) Block 8A Parcel 93 (F19-0617) (P20-0248) (\$7,080,000) (MW)

Application for (22) unit apartment complex with swimming pool, 4' chain-link boundary fence and a 4' fronting wall with 8' columns.

Appearance at 10:30

FACTS

<i>Location</i>	Powery Rd., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	1.77 ac. (77,101.2 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	21,318 sq. ft.
<i>Total building site coverage</i>	27.6%
<i>Allowable units</i>	26 units
<i>Proposed units</i>	22 units
<i>Allowable bedrooms</i>	42 bedrooms
<i>Proposed bedrooms</i>	22 bedrooms
<i>Required parking</i>	33 spaces
<i>Proposed parking</i>	39 spaces

BACKGROUND

October 22, 2019 – Land Clearing (Closed 17-2-20)

December 16, 2020 (**CPA/22/20; item 2.10**) – the application was considered and it was resolved to adjourn the application for the following reason:

- 1) Subsequent to the Agenda being finalized, an objection was submitted that was within the 21 day notification period. As such, the application must be re-scheduled with the applicant and objector invited to appear before the Authority.

March 3, 2021 (**CPA/05/21; item 2.4**) – the application was considered and it was resolved to adjourn the application to re-invite the applicant and objectors to the meeting. It should be noted that the applicant was present, but the objectors were not.

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

- 1) suitability
- 2) roadside setback (11'-3" / 13'-2" vs. 20'-0")
- 3) side setbacks (7'-1" / 9'-6" vs 10'-0")
- 4) fence height (8'-0" vs. 4'-0")
- 5) concerns of the objectors

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 3,300 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building A</i>	<i>5 x 1-Bed Units</i>	<i>150</i>	<i>750</i>	<i>750</i>
<i>Building B</i>	<i>2 x 1-Bed Units</i>	<i>150</i>	<i>300</i>	<i>300</i>
<i>Building C</i>	<i>6 x 1-Bed Units</i>	<i>150</i>	<i>900</i>	<i>900</i>
<i>Building D</i>	<i>9 x 1-Bed Units</i>	<i>150</i>	<i>1,350</i>	<i>1,350</i>
<i>TOTAL</i>				<i>3,300</i>

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

- *To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" 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.*

If there are questions or concerns regarding the above, please email them to:
development.control@waterauthority.ky

National Roads Authority

As per your memo dated March 27th 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of a twenty-two (22) 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 Powery Road is as follows:

<i>Expect ed 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>
146	11	2	9	14	9	5

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

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

Department of Environmental Health

1. *DEH has no objections to the proposed in principle.*
 - a. *The property requires an 8yd3 container with servicing twice per week.*
2. *The swimming pool specifications must be provided to the department, prior to construction of the pool. (August 3, 2020)*

Fire Department

Approved for Planning Permit Only 2 April 2020

APPLICANT'S LETTER

With reference to our client's application for planning permission for 22# Apartments, Pool and associated works, we request the Central Planning Authority's approval to allow fences and walls on the side boundary setbacks of Building B and roadside boundary setbacks of Building A as shown in the attached plans and as described below.

VARIANCE REQUEST

The applicant seeks a variance for walls extending into the side boundary at Building B unit 6 and for walls separating terraces and gardens in Building A which extend into the 20ft roadside setback, noting as follows:

- *The applicant is the owner of the subject parcel 8A93*
- *The proposed apartments respect and comply with all setbacks to the roadside, waterside, and all side boundaries of the property*
- *The footprint of the buildings are within the maximum coverage.*
- *The walls provide a privacy screen between each apartment but do not hinder any safety aspects nor necessary sightlines for traffic or similar.*

In accordance with the Development and Planning Regulations and Clause 8(11) we note as follows:

- (a) *The elevation of the property*
 - (b) *The geology of the property*
 - (c) *The storm beach ridge*
 - (d) *The existence of a protective reef adjacent to the proposed development*
 - (e) *The location of adjacent development*
 - (f) *Any other material consideration which the Authority considers will affect the proposal*
- The above items (a)-(f) are not relevant to the subject application.*

Or

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

- (i) *The characteristics of the proposed development are consistent with the character of the surrounding area – the proposed single storey development is consistent with the neighbourhood single family residences and low density apartments and are consistent in scale and massing with the traditional “Caymanstyle” character and the surrounding residential areas at this neighbourhood in West Bay.*
- (ii) *Unusual terrain characteristics limit the site’s development potential- the building’s setbacks are all consistent and respectful of the Planning Laws. The proposed configuration does not hinder access. The terrain of the property is not detrimental to the subject application.*
- (iii) *The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare – the proposed fence and wall height will not negatively impact persons residing or working in the vicinity and will therefore not be materially detrimental in any respect.*

Our client requests the Central Planning Authority’s approval for the proposed buildings and associated works, and respectfully requests the CPA’s favourable review of the above noted wall/fence setback variances.

If you have any queries or require further information prior to reviewing this application please do not hesitate to contact the writer.

We look forward to hearing from you in due course.

OBJECTION LETTER

Objector #1

I am submitting below my precise OBJECTIONS to the Application to Planning for development of block and parcel # 8A93 for "a walled 22 unit complex" .

NOISE: *The zoning is for LOW DENSITY RESIDENTIAL Allowing 22 residences to be built in the limited acreage plot will undoubtedly create a substantial amount of noise for the area.*

ROAD/ TRAFFIC: *Powery Road and that section of Conch Point Road are not equipped to handle that amount of traffic.*

If Approved, the Road Improvement should be required.

LIMITED BEACH ACCESS: *Assuming that they will advertise and promote the proximity to the Ocean/Beach; the Beach Access along the west side of Villas Pappagallo Property is not currently adequate to handle an intense amount of foot traffic.*

IF THE APPLICATION WERE TO BE APPROVED: *I ask that you make it WITH THE PROVISION that the APPLICANTS would be required to help pay for any expenses to make the Beach Access to the immediate west of Villas Pappagallo more accommodating to the public if the need is seen by the Villas Pappagallo residents.*

As all residents of Villas Pappagallo would be affected by this Application, if approved.

Objector #2

I am submitting below my precise and strong OBJECTIONS to the Application to Planning for development of block and parcel # 8A93 for "a walled 22 unit complex" .

NOISE: *The zoning is for LOW DENSITY RESIDENTIAL Allowing 22 residences to be built in the limited acreage plot will undoubtedly create a substantial amount of noise for the area.*

ROAD/ TRAFFIC: *Powery Road and that section of Conch Point Road are not equipped to handle that amount of traffic.*

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As all residents of Villas Pappagallo would be affected by this Application, if approved.

Objector #3

I am submitting below my precise and strong OBJECTIONS to the Application to Planning for development of block and parcel # 8A93 for "a walled 22 unit complex" .

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ROAD/ TRAFFIC: *Powery Road and that section of Conch Point Road are not equipped to handle that amount of traffic.*

If Approved, the Road Improvement should be required.

LIMITED BEACH ACCESS: *Assuming that they will advertise and promote the proximity to the Ocean/Beach; the Beach Access along the west side of Villas Pappagallo Property is not currently adequate to handle an intense amount of foot traffic.*

IF THE APPLICATION WERE TO BE APPROVED: *I ask that you make it WITH THE*

PROVISION that the APPLICANTS would be required to help pay for any expenses to make the Beach Access to the immediate west of Villas Pappagallo more accommodating to the public if the need is seen by the Villas Pappagallo residents.

As all residents of Villas Pappagallo would be affected by this Application, if approved.

Objector #4

I am submitting below my precise and strong OBJECTIONS to the Application to Planning for development of block and parcel # 8A93 for "a walled 22 unit complex" .

NOISE: *The zoning is for LOW DENSITY RESIDENTIAL Allowing 22 residences to be built in the limited acreage plot will undoubtedly create a substantial amount of noise for the area.*

ROAD/ TRAFFIC: *Powery Road and that section of Conch Point Road are not equipped to handle that amount of traffic.*

If Approved, the Road Improvement should be required.

LIMITED BEACH ACCESS: *Assuming that they will advertise and promote the proximity to the Ocean/Beach; the Beach Access along the west side of Villas Pappagallo Property is not currently adequate to handle an intense amount of foot traffic.*

IF THE APPLICATION WERE TO BE APPROVED: *I ask that you make it WITH THE PROVISION that the APPLICANTS would be required to help pay for any expenses to make the Beach Access to the immediate west of Villas Pappagallo more accommodating to the public if the need is seen by the Villas Pappagallo residents.*

As all residents of Villas Pappagallo would be affected by this Application, if approved.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (22) unit apartment complex (4) buildings, swimming pool, 4' chain-link boundary fence and 4' fronting wall with 8' columns to be located on Powery Rd., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

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

- (a) Detached & semi-detached houses.
- (b) Duplexes
- (c) In locations considered as suitable by the Authority guest houses and apartments.

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

- 8A 128 :- Conch Bay (4) Apartments (Approved 12-4-2000)
- 8A 100:- Villas Pappagallo
- 8A 7:- Four Cottages (Approved CPA/32/05; Item 2.28 7-12-05)
- 8A 157 :-Four Story 18 Unit Apartment Complex w/ Pool (Approved CPA/25/19; Item 2.13 4-12-19)
- 8A 129:- 9 Unit Apartment Complex w/ 9 Pools & 4' Fence (Approved CPA/12/19; Item 2.7)

2) Road Side Setback

Regulation 9(8)(i) of the Development & Planning Regulations (2020) states “*the minimum front and rear setbacks are 20 feet*”. The proposed patios and dividing walls for Building A would be 13'-0" & 11'-3" from the fronting road boundary a difference of 7'-0" & 8'-9" respectively.

3) Side Setback

Regulation 9(8)(j) of the Development & Planning Regulations (2020) states “*the minimum side setback is 10' for a building of one story*”. The proposed patio and dividing walls for Building B would be 7'-1" & 9'-6" from the northern side boundary a difference of 2'-11" & 6" respectively.

4) Fence Height

The CPA fence guideline (Section 4.3.1) states “*in residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height*”. The proposed fronting boundary concrete fence would be 4'-0" with 8'-0" columns a difference of 0'-0" & 4'-0" respectively.

2.2 JOHN BODDEN (Greg Abernethy) Block 66A Parcel 174 (P21-0182) (\$3,294) (JP)

Application for two lot subdivision.

Appearance at 11:00

FACTS

<i>Location</i>	Junges Drive, East Interior
<i>Zoning</i>	A/R
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	1.002 ac. (43,647.12 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

December 6, 2017 (CPA/25/17; item 2.16) – application for a house approved by CPA

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

- 1) Residential use of Agricultural land
- 2) Lot width variance (22' v 80')
- 3) Objector's concerns

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

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

Standard Detail Drawings for meter installations are available via the following link to the Water Authority's web page: <http://www.waterauthority.ky/water-infrastructure>.

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

Stormwater Management

This development is located over the East End fresh water lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of 80ft instead of the standard depth of 100ft as required by the NRA.

Wastewater Treatment:

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

National Roads Authority

No comments received.

Department of Environment (NCC)

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

We have no objection to the proposed subdivision at this time as the parcel is man-modified and of limited ecological value.

APPLICANT'S LETTER

Enclosed please find the relevant documents relating to a 2-lot subdivision. Although the buildable area of Lot 2 meets the minimum lot width requirement, we have created a driveway area for the parcel which requires a variance. We are therefore asking for a variance on the lot width for lot 2 under the Planning Regulation 8(13) (b) (iii) to accommodate this.

OBJECTIONS

I hereby object to the proposed A2 lot subdivision by Mr. Bodden considering the zoning for the development is residential/agriculture and is primarily structured for farming.

In 2008, I applied to the CPA for the approval to house goats, pigs, chickens and ducks on my property which I have injected a sizable investment. To now vary the agriculture subdivision to residential house lots, would change the dynamics of the area and would place my farm in jeopardy by complaints from the new residents from the noise and smell of the animals.

PLANNING DEPARTMENT ANALYSIS

General

The site occupies a vacant lot within an undeveloped subdivision of the East End Interior. Junges Drive runs along the western boundary with vacant lots 66A173 and 66A175 forming the north and south boundaries, respectively.

The application seeks Planning Permission for a two lot subdivision.

Zoning

The property is zoned Agricultural/Residential.

Specific Issues

1) Residential use of agricultural land

Regulation 21 permits the development of agricultural/land for the construction of houses and provides an allowable density of 2 houses per acre. In this instance the subject parcel is 1.002 acres and the applicant is proposing to subdivide the parcel into two to allow a house on each new lot. The proposed subdivision appears to comply with the intent of Regulation 21.

2) Lot width variance (22' v 80')

Although the minimum lot width is not specified in Regulation 21, the regulation does apply Low Density Residential criteria when considering applications for development.

Regulation 9(8) which sets out the Low Density parameters and requires a minimum lot width of 80ft at (g). Given the "flag shape" of proposed lot 2, the application seeks Planning Permission for a lot width of 22' at the road. The lot does widen to 142' at the rear portion of the lot.

2.3 FRANK SCHILLING (ARCO Ltd.) Block 1C Parcel 60 (New 277) (P20-0404) (\$18,000,000) (MW)

Application for (27) unit apartment complex (3 buildings) with swimming pool & cabana with unit & bedroom density & lot width variance.

Appearance at 11:30

FACTS

<i>Location</i>	Sand Hole Rd., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	1.82 ac. (79,279.2 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	54,198 sq. ft.
<i>Total building site coverage</i>	23.7%
<i>Allowable units</i>	27.3
<i>Proposed units</i>	27
<i>Allowable bedrooms</i>	43.68
<i>Proposed bedrooms</i>	48
<i>Required parking</i>	40.5
<i>Proposed parking</i>	52

BACKGROUND

November 11, 2020 (**CPA/19/20; Item 2.4**) – the application was adjourned for the following reasons:

- 1) The applicant is required to submit revised plans showing:
 - a) All buildings and structures with a minimum 75' setback from the high water mark.
 - b) A maximum of 27 apartment units.
 - c) No access to Sand Hole Road.
 - d) A 4' fence/wall along the portion of the development site that fronts on Sand Hole Road.
- 2) A 30' wide vehicular easement in favour of the subject parcels leading to Sonny Powery's Drive shall be registered.

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

- 1) compliance to CPA's decision
- 2) objectors concerns

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 7,200 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building 1</i>	<i>12 x 1-Bed Units</i>	<i>150gpd/1-Bed Unit</i>	<i>1,800</i>	<i>1,800</i>
<i>Building 2</i>	<i>15 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>3,375</i>	<i>3,375</i>
<i>Building 3</i>	<i>9 x 2-Bed Units</i>	<i>225gpd/2-Bed Unit</i>	<i>2,025</i>	<i>2,025</i>
TOTAL				7,200

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

Elevator Installation

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

Water Supply:

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

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

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

National Roads Authority

As per your email dated June 30th, 2020 the NRA has reviewed the above-mentioned planning proposal.

Based on the information provided, the NRA cannot recommend to the CPA approval for this proposed development for the following reasons;

- *Sand Hole Road is substandard road of minimal width with multiple sharp bends and an inadequate sight line at the junction with Boatswain Bay Road;*
- *A fire truck would not be able to access the building if a fire were to occur. The garbage truck can access the site but only if no other vehicles are on the road.*

Furthermore, please note that there is a public pedestrian right of way that traverses through the site.

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

Department of Environmental Health

1. *The Department has no objections to the proposed apartments.*
 - a. *This development required (1) 8 cubic yard container with three times per week servicing.*
2. *Specifications and plans for the swimming pool must be submitted for review and approval. (16-7-20)*

Department of Environment (NCC)

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

Environmental Overview

The coastal boundary of the application site is characterised primarily by ironshore/rocky coastline, with a perched beach behind this. The offshore environment is not legally protected in this location.

*Based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as **critical turtle nesting habitat** in the National Conservation Council's Interim Directive for the designation of Critical Habitat of Green turtles (*Chelonia mydas*), Loggerhead turtles (*Caretta caretta*), Hawksbill turtles (*Eretmochelys imbricata*), Leatherback turtles (*Dermochelys coriacea*) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (*Lepidochelys kempii*) (issued under Section 17 (7) of the National Conservation Law (2013)). This designation of critical habitat means that adverse impacts to the habitat either have to be avoided or able to be mitigated with the imposition of conditions of approval. It also means that the National Conservation Council is able to direct the inclusion of those conditions in any Planning Permission that may be given.*

*The coastline in this location experiences nesting from both loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Law, 2013, as being 'protected at all times'.*

The site comprises a mixture of primary coastal shrubland habitat and man-modified areas. Coastal shrubland incorporates a variety of salt and wind tolerant flora.

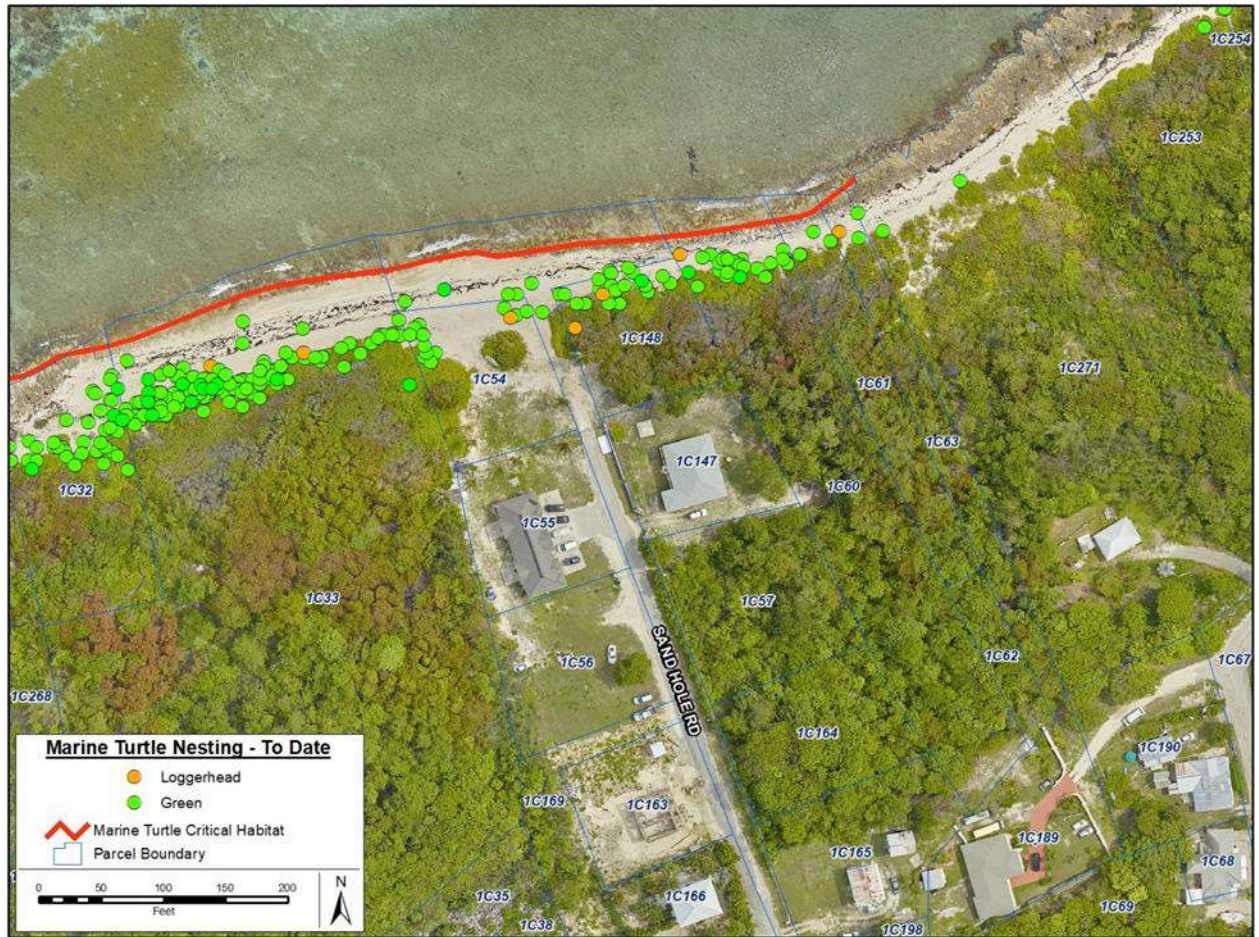


Figure 1: LIS 2018 imagery showing historical turtle nests on the critical nesting beach as well as the primary vegetation located on the site. The green dots indicate historical green turtle nests and the orange dots indicate historical loggerhead turtle nests.

Impacts to Turtle Nesting

The below sub-sections detail the potential impacts of the proposed development on the critical nesting beach.

Artificial Lighting Impacts

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

In accordance with section 41(5)(a) of the National Conservation Law, the Department directs the use of turtle friendly lighting on this development site. Figures 2-4 provide examples of other properties in Grand Cayman that have turtle friendly lighting installed.



Figures 2-4: Properties retrofitted to turtle friendly lighting along Seven Mile Beach, Grand Cayman.

Importance of Coastal Vegetation

The Department is concerned with the loss of beach vegetation. Native coastal shrubland is becoming rarer as development on the coast increases. Coastal shrubland is high in ecological value, providing a biodiverse habitat for native wildlife in addition to stabilizing the shoreline and reducing erosion. Once vegetation has been cleared, it often results in wind-borne erosion of the land and general coastal erosion. Coastal vegetation is therefore important for the integrity of the beach to ensure there is appropriate nesting habitat for sea turtles in this critical location. Beach vegetation is also thought to play an important role in sea turtle nest site selection, hatch success, hatchling fitness, sex ratio, and sea finding.

Impacts of Hard Structures

The Department notes that the applicant's site plan refers to the entirety of the coastline as being ironshore and the proposed pool and pool deck are located 50 feet from the High Water Mark. Hard structures on the sandy area of the nesting beach decrease the size of the potential turtle nesting habitat. As this is extremely important turtle nesting habitat, a 75-foot setback would be more appropriate for this area. Increased setbacks will not only give critically endangered turtle nesting populations more room to nest but can also benefit the applicant. Increasing the coastal setback increases the resilience of properties against the inevitable effects of climate change such as coastal flooding, storm surge and erosion by ensuring that hard structures are located in a way that reduces their susceptibility to these hazards. An increased setback also allows the applicant to retain more sand reserves which aid in the beach's potential to recover after major storm events.

*For the reasons detailed in the sub-sections above, the Department does not support the proposed 50-foot setback. As the application site is located on **critical turtle nesting habitat**, National Conservation Council has directed conditions to prevent heavy machinery destroying nests and minimize impacts to nesting and hatchling sea turtles. These conditions have been listed in the Directed Conditions & Summary of Recommendations section. We also recommend the retention of native vegetation and that any excavated sand is kept on-site and placed landward of the High-Water Mark to retain sand reserves and create depth in the beach profile.*

Construction Debris Impacts on Marine Environment

We have experienced developments along the coast inadvertently polluting the marine environment from wind-borne debris. For example, the Department has witnessed and

experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island (Figures 5-7).

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



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

We strongly recommend that Best Management Practices are adopted during the construction process to ensure that construction-related debris does not enter the marine environment. This may include using alternative materials to expanded polystyrene, containing any debris that could be air-borne with the use of screens and stockpiling all construction materials landward of the beachside construction fencing.

Directed Conditions & Summary of Recommendations

The application site is located on ***critical sea turtle nesting habitat*** as designated in the *Interim Directive for the designation of Critical Habitat of Green turtles (Chelonia mydas), Loggerhead turtles (Caretta caretta), Hawksbill turtles (Eretmochelys imbricata), Leatherback turtles (Dermochelys coriacea) and all other species that may occur in Cayman waters including Kemp's Ridley turtles (Lepidochelys kempii) and hybrids*, issued under Section 17 (7) of the National Conservation Law (2013).

The National Conservation Council has assessed the likely impacts of this development and the cumulative impacts of existing and proposed development in this area. Should the CPA be minded to grant approval for the proposed development, under Section 41(5)(a) of the

National Conservation Law, the National Conservation Council **respectfully directs** the CPA to include the below as conditions of approval.

1. A revised plan shall be submitted showing all hard structures including the pool, pool deck and any other ancillary features setback a minimum of 75 feet from the High-Water Mark.
2. A vegetated buffer with a minimum width of **at least 10 feet** shall be maintained (and planted where necessary) along the 75-foot coastal setback boundary of the application site. Additional planting within the buffer shall comprise appropriate native coastal vegetation. There shall be no hard structures seaward of the buffer. The under-brushing and access points through the vegetated buffer shall be agreed with the DoE.
3. The applicant shall prepare and submit a turtle friendly lighting plan which minimizes the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.
4. Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction is complete.
5. Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.
6. No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.
7. Beachside construction fencing associated with the works shall be positioned at least 50ft from the Mean High Water Mark (to minimise impacts on the turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.
8. All construction material shall be stockpiled landward of the beachside construction fencing.

We also recommend:

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

- *The use of Best Management Practices during the construction process, i.e. the use of alternative materials to expanded polystyrene and containing any debris that could be air-borne with the use of appropriate screens and containment methods; and*
- *The retention and use of as much native vegetation as possible in the landscaping scheme.*
- *Native coastal vegetation is best suited for the habitat conditions of the site and requires less maintenance (i.e. minimizes the demand for potable water for irrigation) which makes it a very cost-effective choice. When designed effectively landscaping can assist with shoreline protection of structures; provide appropriate shading and cooling of buildings, hardscape and people; attenuate noise and provide windbreaks to trap airborne particles/debris.*

Fire Department

Approved for Planning Permit Only. 11-Jul-20

APPLICANT'S LETTER

Mr Frank Schilling owner of BLOCK 1C PARCELS 60, 61, 62, 63 AND 164 is planning a project in West Bay where he is seeking for a density variance.

In accordance with regulation 8(13)(b), we respectfully request consideration for developing 9 apartment unit over the limit of 27 for a total of 36. This variation does not impact the size of the footprint of the proposed buildings as they are all proposed at the permitted 3rd level. Room's variance is from 44 to 60.

The increased density will not affect persons residing in the vicinity, adjacent property, neighborhood, or public welfare. A small variance is requested in respect to the lot width facing Sand Hole Rd where the plot measures 97.4 feet falling only 2.6 feet short of the required 100'.

We justified the proposed design by respecting the allowed site coverage and all setbacks including the 50' to the sea. With the increase in construction cost after COVID-19 the project would not be viable unless more units are developed.

OBJECTIONS

Objection #1

I have reviewed the revised plans for the Apartments and I have a few objections, which I have listed below:

***Name** - Sand Hole Apartments is very misleading and will attract a high level of traffic to Sand Hole Road as many persons will take this road, trying to locate the complex. On the basis that you cannot access the complex from Sand Hole Road, I would object to the name of the complex.*

Wall - *The original plan had a 10 foot high wall and this has now been amended to 6 feet. I object to the change in the height of the wall as this will remove the privacy aspect, which I am unhappy about primarily since the complex is directly in front of my home.*

Set Back - *I would like to object to the fact that the twenty foot setback between the North building and Sand Hole Road has been reduced on the plans to include part of the parking area within this setback limit. This parcel of land has many beautiful big old trees and iron shore which should be left in place to protect our environment. Destroying the iron shore and all of the trees can be avoided, if that setback remains the way it was set out in the original plans*

Pool Deck - *there is a portion of the pool deck that is now on the beach due. The measurements do not appear to be correct between the building and the high water mark. I also want to stress the importance of ensuring that the natural habitat for the turtles is not destroyed. This was also raised in the meeting and I would be very disappointed to see this area that has been protected for turtle nesting destroyed.*

Objection #2

Thank you for sending the revised plans for the Apartments, which I hope will not be listed officially as Sand Hole Apartments since they do not have access to Sand Hole Road.

Also I would like to object to the fact that the twenty foot setback between the North building and Sand Hole Road has been reduced on the plans to include part of the parking area within this setback limit. This parcel of land has many beautiful big old trees, iron shore and old forest topography, part of which could be left in place if that setback is obeyed by the developer.

Sadly it appears he tries to set his own rules above those of the Planning Board.

A similar incursion onto the set back limits can be seen on the beach side of the property where part of the pool deck is shown on the beach due to the seemingly incorrect measurement of their line not being at right angles from their property to the coast line.

We must remember that this area of the beach is an important part of our endangered turtle nesting sites.

Many thanks indeed and I would be grateful if you would raise these objections to this project for me.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (36) unit apartment complex (3 Buildings) with swimming pool & cabana located off Sand Hole Rd., West Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

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

(d) Detached & semi-detached houses.

(e) Duplexes

(f) In locations considered as suitable by the Authority guest houses and apartments.

The neighborhood consists mostly of single-family houses. There are three parcels with apartments of 3-units a piece within 500 feet of the subject parcel. The closest apartment community, similar to this application, is Coconut Bay Apartments, located approximately 1,722 feet from the proposal. The Authority needs to determine if the site is suitable for apartments. Although the proposal is permitted in a LDR zone the Department questions whether the project is appropriate given the size and density of the project relative to the surrounding neighbourhood.

2) HWM Setback

Regulation 8(10)(b) states *“in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), all structures and buildings, including ancillary buildings, walls and structures, walls and structures, shall be setback a minimum of seventy five feet from the high water mark.”* The applicant has proposed a HWM setback of 50’ stating the shoreline is ironshore, however aerial images and a site visit conducted on October 29th 2020 (see photos below) of the proposed site show the proposed site coastline is sandy beach. As such, a 75’ HWM setback should be required for the proposed project.



BLOCK 1C PARCEL 148 (LOOKING EAST)



BLOCK 1C PARCEL 60 (LOOKING EAST)



BLOCK 1C PARCEL 61 (LOOKING WEST)



BLOCK 1C PARCEL 63 (EASTERN BOUNDARY LOOKING WEST)

3) Easement over 1C189 & 1C190 & Sand Hole Rd.

The applicant has proposed a 30' ROW easement over 1C190 & 1C189 however the land registers for 1C62 & 1C63 only state a pedestrian right of way. The Authority should determine if the access proposed is acceptable and determine if the applicant should provide proof of easement over the two subject parcels. In addition the legal access through Sand Hole Rd. to parcel 1C164 is only 18' at its widest point and there is a concern that this width may not be sufficient to handle the traffic flow generated by the proposed development. It should also be noted that when the Authority considered an application for 14 apartments in 2006, the application was adjourned and the applicant was required to obtain a 30' vehicular right-of-way to the property.

4) Lot Width

Regulation 9(8)(g) of the Development & Planning Regulations (2020 Revision) states "*the minimum lot width for Apartments is 100'*". The proposed parcel 1C 64 accessed off Sand Hole Rd. would be 97'-4 ³/₄" a difference of 2'-7 ¹/₄" respectively.

5) Apartment Density

Regulation 9(8)(c) of the Development & Planning Regulations (2020 Revision) states "*the maximum number of apartments is fifteen per acre.*" The proposed parcels 1C60, 1C61, 1C62, 1C63 & 1C164 will be combined with a total site area of 1.82 Ac. (79,279.2 sq. ft.). The applicant has proposed 36 units, however calculations show the maximum number of units allowed would be (1.82 Ac. x 15 per acre = 27.3 units) a difference of 8.7 units respectively.

6) Bedroom Density

Regulation 9(8)(c) of the Development & Planning Regulations (2020 Revision) states “*the maximum number of apartments is fifteen per acre with a maximum of twenty-four bedrooms.*” The applicant has proposed 60 bedrooms, however calculations show the maximum number of bedrooms would be (1.82 Ac. x 24 per acre = 43.68 bedrooms) a difference of 16.32 bedrooms respectively.

SUPPLEMENTARY ANALYSIS

The applicant has submitted revised plans addressing the reasons for adjournment as follows:

- All buildings and structure now have a minimum 75’ setback
- The number of units has been reduced to 27
- There is no proposed access to Sand Hole Road
- The site plan now shows a 4’ fence/wall along the portion of the development site that fronts on Sand Hole Road.
- a 30’ wide vehicular easement in favour of the subject parcels leading to Sonny Powery’s Drive has been registered

The revised plans were circulated to the objectors most of which had no issues with the proposed revisions however 2 objections were received in regards to the revised plans.

2.4 ASTER CARIBBEAN HOLDINGS LTD. (Tropical Architectural Group) Block 4D Parcels 117 & 511, Block 5C Parcels 79 & 330, and Block 9A Parcels 103 & 155 (PAD21-0002 / P21-0155) (\$350,095,000) (MW)

40 Acre Planned Area Development (PAD) & Land Clearing

Appearance at 1:00

FACTS

<i>Location</i>	Esterley Tibbetts Hwy., West Bay
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	Objections
<i>Parcel size proposed</i>	61.65 ac. (2,685,474 sq. ft.)
<i>Parcel size required</i>	40 Ac. (1,742,400 sq. ft.)
<i>Current use</i>	Vacant

BACKGROUND

N/A

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

- 1) Department of Planning comments
- 2) External agency comments

3) Concerns of the Objectors

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment:

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

- *The developer shall notify the Water Authority's Engineering Services at 949-2837 ext. 3000 as soon as possible to ensure that:*
- *the site-specific connection requirements are relayed to the developer,*
- *any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- *the Authority can make arrangements necessary for connection such as ordering materials, scheduling, pipe installation, etc.*

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

- *The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web: http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf*
- *The developer shall submit plans for the infrastructure to the Authority for approval.*
- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*
- *The developer is advised that site specific wastewater requirements such as grease interceptors, elevator sump pits and generators are subject to review and approval by the Water Authority and will be assessed upon built development being proposed.*

Requirement for Quarry Permit per Water Authority Law

The Water Authority is charged under the Water Authority Law to protect groundwater. Section 34 (1) of Water Authority Law (2018 Revision) requires that anyone who undertakes quarrying obtains a permit from the Authority, subject to such terms and conditions as it deems fit. Regulation 22 (1) of the Water Authority Regulations (2018 Revision) states that a permit to quarry shall be required whenever it is intended to remove any geological stratum from its natural environment and export it to another location, whether for sale or not.

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

In the event the quarry permit is granted by the Water Authority, the developer is required to maintain the water quality of the proposed quarry lake with the following measures:

- *No direct discharge of stormwater into the excavation;*
- *Shoreline grading to minimize, slow and filter stormwater flow into the excavation including a perimeter berm around the lake and a shallow, sloped shelf, at least 10 ft wide, extending into the lake for the establishment of native wetland plants;*
- *Provide a Water Quality Management Plan for long-term maintenance of the excavated lake to minimize future water quality problems. The property owner shall be responsible for the long-term water quality management, unless this responsibility is transferred via restrictive covenants or similar legal instrument;*
- *The Water Quality Management Plan shall include Best Management Practices for long term maintenance of the lake upon completion of the excavation.*

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

Water Supply:

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

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

National Roads Authority

None received at this time.

Department of Environmental Health

This application is not recommended for approval until the following is satisfied:

1. *The applicant must submit the design details for the each type of development for review and approval.*
2. *The applicant must submit details for the solid waste facility and the waste management plan for municipal solid waste for review and approval.*
3. *The applicant must submit design specifications and a detailed plan for the management of infections which should be in compliance with the Public Health (Infectious Waste) Regulations (2002 Revision).*

Department of Environment (NCC)

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

*This planning application was considered against the screening criteria outlined in the EIA Directive and it was determined by the DOE, with the NCC's agreement, that the development **does not need to be the subject of an Environmental Impact Assessment**. Please note that the below comments should be read in the context of the attached EIA Screening Opinion, dated 31 March 2021.*

The Site

The site is located on a 39 acre area of Parcels 4D117, 4D511, 5C79, 5C330 9A103 & 9A155, west of the Esterley Tibbetts Highway south of West Bay. The application proposal details subdivision of the parcels to create a PAD application parcel but this has not been undertaken yet. The site location is shown on Figure 1. The site has a mixed habitat cover of previously man-modified areas, filled areas with MRCU dyke roads, areas of water (ponds and dykes), and approximately 22 acres of primary tidally flooded mangrove forest (as shown in figures 1 and 2 below). The tidally flooded mangrove forest on the site also adjoins a larger surrounding wetland area of mangroves to the west which borders a residential area. These mangroves are the primary ecological resource of the site, the impact to which will be discussed further in the section 'Ecology' below. Mangroves are protected under the National Conservation Law (2013), following the passage of the Mangrove Conservation Plan (2020).

The man-modified area in the southern area of the site was historically cleared, partially filled and excavated to allow for the installation of a Mosquito Research and Control Unit dyke and access roads as shown in the below figures 1 and 2. The northern cleared and filled area is now the site of the active plant nursery.



Figure 1: Aerial imagery of the site (outlined in blue) showing the existing plant nursery to the north-east of the site and the cleared and filled MRCU dyke roads (Source: LIS 2018)

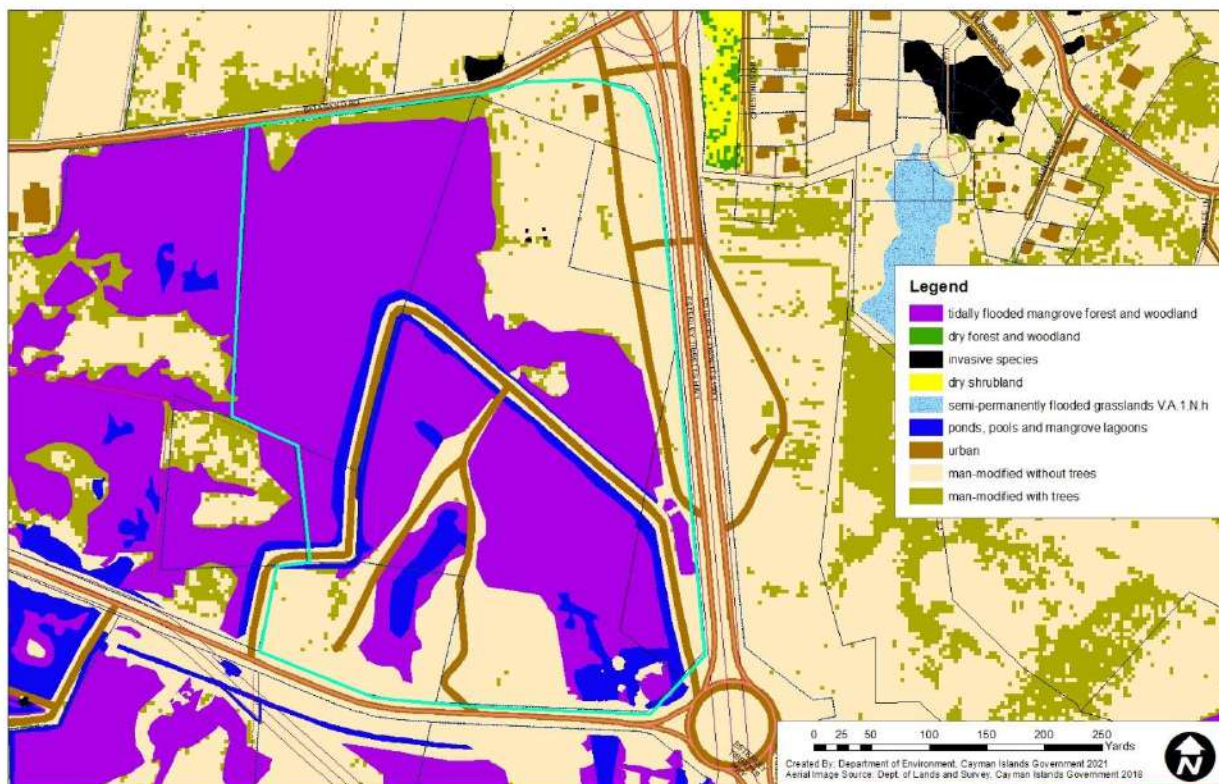


Figure 2: A terrestrial habitat map showing the landcover types within the site (DOE: 2021)

Description of the Proposed Development

The Proposed Planned Area Development (PAD) includes a 160-bed hospital (with potential future expansion up to 500 beds), senior care housing, medical college, residences, mixed-use development, parking, an internal road network, landscaped areas and two lakes. The proposal is to cater for the medical tourism market.

Outstanding Information Required to Assess the Proposed Development

As detailed in the EIA Screening Opinion, there are key aspects of the Proposed Development missing in the applicant's submission. Additional information should be required prior to determination, including:

- Details of the proposed compensatory mitigation for the 22 acres of primary habitat that will be cleared, to ensure 'no net loss' of mangrove wetland habitat, together with a comprehensive landscaping plan for the application site. The compensatory mitigation plan shall be submitted to the NCC for approval;*
- A comprehensive storm water management plan;*
- A needs assessment to demonstrate the need for a further medical facility of this type and medical college/university. This assessment should consider the likely socio-economic effects of the development, including: potential local job creation both during construction and operation; training and education opportunities; economic activity in the area; anticipated housing supply requirements for staff and residents of the facilities and medical college; potential demand on community services and the impacts of this project on other existing medical facilities etc., and*
- A comprehensive waste management assessment to determine the likely amount and type of waste generated, the impact on the existing landfill and road network, opportunities for reduction, reuse and recycling of waste; and assessing management and disposal methods for hazardous waste.*
- Although the proposal cites the use of renewable energy sources such as solar power, which would reduce the development's overall air quality impacts on the macro climate, the submission has not provided information on the scale or percentage of energy that will be generated from these sources. The application also contains no explanation and assessment of the principles of sustainable development relating to building efficiency which will be followed e.g. low carbon design principles (e.g. LEED building efficiency certifications). This information should ideally be indicated by the applicant in this stage of the application process. The DoE would support use of solar PV carport structures over some of the proposed parking areas and solar-powered street lighting if not already included in the renewable energy strategy.*

Once the additional information that adequately addresses the above outlined has been submitted, then the Planned Area Development application can be adequately assessed for its environmental impacts.

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

Screening Opinion for the Proposed Aster MedCity Planned Area Development

31 March 2021

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, Aster MedCity Planned Area Development (PAD), includes a 160-bed hospital (with future expansion up to 500 beds), senior care housing, medical college, residences, mixed-use development, parking, an internal road network, landscaped areas and two lakes. It falls within the National Conservation Council's (NCC) Directive for Environmental Impact Assessments (EIAs) Schedule 1 (13) as a Hospital (Institutional Developments or Facilities).

The proposed PAD site is located on the western side of the Esterley Tibbetts Highway, south of Batabano Rd. in West Bay. The applicant has indicated that the proposal includes a number of sustainability measures including use of alternative renewable energy sources, a water capture and grey water re-use programme, use of native vegetation for landscaping, on site independent sewage treatment and disposal, and a recycling scheme. Approximately 22 acres of primary tidally flooded mangrove forest habitat remain on the site which adjoins a larger surrounding area of mangroves to the west. The planning application was considered against the screening criteria outlined in the EIA Directive and it was determined that there are key aspects of the Proposed Development missing in the Applicant's submission. Additional information should be required prior to determination, including:

- Details of the proposed compensatory mitigation for the 22 acres of primary habitat that will be cleared, to ensure 'no net loss' of mangrove wetland habitat, together with a comprehensive landscaping plan for the application site. The compensatory mitigation plan shall be submitted to the NCC for approval;*
- A comprehensive storm water management plan;*
- A needs assessment to demonstrate the need for a further medical facility of this type and medical college/university. This assessment should consider the likely socio-economic effects of the development, including: potential local job creation both during construction and operation; training and education opportunities; economic activity in the area; anticipated housing supply requirements for staff and residents of the facilities and medical college; potential demand on community services and the impacts of this project on other existing medical facilities etc., and*
- A comprehensive waste management assessment to determine the likely amount and type of waste generated, the impact on the existing landfill and road network, opportunities for reduction, reuse and recycling of waste; and assessing management and disposal methods for hazardous waste.*

The Department of Environment is of the opinion that the Proposed Development does not require an EIA however the above mentioned additional submissions should be required in order to adequately assess the proposal.

Introduction

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

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

The screening criteria include:

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

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

The Site

The site is located on a 39 acre area of Parcels 4D117, 4D511, 5C79, 5C330 9A103 & 9A155, west of the Esterley Tibbetts Highway south of West Bay. The application proposal details subdivision of the parcels to create a PAD application parcel but this has not been undertaken yet. The site location is shown on Figure 1. The site has a mixed habitat cover of previously man-modified areas, filled areas with MRCU dyke roads, areas of water (ponds and dykes), and approximately 22 acres of primary tidally flooded mangrove forest (as shown in figures 1 and 2 below). The tidally flooded mangrove forest on the site also adjoins a larger surrounding wetland area of mangroves to the west which borders a residential area. These mangroves are the primary ecological resource of the site, the impact to which will be discussed further in the section 'Ecology' below. Mangroves are protected under the National Conservation Law (2013), following the passage of the Mangrove Conservation Plan (2020).

The man-modified area in the southern area of the site was historically cleared, partially filled and excavated to allow for the installation of a Mosquito Research and Control Unit dyke and access roads as shown in the below figures 1 and 2. The northern cleared and filled area is now the site of the active plant nursery.



Figure 1: Aerial imagery of the site (outlined in blue) showing the existing plant nursery to the north-east of the site and the cleared and filled MRCU dyke roads (Source: LIS 2018)

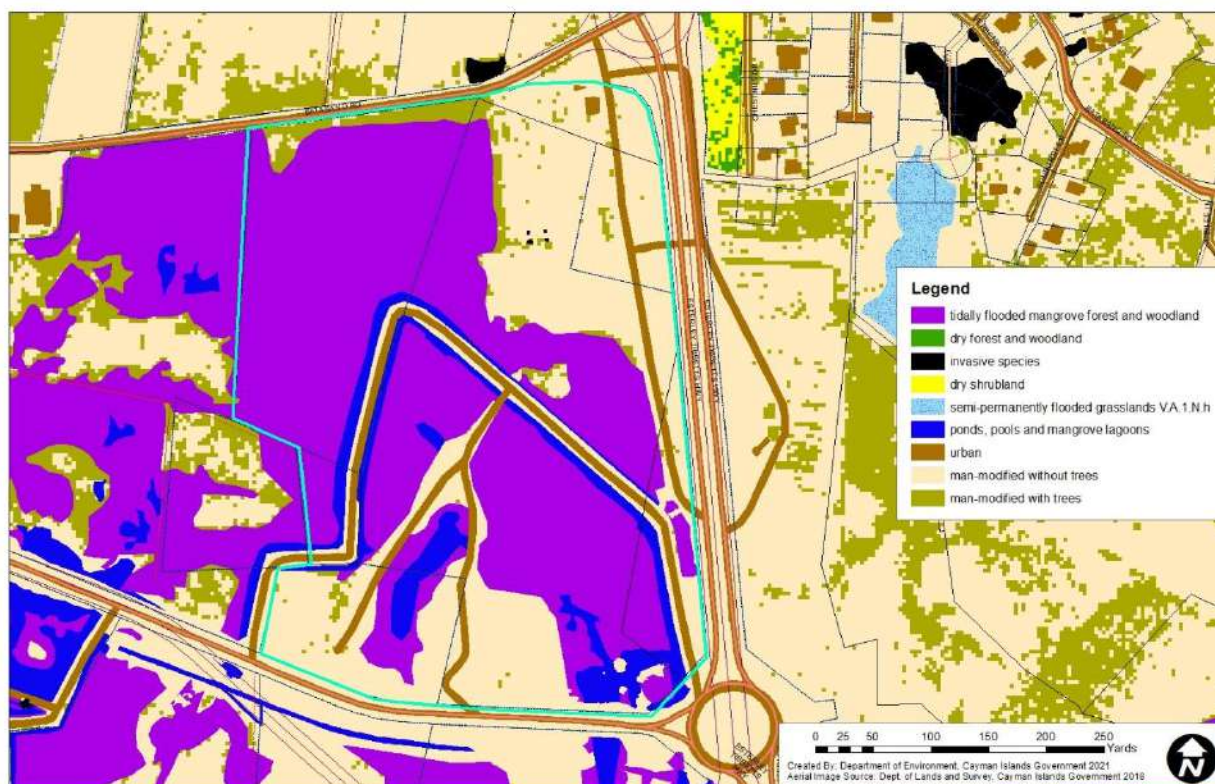


Figure 2: A terrestrial habitat map showing the landcover types within the site (DOE: 2021)

Proposed Development

Description of the Proposed Development

The Proposed Development, the Aster MedCity Planned Area Development (PAD), includes a 160-bed hospital (with potential future expansion up to 500 beds), senior care housing, medical college, residences, mixed-use development, parking, an internal road network, landscaped areas and two lakes. The proposal is to cater for the medical tourism market.

Planning History

A planning application was recently made for the clearing and filling of part of the site (P21-0155) however the DOE recommended in its review of this application that it be held in abeyance until the PAD application is determined. It would be premature to clear the site, thus degrading it, prior to securing permission for its development. The only planning applications for this site made in the past were those made for the nursery development including a planning application for a greenhouse, approved in 1997 along with a sign for the site in 2011.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the Proposed Development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects.

Air Quality

There is no known baseline data for air quality at the site, however, it is likely that the air quality in this area is fair with the only existing impacts to the site being derived from the Esterley Tibbetts Highway to the immediate east of the site. There are no large scale industrial land uses to the prevailing upwind of the site which could contribute to poor air quality. It is proposed that some internal travel will be undertaken using golf carts to reduce the reliance on cars, allowing for the utilisation of electricity powered carts to be used and powered by renewable energy sources such as solar power, thus reducing the carbon footprint of the development and emissions from vehicles.

An incinerator for the medical facility's bio hazardous waste is proposed for the development, which may create a significant point sources of emissions. The application submission should include the relevant emissions regulations that the facility will conform to. These need to be established and agreed with the Department of Environmental Health, in accordance with their standards and regulations.

Although the proposal cites the use of renewable energy sources such as solar power, which would reduce the development's overall air quality impacts on the macro climate, the submission has not provided information on the scale or percentage of energy that will be generated from these sources. The application also contains no explanation and assessment of the principles of sustainable development relating to building efficiency which will be followed e.g. low carbon design principles (e.g. LEED building efficiency certifications). This information should ideally be indicated by the applicant in this stage of the application process.

It is assumed that the back-up generators will also be included in the future development applications, as is common with large scale developments requiring electrical power

resilience. Given that the use of generators will likely be infrequent, there is unlikely to be a significant effect on air quality from point-source emissions associated with the Proposed Development.

Subject to compliance with relevant regulations and standards agreed with the Department of Environmental Health, the development is unlikely to have a significant effect on Air Quality.

Climate Change

According to predicted scenarios, climate change is likely to have significant impacts on the Cayman Islands including the proposal site in the future. The Cayman Islands are inherently vulnerable to climate change because of the small size, remoteness, low-lying areas and other environmental factors, demography and economy¹.

The Proposed Development is likely to both contribute to climate change and be affected by climate change during construction and operation. There will be vehicle movements and resource consumption associated with construction and operation. However, embedded mitigation measures have been proposed including the use of solar power, rainwater harvesting, on-site sewage treatment and grey-water capture, and the planting of native species for landscaping.

The proposal includes the removal of 22 acres of mangrove habitat. Mangroves are among the most carbon-rich tropical forests in the world. Mangrove and peat swaps are tremendous carbon stores. The removal of the mangroves and the removal of peat to facilitate construction within the PAD will result in releases of stored carbon. Carbon storage is a key ecosystem service provided by mangroves which would be completely removed by the PAD. The applicants should therefore be required to mitigate against this loss by providing compensatory mangroves for protection (see Ecology section).

The effects of climate change on the Proposed Development are most likely to be related to storm events and sea level rise. The Cayman Islands will likely experience a sea level rise and more intense but fewer rain events, which could affect the Proposed Development² especially in regards to storm water management as the site is low lying wetland. There are not considered to be likely significant effects with respect to climate change.

Ecology

Although some of the site is man-modified there is a large area of tidally flooded mangrove wetland (as shown in figures 1 and 2 above); mangroves are protected under Schedule 1, Part 2 of the National Conservation Law (2013) and the Mangrove Conservation Plan (2020). They also provide ecological services including provision of habitat for species including birds which are protected under Schedule 1 Part 1 of the National Conservation Law. The cumulative loss of mangroves on the western end of Grand Cayman has been a major issue over the last few decades due to development. Since 1976, 72% of all the mangroves on the west side of Grand Cayman have been lost (as shown in figure 3 below), making preservation of the remaining areas of key importance. The application submission has not included any ecological assessment information.

¹ National Climate Change Committee. (2011). Achieving a Low Carbon Climate-Resilient Economy: Cayman Islands' Climate Change Policy (draft).

² Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.

The proposed clearing of mangroves and filling of the site will destroy habitat for many Part 1 Schedule 1 Protected Species, including:

- *West Indian Whistling-duck (Dendrocygna arborea);*
- *Greater Antillean Grackle (Quiscalus niger);*
- *Cayman Parrot (Amazona leucocephala caymanensis);*
- *White-crowned Pigeon (Patagioenas leucocephala); and*
- *Snowy Egret (Egretta thula).*

Obligations under the RAMSAR Convention (1971)

The Cayman Islands is a party to the Ramsar Convention, which embodies the commitments of its member countries to maintain the ecological character of their Wetlands of International Importance and to plan for the "wise use", or sustainable use, of all of the wetlands in their territories. The concept of "wise use" seeks to ensure that a balance of uses is achieved which will deliver ecosystem, economic and social/cultural benefits over the long term. Grand Cayman wetlands provide the following vitally important ecosystem services:

- *supporting the diversity and abundance of plants and animals, and providing important habitat and refuges for many migratory, rare, or threatened species;*
- *forming part of natural hydrological cycles, providing water passage and storage;*
- *nutrient cycling and improving water quality by trapping nutrients and sediments;*
- *flood mitigation and providing coastal protection against destructive natural events, such as storms surges and hurricanes;*
- *supporting species to adapt to the effects of climate change by providing refugia and landscape connectivity;*
- *contributing to the sequestration and storage of carbon, to mitigate against climate change;*
- *contributing to the well-being of people through landscape diversity, heritage values, aesthetic appeal and recreation.*

Against this background of our international obligations, the objective of "working towards the wise use of wetlands" and "sustainable use" must be considered when reviewing this application.

The applicant has provided no mitigation for the loss of approximately 22 acres of wetlands. It is internationally recognized best-practice that, if after comprehensive consideration it is deemed appropriate to release wetlands for development, there should be 'no net loss' of wetlands. This objective can be achieved through compensatory mitigation provided by an applicant/developer. Such mitigation should ensure that the "equivalency" of wetland gains and losses from on-site and off-site and in-kind and out-of-kind mitigation is appropriately determined. Whilst every proposal is different, it is common-practice to apply a "mitigation compensation ratio" that establishes the number of acres of mitigation required per acre of wetland impact. The mitigation ratio differs from case to case based on the characteristics of the impacted wetland and whether the proposed mitigation involves wetland creation, restoration, enhancement or conservation. Mitigation can be provided through on-site mitigation, perhaps by the designation of areas of mangroves to remain or otherwise, and/or off-site mitigation.

As there are no local guidelines on the amount of off-site mitigation for developments such as this, we would note that a local precedent has been set for a compensatory ratio of 19:1.

As indicated in a letter from the then-Ministry of Tourism, Environment, Development and Commerce dated 6 May 2003, for the development of what became Camana Bay, a mitigation ratio of 19 to 1 was agreed for the loss of mangroves and seagrass. As part of the approval for the Camana Bay canals, the Applicant agreed off-site mitigation and swapped land in the Central Mangrove Wetland and Barkers. These lands later became protected areas under the NCL as a form of off-site mitigation. The Proposed Development offers no mitigation. The granting of planning permission should only be contemplated if the applicant is requested to provide a mitigation proposal to the National Conservation Council for approval, to deliver 'no net loss' of mangrove habitat.

Although the proposal outlines that it will make 'use of existing water features' it includes no detail of measures to retain any of the existing mangroves or other vegetation into the landscaping and no specific details of the stormwater management plan have been included which may include the preservation of wetland areas in order to utilise their water storage capacities in water retention areas. The proposed lakes on the landscaping plan do not align with existing waterbodies on the site. In master planning this site the DoE is concerned that the appropriate consideration and integration of natural resources into the overall PAD has been neglected.

The applicant has indicated that the landscaping will use native plants where possible, which will offer some mitigation for the loss of native vegetation, but it will not deliver the ecosystem services that the mangrove habitat provided.

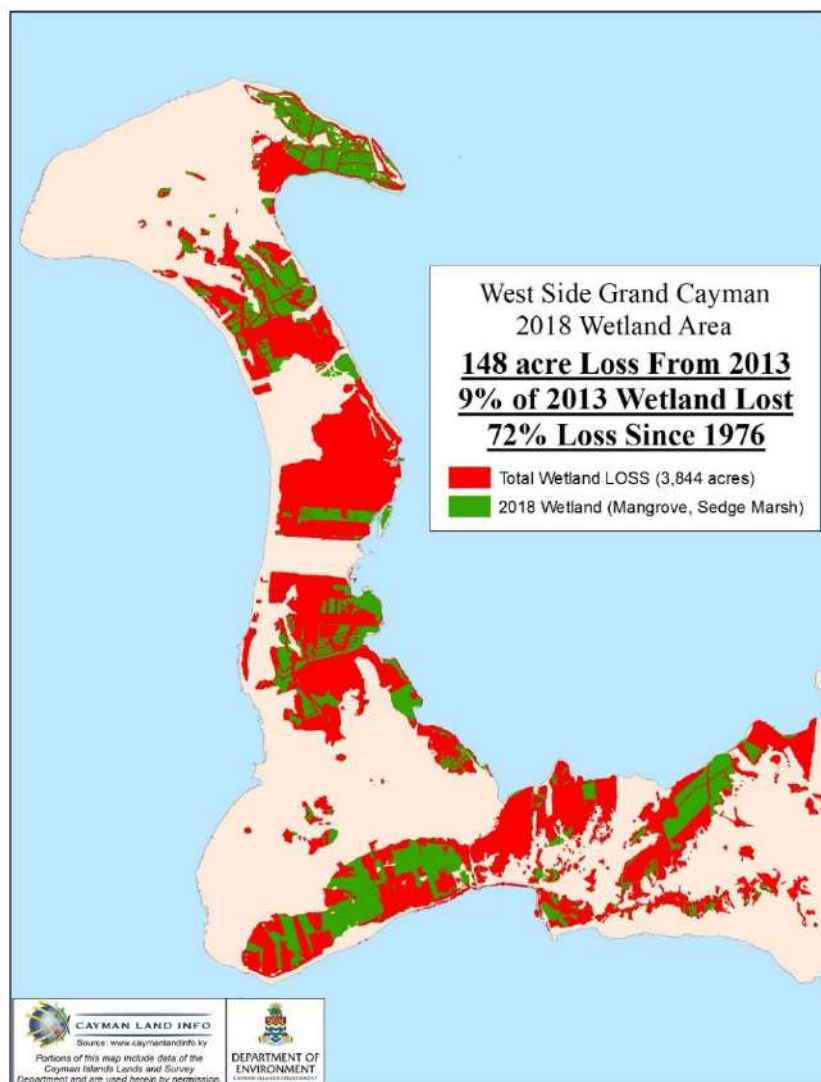


Figure 3: An aerial image showing mangrove area loss on the western end of Grand Cayman since 1976 (Source: LIS 2018 and DOE 2018)

Flood Risk and Water Quality

The site is low-lying tidally flooded mangroves which currently serve as a sink for storm water run-off in the area. The Proposed Development will result in the filling of these wetland areas and the creation of impermeable surfaces that will increase the instance of surface water run-off and increase the requirement for drainage. The applicant has proposed ‘a comprehensive storm water management plan’ in their submission to collect surface water using ‘retention and detention ponds’, disposal directly into deep wells, and roof run-off catchment systems to feed irrigation, non-potable water needs and fire cisterns. The Proposed Development also includes an on-site sewage treatment works, which will prevent contamination or degradation of the groundwater and present opportunities for the reuse of greywater. The proposal does not include any information regarding use of permeable parking surfaces etc. to reduce the amount of surface water run-off.

DOE recommends that a comprehensive storm water management plan be completed at this stage to best inform the assessment of this proposal and the design of the development, which could allow for the integration of existing wetlands into the Plan.

Ground Conditions

The site has been subject to clearing and filling in the past in the southern area of the site which is encircled by a MRCU dyke road and also in the northeast where the plant nursery is currently located. This may be a source of potential ground contamination from the use of pesticides and fertilisers depending on the nature of the material used but it is not considered likely to be significant. During construction, if gross contamination is found, the applicant should liaise with the Water Authority.

The Proposed Development may potentially pose a risk of contamination from sewage treatment works, storage of waste and the disposal of incinerator ash. Any point sources of contamination should be identified at this stage and mitigation measures included in the proposal to ensure the limitation of their impacts.

Socio-Economics

The draft National Planning Framework (NPF): PlanCayman (2019) outlines the need to assess the Cayman Islands' requirement for institutional facilities including hospitals (section 3.5) and to 'identify long-range medical facility needs and identify potential locations for these facilities' including senior health care facilities, in consultation with the Ministry of Health (section 10.2).

Goal 1 of Objective 3.5 calls for an assessment of all institutional uses, which includes hospitals and educational establishments, to determine the island's future demands for these facilities. This assessment is also intended to ensure that developments do not have a detrimental impact on adjoining land uses.

With respect to health care facilities, Section 10.2 of the draft NPF notes that there are three hospitals on Grand Cayman – George Town Hospital (124 beds), CTMH Doctor's Hospital (18 beds) and Health City (104 beds). The proposed facility, at 160 beds (with the possibility of expansion up to 500 beds) will be the largest facility in the Cayman Islands. Goal 1 of Objective 10.2 calls for the provision of sites for future medical facilities in consultation with the Ministry of Health. The DoE reached out to the Ministry of Health who indicated that they had not been involved in any policy level consultations for this proposal.

Given the scale of the proposal, it is premature to grant planning permission prior to completing a needs assessment for the proposed facility. Such an assessment should be completed in order to guide the determination of this application.

Although there is no specific socio-economic assessment as a part of this proposal, the Development Statement outlines the benefits of provision of: 'world class healthcare', 'assisted living facilities for our senior members of society', and 'educational economic diversification' creating opportunities for 'Caymanians to pursue medical, nursing and allied healthcare careers'. Although the focus of the proposal is to provide healthcare as medical tourism it notes that it will also allow for the provision of 'advanced services, especially at a tertiary and quaternary care'.

The Proposed Development will likely have positive socio-economic effects; however, the effects of the Proposed Development on local employment provision have not specifically been quantified in this proposal. Information on how many jobs will be created during construction and for the various land uses post-construction, training, economic activity in

the area, housing supply for staff at the hospital and students at the medical college/university, demand on community services and facilities (educational establishments, doctors, dental clinics, recreational facilities etc.) as a result of the potential change in population and land use at the site should be assessed in a socio-economic assessment.

Transport

The site is located at the northern extent of the Esterley Tibbetts Highway which generally experiences good traffic flow and little/no congestion. It is a two lane road with significant capacity. However, despite the project proposal mentioning that the project will cause ‘no accessibility or traffic compatibility issues’, the generation of traffic may need to be considered in a Traffic Impact Assessment undertaken in consultation with the National Roads Authority and the Central Planning Authority. National Roads Authority are best placed to assess transport impacts.

During construction, there will be an increase in vehicle journeys including cars and Heavy Duty Vehicles (HDVs) such as trucks, particularly for the delivery of aggregate to the site to fill the area. During operation, the majority of journeys are likely to be taken by car although there may be some additional HDV trips including ambulance use by the hospital.

The proposal includes the use of golf carts on site for internal traffic including the provision of specific lanes for their use around the site. The combination of these and the provision of electricity by renewable energy systems such as solar power will help to reduce the potential impact on the environment by reducing the carbon footprint of the operation of the development. The proposal has not included any sustainable transport measures such as the use of buses for the site at this stage.

Waste Management

The PAD proposal has included ‘on site independent sewage disposal and sewage treatment facilities’ which will incorporate ‘aggressive water capture and re-use for irrigation and other non-potable purposes’. Although no details of this proposed system have been included in the application materials at this point this is considered an ambitious goal which would significantly reduce the PAD’s impact on local infrastructure. The proposal also mentions ‘comprehensive provisions for recycling’ to be incorporated into the development ‘space for which will be designed from the outset’; however this has not yet been done.

The proposal also includes an onsite incinerator for the disposal of biohazardous waste from the medical facilities as mentioned in the above section on air quality. The development proposal should include at this stage a comprehensive waste assessment which would include the following:

- determining the likely amount and type of waste which will be generated during the construction and operation of the Proposed Development’*
- assessing the impact of waste on the existing landfill and road network’*
- identifying opportunities for reduction, reuse and recycling of waste during both construction and operation of the Proposed Development’; and*
- assessing the impact and identifying management methods for hazardous waste arising from the Proposed Development.*

The specifications for the proposed incinerator should be agreed with the Department of Environmental Health.

Cumulative Effects

There are several other committed and proposed developments in the surrounding area, including several large scale apartment and residential subdivision applications, which may give rise to cumulative effects including impacts to stormwater management, traffic impacts and impacts to the ecology of the area due to the continued loss of wetlands. Although these need to be taken into account for issues relating to potential impacts to regional infrastructure and the wider environment, this should be addressed by regulators in policies such as the Development Plan for the Cayman Islands rather than by the applicant.

Conclusions

The Development Proposal requires the submission of greater information in order to adequately assess the likely effects of the development (both positive and adverse). The Proposed Development has included some embedded mitigation and enhancement measures to reduce the environmental impact of the development, however, the specific implementation of these has not been included in most instances. There are likely to be beneficial effects due to the generation of employment and provision of medical education and training, however there is limited quantification of these impacts.. Having considered the proposal detailed in the planning application against the screening criteria outlined above, the Department of Environment (DoE) is of the opinion that the proposed Planned Area Development does not require an EIA.

However, the DoE strongly recommends the following additional submissions be required from the applicant prior to the determination of this proposal:

- *Details of the proposed compensatory mitigation for the 22 acres of primary habitat that will be cleared, to ensure ‘no net loss’ of mangrove wetland habitat, together with a comprehensive landscaping plan for the application site. The compensatory mitigation plan shall be submitted to the NCC for approval;*
- *A comprehensive storm water management plan;*
- *A needs assessment to demonstrate the need for a further medical facility of this type and medical college/university. This assessment should consider the likely socio-economic effects of the development, including: potential local job creation both during construction and operation; training and education opportunities; economic activity in the area; anticipated housing supply requirements for staff of the facilities and medical college; potential demand on community services and the impacts of this project on similar existing medical facilities etc., and*
 - *A comprehensive waste management assessment to determine the likely amount and type of waste generated, the impact on the existing landfill and road network, opportunities for reduction, reuse and recycling of waste; and assessing management and disposal methods for hazardous waste.*

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

Fire Department

Please provide site plan for fire access review/measurements with depiction of proposed location for fire hydrants and Firewell throughout the property.

Please note all fire access require a minimum of 20 ft. of unobstructed access

I attached the Fire Appliance turning radius for reference.

APPLICANT'S LETTER

We would like to apply for Planning Permission for the Proposed Aster Cayman Medcity Planned Area Development (ACMPAD), located at West Bay on Block 4D Parcels 116, 117 and 511; Block 5C Parcels 79 and 330; Block 9A Parcel 155; with all Parcels in a Low Density Residential Zone. These parcels shall be subdivided and combined into one parcel totaling 40 acres, once Planning Permission has been granted.

Aster Cayman Medcity will bring world class Healthcare to the Cayman Islands, co-located and integrated with assisted living facilities for our senior members of society, for whom it is widely recognised there are few adequate options despite our ageing population. Additionally, the development will also create a healthcare university, not only creating an additional educational economic diversification but also creating a very real opportunity for Caymanians to pursue medical, nursing and allied healthcare careers without the burden of leaving our shores for clinical training.

Acting as Aster DM Healthcare's Western Hub, Aster Cayman Medcity will further their Caring Mission with a Global Vision to serve the world with Accessible, Affordable, and Quality Healthcare. The facility will become one of the premier institutions in the Caribbean Region, while serving populations in Canada, North, Central and South America. It will bring the Cayman Islands population access to a range of advanced services, especially at a tertiary and quaternary care level, that historically have only been accessible, at high cost, in the United States.

As required by the Development and Planning Regulations, the submission package contain the following:

A. Master Plan

Consists of various layout and diagrams that reflect the following information:

- 1. Transect Diagram*
- 2. Massing and Density Plan with Isometric View*
- 3. Master Phasing Plan*
- 4. T1 Hospital Phasing Plan*
- 5. Service Infrastructure Plan*
- 6. Open Space and Landscape Diagram*
- 7. Road System*
- 8. Streetscape Sections*

B. Development Statement

Consists of various statements, key items noted as follows:

1. Proposed Land Use Types

- Mixed Use with separate sections for Healthcare and Wellness, Senior Living, Medical and Nursing School with Student Housing, Commercial and Residential uses*
- Site Density shall be in accordance with the Development and Planning Regulations*
- The project has a negligible impact on immediately surrounding properties from a functional standpoint but may result in increased land values in the immediate vicinity.*

2. Site Planning

- Setbacks, Site Coverage, Parking, Services, Open Spaces, Zoning and Land Use are graphically depicted in the Master Plan.*

3. Design

- For the Hospital, the architectural design will incorporate the requirements of a safe, health-enhancing, regulated technical institution i.e. a hospital, into a design consistent with and respectful of the Caribbean climate, including the potential for severe weather events and flooding, ensuring it is fully code compliant with respect to hurricanes and designed to minimise disruption in the event one should land.*
- For the Senior Living, Residential, Medical School, Student Housing, and Mixed- Use components of ACMPAD, the architectural design will express and respond to the contemporary, mixed-use campus in which it sits, as well as the Caribbean context of the Island, with the aim of presenting efficient buildings, blended into pleasing open spaces, with a feel appropriate to the locality.*
- The architectural design will reflect the needs for flexibility, high quality and longevity, the latter itself being part of the commitment to lowest practical environmental footprint.*
- Building's massing shall be considered both from an aesthetic perspective and to ensure a balanced site, proportionately laid out and sympathetic to the surrounding land and properties.*
- Where buildings represent a change in height relative to adjacent buildings, design will reflect the need to create a rhythm and visual flow throughout, without acute jumps and architectural changes.*

4. Infrastructure

- The road system will be designed to minimise the impact on the main public roads.*
- An interconnected pathway or designated lanes shall be used for the accommodation of golf cart traffic.*
- The site will adopt an aggressive water capture programme and re-use for non- potable purposes, including irrigation, to minimise the impact on local water supply systems and provision.*
- On site independent sewage disposal and sewage treatment facilities will be designed and located appropriately in each transect area or block of the ACMPAD, designed to create an efficient system and to be consistent with*

our plans for aggressive water capture and re-use for irrigation and other non-potable purposes.

- *All runoff generated will be managed on site using retention and detention ponds as well as dispersed directly into deep wells from appropriately sized catchment basins.*
- *All electrical distributions systems throughout ACMPAD shall be underground where feasible.*
- *Oxygen will be generated on site with appropriate storage and distribution systems designed with safety as a primary focus.*
- *An onsite incinerator shall be provided at the hospital site for the disposal of human, biochemical and hazardous waste. The incinerator shall conform to all applicable codes and regulations.*
- *Sustainable design considerations shall include comprehensive provision for recycling of cardboard, paper, plastic, aluminium and glass, all with a common aim of avoiding use of landfill.*
- *Additionally, alternative renewable energy sources such as solar power, and water harvesting for use as a non-potable water solution will be core to the efficient, low environmental footprint approach the development will adopt.*

5. Phasing

- *Refer to Master Plan for graphical representation.*

We hope for your favorable consideration to this request. If you require additional information and/or further clarification, please do not hesitate to contact us at the numbers & e-mail below. Thank you and God bless.

Response to Objectors Concerns

With reference to the objection letter received from the following persons:

- *Block 5C 391*
- *Block 5C 390*
- *Block 5C 389*
- *Block 5C 390*

We have reviewed the letter and provide the following comments:

- 1. Paragraph 2 mentions that the application is incomplete – we can confirm that the application has been prepared and submitted in accordance with the Development and Planning Regulations and has been accepted by the Planning Department for review and consideration*
- 2. With reference to Paragraph 4 - regarding the portion of 5C 330 which abuts their property **NOT** being cleared is correct – with regard to the portions of 5C79 and 5C330 which are on the south side of the connector road, only the strip referred to as a 'linear park' is included. A separate Planning application has been submitted to*

- subdivide the 'linear park' strip from the larger parcel on the south side of the road – with this subdivision the remainder of 5C 79 and 5C 330 will remain with the current owner.*
- 3. With Reference to Paragraph 5 – there are no plans to clear and/or fill the 'linear park' strip on the south side of the road.*
 - 4. Paragraph 6 – The total size of the PAD parcel will be 40 acres – the 'linear park' is included in the 40 acres and an application has been submitted for a subdivision and combination of lots to create the 40 acre parcel. The remainder of the land for 5C 79 and 5C 330 on the south side of the road will remain with the current owner and are not included in this PAD.*
 - 5. Paragraph 10 – We can confirm that this development has not received any 'degree of approval' which would permit the development to exceed the usual and prescribed building heights.*
 - 6. Paragraph 12 – The PAD application refers only to the 40 acres which includes the linear park and **NOT** the remainder of parcel 5C 330 on the south side of the road. The subdivision application confirms this as well.*
 - 7. Paragraph 13 - The application for a PAD – 'Planned Area Development' is an application for a Master Plan of the 40-acre site – specific applications for development on the PAD, i.e. buildings such as the hospital, will require individual planning applications subject to the relevant planning regulations, which will include review by the relevant Statutory entities.*
 - 8. Paragraph 21 – Specific building heights will be shown in each application submitted to Planning for review and adjacent owners will be notified as required, giving opportunity for comments to be submitted*
 - 9. Paragraph 23 – Detailed plans will be included with Planning applications for development of individual buildings*
 - 10. Paragraph 24 – The application for the proposed hospital building will include detailed plans for the Medical Waste Incinerator*
 - 11. Paragraph 28 – We confirm again that the PAD application only includes the strip of land on the south side of the connector road which is referred to as 'linear park' – the point about having a buffer of 20 ft adjacent to the north boundaries of their parcels would have been best addressed by the developers of the Highlands.*
 - 12. Paragraph 33 – The specific design and specifications of the Medical Waste incinerator will be addressed with the application for the hospital.*
 - 13. We can confirm that the design all aspects of the hospital/development will be carried out using best practice and Relevant Industry recognized regulations and specifications. In the case of the Medical Waste Incinerator, it will also be subject to certification to ensure that it is EPA compliant. It should also be noted that the proposed hospital will be JCI (Joint Commissions International) Certified – this will also ensure that high standards of design specifications for all aspects of the project are adhered to.*

If you require additional information or further clarification, please do not hesitate to contact us at the 'phone numbers and e-mail address below. Thank you and God bless.

OBJECTIONS

Objection Letter #1

As owners of block 5C Parcel 390 we wanted to provide some comments in addition to the letter provided by [REDACTED] on 16th March 2021. We are in complete support of all of [REDACTED] comments and submission. We believe a project such as this can bring significant benefits to Cayman and support a growing medical tourism industry. However at this stage there are insufficient details for us to constructively comment on the plans.

Specifically we are the only multistory building along the North stretch of the Highlands so we will naturally be very sensitive to both the view and any intrusion on privacy. This project does not necessarily have to negatively impact these. In fact we would welcome a well-designed, aesthetically pleasing development such as the buildings at Health City. It's reasonable to suggest taking this one step further and consider a design that integrates into the natural landscape and supports local wildlife as much as possible.

Some specific comments in addition to the letter:

- *Privacy – The plans suggest a hospital building up to a 5 storey height. It's not clear why such a building is really required as it does not lend itself well to the surroundings.*
 - *If this is necessary we would ask that the location of the hospital on the plot is reconsidered. For example, would it be possible to locate some of the residential quarters on the South side instead.*
 - *Given the scale of this development we would appreciate if there was some consideration for planting tall foliage in order to block or obscure the view, reduce light pollution and maintain privacy between the properties.*
 - *It's not clear from the plans what the look, or use, of the South facing side of the hospital will be.*
- *Linear Park – It is not clear what the purpose or design of the linear park is. A park suggests that it would be developed into a green space.*
 - *Will this park also include some form of berm to block out noise and dust?*
 - *Note that the current foliage and water system provide us with a natural barrier for security. Can this be considered for the design of the Park?*
- *Waste Management and Incineration – the plans for onsite waste disposal and incineration is of significant concern, especially for families such as ours with young children who are especially susceptible to any pollution. There are many young families resident in the Highlands and surrounding residential developments. But this should also be of concern to the whole community and the residents of the hospital itself. The topic of waste management and disposal should not be taken lightly and is a serious issue for hospitals in the UK, where in particular, onsite medical waste incineration has been abandoned since the 1990s due to the very serious management and pollution issues involved for surrounding populations. There are many reports, articles and assessments including those by the World Health Organisation that should be referenced. For example one WHO assessment states that "In developed countries, many hospitals and other*

generators have moved away from incineration to autoclaving, responding to increasingly stringent emission controls, cost arguments, and public acceptance. Autoclaving has a number of advantages.....” and includes further advice on management and references other articles on health care waste disposal. If Cayman does desire to become a hub of medical tourism this is a topic that needs to be considered very seriously. In this age of HSE sensitivity it would be imprudent not consider this even during the project’s conceptual stage. Those travelling to use any of Caymans facilities would expect that a modern facility would be designed and managed appropriately and both they and the people employed there would likely not wish to be exposing themselves to toxic and carcinogenic fumes. There is a great opportunity here for Cayman if this is done right!

I hope this is received well and you understand our concerns.

Objection Letter #2

*We are the owners of Block 5C, Parcels 388, 389, 390, 391 who reside in single family homes within the Highlands subdivision adjacent to Block 5C parcel 330 which is part of the proposed **Land Clearing and Filling and Planned Area Development applications for Aster Cayman Medcity.***

*First and foremost, we would like to confirm that we believe the proposed development **could** be a great asset to West Bay and the Cayman Islands. However, we don't feel that that asset should come at a detrimental cost to the surrounding owners/residents of land/properties. We feel that this application is presently **incomplete** for adequate review and approval by either the community or any Authority. We have serious concerns with items pertaining to both submitted applications including but not limited to the extent of clearing/filling of land, the implications of the PAD (zoning) adjacent to existing built residential properties (in LDR zones) and the inclusion of an incinerator within an existing and predominantly residential area. Due to these concerns, we must object to both of these applications.*

We will address these three sections separately. For our concerns regarding the PAD application, we will be referencing the PAD application criteria under Section 24 of the Development and Planning Regulations (2021 Revision) as well as the Development Statement offered by the applicant.

Land Clearing + Filling (P21-0155)

*The application identifies Block/Parcels 5C 330 and 9A 155 for "land clearing and filling". We **assume** that the areas delineated, shaded and labelled on the northern portion of 5C 330 and western portion of 9A155 are the **only** areas being cleared and filled in this application. We feel that the plans do clearly confirm that any remaining areas of 5C 330, north or south portions - but specifically the southern portion which abuts our properties/residential subdivision/neighbourhood are **NOT** being cleared or filled in any way through **this** application.*

*We **assume** from the submitted plan, though lacking in notation, that the linear park along the road boundaries of the southern portions of Blocks/Parcels 5C330 and 5C79 is to retain (and perhaps enhance) the existing trees/landscaping and therefore **NOT** being cleared or*

filled (??) since the area is not dimensioned, shaded or labelled.

*We require confirmation that **when** the applicant (or even future owner or leasor(s)) of the remaining portions of parcels included in this application (specifically 5C 330) are proposing to clear and fill any remaining land that an equally 'full' application supplemented by the same notification process will be required per the Development and Planning Regulations (2021 Revision) applicable at the time of these original applications.*

*At this time and since it could be our only opportunity with the way Development and Planning Regulations are being amended/revised each year, we would like to note that the southern portion of 5C 330 can be visually confirmed as an existing water retention area and is currently a habitat for quite a few indigenous wildlife species which in just the past few years has increased based on previously unseen wildlife that was obviously **evicted** and sought nearby relocation when the Kaaboo site was cleared **prior** to planning approval and any DoE intervention. And with the multi- residential (low cost housing - 19North) development to the north west which required a huge area of similar retention area and indigenous wildlife being cleared and filled, this portion is all that's left on the south side of the East- West connector road.*

Planned Area Development (PAD re-zoning)(PAD21-002)

*Planned Area Developments (PADs) or as many have come to call 'put anything down' are essentially the rezoning of multiple parcels of land (grouped to suffice the minimum 40 acre requirement) that eliminates the need to adhere to a **specific** zone, type of development use or density on EACH of the various land parcels previously required before Section 24 was introduced to the Development and Planning Regulations.*

*Since we can see that Section 24 has cleverly included, under subsection (7) that only subsections (1),(2),(5) and (6) need to be met in order to gain approval, with our without conditions, as the Authority '**thinks fit**', it seems clear that the Regulations have been 'tailored' so that subsections (3) and (4) on existing eligible zones and building storeys/heights respectively are completely discretionary based on whatever the applicant submits as necessary or simply wanted in order to exceed the **prescribed heights under both Sections 24 (4) and 8 (2) DPR(2021Rev)**.*

*We can only assume, as is normal practice lately that the Ministry of Planning/Department of Planning ,Central Planning Authority and/or outside consultancy agents have already given a certain degree of approval to permit this developer/applicant to exceed the usual and prescribed building heights. We would however like to know, on record, **IF** the applicant is even required to demonstrate the need to increase or exceed building heights some 15-30% from what is prescribed in the Regulations. In other application types, this may be considered a variance request but this seems to have been omitted in the current Section 24 application requirements.*

As such, we are submitting our collective objection based on the concerns, omissions and insufficient information provided in the application with specific regard to Section 24, subsections (1), (2), (5) and (6). For ease of reference and clarity, we will address these by citing both the PAD application Development Statement criteria submitted by the applicant and the original Section 24 PAD application requirements per Development and Planning Regulations (2021Rev).

Prior to lining these out, we must clarify that our most specific concerns relate to our properties being on the southern boundary of Block/Parcel 5C 330 which is not presently identified for any proposed development **BUT the application is for the entirety of Block/Parcel 5C 330** therefore once the PAD application is approved for multi-zoned use with whatever heights the applicant proposes, we understand such approval is a **blanket approval** for the **ENTIRE** site (as well as all the block and parcels listed in the application).

PAD application requirements per Development and Planning Regulations (2021 Revision) and Development Statement per Applicant

Section 24 (1) (a) "....a planned area development may be considered when a proposed master plan is submitted to the Authority for approval". There is NO 'master plan' of all the block and parcels listed, only a partial plan of the current proposed development. There is currently no way for adjacent, notified landowners nor the community by way of the notice advertised in a local newspaper to review or critique what types of buildings, heights and uses will be proposed in future phases of this PAD as it encroaches our properties. We also have no confirmation from any authority as to whether we will even have any future opportunity to be notified of or object to whatever else may be developed using this PAD application but which is currently **NOT SHOWN on a master plan**. We also refer to Section 24 (6) (b)(iv) which requires '**an internal zoning or land use map, which indicates proposed mix of land uses within the master planned area**' where a 'master' plan has not been provided.

Section 24 (2) (f) "A plan submitted under sub-regulation (1) shall not be dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to adjacent properties;" It is only reasonable for us to bring up the 'nuisance and/or annoyance' that will be introduced to surrounding landowners that is usually accompanied by commercial and institutional development. Given the location of the main hospital at the southern end of the partial site plan and what looks like the main emergency access off of the ETH connector road, just north of our properties in the Highlands residential subdivision, we will inevitably be inundated with the sound of sirens from all types of emergency vehicles.

We realise that we are close to a main highway and everyone is equally subjected to a certain level of noise from everyday traffic and emergency vehicles from time to time but we believe this will become a particular and continuous nuisance/annoyance to us with the current layout of buildings on this site and the proximity of such to nearby residences. We can also anticipate additional nuisance (noise) as well as toxic and offensive conditions created by other facilities/equipment proposed for this development but which are not clearly shown on the submitted plans such as generators, solid waste facility, sewerage plants and the medical waste incinerator.

Section 24 (2) (g) "A plan submitted under sub-regulation (1) shall be in compliance with applicable regulations regarding fire, health and public safety." In the midst of a 'pandemic' and ongoing, unresolved issues with our landfill/dump for the past 30+ years, we are not sure how a 'plan' can even begin to address health and public safety. We have lined out our various concerns with the proposed medical waste incinerator below and in a dedicated section.

Section 24 (4) We are limited in addressing this sub-section on prescribed height allowances since we note that the Development and Planning Regulations 2021 Revision has deemed it somewhat inconsequential by way of **Section (7)**. We will therefore address building heights under **Section 203 (a)/DPR2021Rev S.24 (6) (c) (i)** below and point out the obvious concern as it relates to compatibility with and impact on surrounding properties under **Section 2.01 (c)/DPR2021Rev S.24**

(6) (a) (iii).

Section 24 (5) **"The Authority shall require the submission of a Development Statement for a planned area development, the purpose of the statement being to set out the development parameters of the planned area development, including appropriate plans and data in sufficient detail to adequately explain the proposed development"**. We do not feel that the Development Statement has provided sufficient detail to adequately explain the proposed development for the various reasons given below. (Sections 24 (6) and Development Statement (Article II) criteria cross referenced as this point).

Section 2.01 (c)/DPR2021Rev S.24 (6) (a) (iii) **Compatibility with and impact on surrounding properties.** The Development Statement (under Article 1: Introduction and Project Narrative) only mentions the "part completed residential development" (19 North) to the south-west of the proposed PAD application, south westerly of the East- West connector road. Then the Development Statement (Article II) fails to even mention the land uses to the direct south of the same ETH connector road. As such, the Statement fails to address **ALL** 'surrounding properties' specifically the single family residences throughout the entire Highlands residential subdivision, (4 phases and with residences built some 20 years ago) zoned LDR and which partly yet directly abuts **Block/Parcel 5C330**. Despite the 'green card' given under **Section (7) DPR(2021Rev)** and its direct dismissal of prescribed building heights under **Section (4) DPR(2021Rev)** there is **NOTHING compatible between 75-90+ feet tall buildings** and the one and two storey private, residential homes on adjacent and surrounding properties.

Section 203 (a)/DPR2021Rev S.24 (6) (c) (i) **"Building design: scale, mass, height...."**. We note that the applicant has not confirmed whether all the other buildings proposed in this current 'partial master plan' - other than the main hospital building - will actually be five stories or up to the maximum 75 feet height suggested. But for the purposes of notification to those of us surrounding this PAD and impacted by the scale, mass and heights of these buildings, we must consider the worst case scenario.

We also understand that building heights by definition of the Development and Planning Regulations are from 'finished grade within 5 feet of buildings and can include natural grade when no terrain alteration is proposed. While we know via the Land Clearing and Filling application that the land is to be filled, the drawings and data currently provided for our review do not sufficiently identify what 'altered terrain' or filled height the building heights of **75 and 90 feet will be based from**. Though the various buildings may be **proportionate in massing and scale to each other within the PAD development**, there is no clarity offered on the final massing, scale or heights with regard to the general vicinity, environs, surrounding roads and existing LDR developed neighbourhoods. If per the un-dimensioned parking sections provided, there is some 6 to 8 feet of fill as a base to the entire site then the hospital could be near 100 feet tall. **As stated above, the scale, mass and heights being proposed whether applicable/considered (by Section 24 (4)) or bi-passed by**

Section 24 (7) cannot seriously be considered as compatible with and NOT impacting surrounding properties without addressing some kind of buffer or transition between this PAD site and the existing, surrounding, built environment/community.

Section 2.03 (d)/DPR2021Rev S.24 (6)(c) (iv) Street furniture and Lighting does not currently address the concerns of light pollution to surrounding/adjacent properties per ***Section 24 (2) (f)*** and where light pollution is considered a nuisance or an annoyance by many courts/jurisdictions.

Currently, the only thing shielding adjacent properties like ours to the south is the existing mature vegetation on Block/Parcel 5C 330. Again, we do not know how and when this portion of land will be cleared or developed and what further disruptive lighting (depending on its development use) might be installed. We fear that given the size of this site and partial master plan for development provided at this time, the amount of lighting overall will be similar to that of a large sports stadium some 300+ feet from our residential properties.

Section 2.04 (f)/DPR2021Rev S.24 (6) (d) (v) "A Development Statement shall provide standards for development including infrastructure, including provision for electrical, liquefied petroleum gas and telecommunication facilities (to be placed underground where feasible)" Unfortunately, above

-ground petroleum storage equipment is not addressed or required in the DPR - PAD requirements (though one could argue it falls under 'electrical' facilities) nor has the applicant made mention of it in this application. However, it is assumed that for a development of this type which generally requires emergency back-up power, there will be a gas or diesel generator on site, maybe even a second one for redundancy. These are typically placed above ground. Will there be any application for a generator(s) as required by all other developments that include a generator? We do not currently see anything labelled on the plans for such or any location(s) shown and have no other details to review.

Section 2.04 (h)Waste Disposal by way of Medical Waste Incinerators (MWIs) or any other types of incinerators is also not addressed or required in the DPR - Planned Area Development requirements. However, the applicant has started to address the proposal for one. Our concerns with this proposal are expanded on below in more detail.

Section 2.05(a)/DPR2021Rev S.24 (6)(e) Phasing including: (i) timeframe for construction and installation of infrastructure works, as specified in sub-sub-regulation (d); and (ii) timeframe for construction of buildings within the master planned area, which depicts each stage of development and applicable estimated timeframe for commencement and completion. In neither case, infrastructure or construction, can we see from either the plans (PH-100 and PH-101 nor in the Development Statement, any timeframe or duration for works on site provided by the applicant. We feel that the community around this development should be given some kind of idea of **how long** there will be road blockages (for material transport), loose particulate/debris (unleashed to the nearby environs) unsecured site equipment and materials and the general noise related to construction.

This is of particular concern to the those of us on private residential properties who are located in the predominant 'wake' of particulate and debris that will be carried by prevailing winds from the north east. You can drive through the Highlands subdivision at any time and see that the north and east facades of many of the residences are constantly

stained with black particulate from the on- going excavations/quarrying and storage of aggregate on Block 9A 155 that have been going on now since 2017. In this way, we know we will continue to be the recipients of additional particulate and dirt on our homes and decks, in our pools and all over our cars and outdoor furnishings. We would like to get an idea of how long we are to expect these conditions and damages.

*We also would like to refer back to the Land Clearing application and note that all land being cleared and filled relates to (phased) **development only on the current partial master plan** with no clarification on whether additional areas will be cleared to be used as 'lay down areas' for the storage or processing of materials and heavy equipment as well as construction site facilities for workers lunch areas, sanitation provisions, site offices etc. Obviously as the phases fill out the current designated 'clearing' areas in this application, the site will become more limited for mobilization and the above mentioned, required areas. The designated clear and fill areas may not have been properly planned out with regard to these aspects. So as they do present themselves, will there be additional applications/notifications for more clearing/filling of land within the PAD?*

*We feel this would be the right time address the huge concern that there is **NO BUFFER ZONE** currently required by any of our Planning regulations (nor proposed in this application). And we mention this not just for this application but **all** PAD applications where buffer zones would largely address concerns that are inevitable when there are zoning/land use changes through any type of application and where changes in land use hugely impact the existing, surrounding environment, in some cases, already built - like ours.*

*Sadly but at no fault to Planning or the applicant, those of us who bought and developed residential properties under the LDR zone guidelines in the Highlands and specifically along this northern boundary abutting Block/Parcel 5C330 were sold on a land parcel map which identified the southern portion of 5C330, in its entirety, to be a '**BUFFER**'. We previously understood and appreciated that as being a vacant (and always to stay undeveloped) land buffer/green belt to shield us from the ETH connector road but recently had our concerns with it still being listed under LDR zoning. The current application has now exacerbated that concern as we could potentially have 5 storey buildings with no height limitations and for ANY use within 20 feet of our back yards.*

We offer the following as one of dozens of Buffer Zone definitions/uses used in many countries/territories to supplement their planning regulations:

From Greentech Alliance:

Buffer Zone - A transitional area of land between two distinct land uses or types or types used to lessen the impact of the one land use type on another. For example, a commercial area that borders a residential neighborhood may be subject to additional restrictions or height, noise, or fencing requirements to insulate the neighborhood from the effects of the commercial zone.

*It is very disappointing that with a department full of qualified planners that neither the previous requirements for zoning changes (or alternative development of a land zone) NOR the introduction of Planned Area Developments to our regulations sought to require **buffer zones** in order to protect the existing land/property owners from being impacted by developments that were completely adverse to what was previously permitted on*

surrounding lands. We all believed we had sufficiently researched the parameters of development permitted within and around our properties prior to investing in ownership and/or development **but now insufficient requirements and regulations offer ZERO** protection to present or future landowners. Not only are there **NO** requirements to restrict the height of proposed buildings given their adjacency to otherwise zoned/used properties but in our case, the proposed building heights are being increased!

Waste Disposal (Incinerator) per **Section 2.04 (h)** above

The Development Statement **Section 2.04 (h)** "**Waste Disposal: the disposal of human, biochemical and hazardous waste**" infers that the applicant proposes to use a medical waste incinerator. If it's just for medical waste, there is no indication as to what type of Medical Waste Incinerator (MWI) is being proposed? **Controlled air** (starved-air, two-stage, modular) or **Excess air** (batch, multiple chamber, retort) or **Rotary Kiln**? **ALL** of which **create volatile gases during first stage combustion**.

With any of these MWIs and since incineration usually involves the burning of waste which includes infectious ("red bag") medical wastes as well as non infectious general housekeeping wastes, it is expected that a **"significant quantity of pollutants will be emitted into the atmosphere. These include (1) particulate matter (PM), (2) metals, (3) acid gases, (4) oxides of nitrogen (NO) (5) carbon monoxide (CO), (6) organics and (7) various other materials present in medical wastes, such as pathogens, cytotoxins and radioactive diagnostic materials. Emissions from MWI's may occur as either a vapour or as a fine particulate"**. This means there could be **silent volatile contamination or visible contamination IF emissions are not properly controlled** and this would be to the applicants own developed site as well as surrounding areas - particularly concerning to us, the residents in the Highlands as we are directly south west of this development and thus first to receive anything airborne carried through prevailing winds.

To date, "most MWIs have operated **without** add-on air pollution control devices (APCD's) which may include venturi scrubbers, electrostatic precipitators (ESPs), wet scrubbers, dry sorbent injection (DSI) or spray dryers (SDs) to control acid gas. Only 2% of MWI's use APCDs". We must question whether Aster will be taking any additional steps to control emissions/pollution given that this PAD is essentially a proposal to change existing mostly **residential zoned land** (with many existing residences in the vicinity) to a **multi zoned site with activities that would normally be displaced from residential areas in most developed countries where a development plan exists and buffer zones are put in place**. We have already addressed this point through our concerns above on the PAD application.

It **"shall conform to all applicable codes and regulations"**. This is a pretty loaded topic and unfortunately, there is no comfort in the applicant making this statement as there is currently zero trust in whatever the **'applicable codes and regulations'** are here in Cayman given our current situation with the landfill/dump going on for the better part of +/-30 years and still with no sensible solution. We wouldn't really say that the current applicable codes and regulations enforced by whatever authorities are currently overseeing them is working out too well. **"Collection, management, incineration and disposal of waste will be handled entirely within the development, as per agreement with Government, and a suitable network and system of red, yellow and black bins will be established and managed."** Separation of waste using a system of red, yellow and black bins is wonderful but just a start. That it will be **"managed"** is hopeful. To be **"incinerated and within the**

development" is of the greatest concern when considering the environmental and health impacts of improperly controlled emissions from any kind of incinerator, medical waste or otherwise. We do not believe that details on this particular item - regarding health and public safety under Section 24 (2) (g) - have been sufficiently requested or addressed by either the Department of Planning or the applicant.

Since the Authority is a government assigned Board, the members should have read the most recent CNS article ***'Concern over disposal of medical waste' dated February 23 2021*** as well as the previous CNS article from September 5, 2018 entitled, ***'Worried about emissions from incinerators'*** given this topic pertains to the equipment that would be used at any medical facility that ends up under their review on the CPA Agenda. The most recent article lined out medical waste types, how much hazardous waste is generated by a hospital per hospital bed, per day and general issues with who treats medical waste. Takeaway in the article is that ***"regulations, legislation and policies here in Cayman are 20 years outdated and have no provisions for medical waste."*** The previous article from 2018 wasn't just opinion but referenced DEH feedback which was disclosed to the public via 'Ask Auntie' who after checking with DEH, confirmed that it was the ***Public Health (Infectious Waste) Regulations (2002 Revision)*** Law that we should refer to on regulating solid waste incineration, ***specifically regulations that limit emissions of nine air pollutants (i.e. particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury and cadmium).***

" Specifically, a DEH official pointed to Section 4, "Requirements of Incinerators", explaining this details the "conditions for operating an incinerator, its emissions as well as ash sampling as per EPA (the US Environmental Protection Agency) methods".

"While the DEH has provisions in place to monitor the construction and operation of incinerators, the official explained that the regulations DO NOT include the "guidelines indicating what pollutants one should test for". In addition, the DEH does not have the "necessary equipment to allow for adequate monitoring of such emissions at this time".

"As for when the DEH will be able to test for these emissions, "it is hoped that (the department) will be able to do so in the foreseeable future".

In addition, what is the applicants' redundancy plan if their on-site equipment breaks down? Will it be used only for local site production of medical waste or be a shared facility with other medical facilities? Surely, these details will be considered when sizing the proposed MWI and that final size could proportionately increase the emissions to the nearby vicinity. We know the details of the incinerator are not necessarily required to be submitted until building permits are being sought but at that point, we, the notified adjacent owners and general public are unable to review or critique such information to even slightly assure ourselves that the equipment is sufficient and all measures are being taken to avoid impacting our health and well-being.

*We assume this equipment will be near to the service block (P1 + P3) but a location has not been clearly identified anywhere on the plans. If emissions are not controlled properly, they could be dangerous to the onsite staff and patients in the hospital, the residents of the senior housing **AND** a large area of the surrounding environment and community since whatever types of emissions are distributed **WILL** be carried with prevailing winds from the North East more generally but in every other direction during varying wind patterns*

and weather.

*Now that Cayman is coming up to **FIVE** substantial, on-island medical facilities which may all presumably need to get rid of medical waste, one would think that our Government would look to a single shared MWI at an **appropriate site, away from denser populations and with continuous, dedicated supervision of daily maintenance and operation by qualified personnel who have access to 21st century testing apparatus and adequate certification to use it.***

*If the Cayman Islands are to now seriously promote themselves as a leading Medical Tourism destination, we should endeavour to take every precaution in **NOT simultaneously polluting, via volatile emissions from multiple medical incinerators, the entire environment which will adversely affect our own people, visitors and the very same 'medical tourists' coming here for treatment not to mention our precious ecosystems.***

Per CNS article dated Feb 23 2021 referred to above,

"the vast (and growing) number of medical/health care establishments and pharmacies on the tiny 22x4 rock presents a unique "concentration" risk for its inhabitants - human, animals, flora and fauna and marine life"

We trust that our concerns will be taken into great consideration.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 40 Acre Planned Area Development (PAD) & Land Clearing to be located off Esterley Tibbetts Hwy., West Bay.

This PAD proposes 5 transects which each allow a variety of mixed-uses:

- Hospital (T1) - 16.26 acres (41% of total area)
- Senior Housing (T2) - 12.05 acres (30%)
- Medical College (T3) - 5.56 acres (14%)
- Mixed Use; Retail, Commercial, Office & Residential (T4) - 2.78 acres (7%)
- Residential (T5) – 3.35 acres (8%)

See Appendix A for the applicant's PAD development statement and transect maps.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Planned Area Development

The application is for the Planned Area Development (PAD) of 40 acres of land at the end of the Esterley Tibbetts Highway and merging with Batabano Road, West Bay.

The PAD area is currently primarily zoned Low Density Residential. This application

is a proposal to overlay the site with a master plan based on Transect zoning, which is described in Article III.

The regulatory framework for PAD's is found in Sections 13 & 15 of the Development and Planning Act and Regulations 8 & 24 of the Development and Planning Regulations.

a) Development and Planning Act

Section 15(1) allows the Authority to grant planning permission for a PAD and Section 15(3) states that planning permission for a PAD shall vest in perpetuity. Since permission will be valid forever, it is critically important that all facets of the PAD application be reviewed comprehensively and to ensure there is full compliance with the Development Plan, Act and Regulations. Finally, section 13 simply specifies certain procedural requirements for a PAD application.

b) Development and Planning Regulations

Regulation 24 sets out the fundamental parameters for PAD developments. The basic premise is to allow master planned developments that provide for a mix of land uses and that may include development characteristics that are not specifically addressed within the existing zoning framework of the Regulations. For example, there may be unique setback, site coverage, building height, lot size or density requirements. These development characteristics are required to be outlined in an accompanying Development Statement. In order to allow for the individualistic requirements of a PAD, Regulation 8(13) (the "variance" section) was amended to specifically allow PAD's to be approved with development parameters outside of the existing zoning. In essence, the provisions of the Development Statement replace the existing zoning in terms of regulating the built form within the PAD. The specific differences between the proposed Development Statement and the existing zoning are provided further below in this report.

2) 1997 Development Plan

Given the land area proposed to be master planned, it is essential to review the Development Statement against the Development Plan 1997 strategies, which have been established to support the Development Plan's objective to "maintain and enhance the quality of life in the Cayman Islands by effectively directing development so as to safeguard the economic, cultural, social and general welfare of the people, and subject thereto the environment."

Below the Department responds to how the PAD relates to the Development Plan 1997 strategies (Section 1.3)

- a) To accommodate the present and future population of the Cayman Islands to the best advantage having regard to the quality of life and the economic well-being of the people and to their individual requirements.

The PAD proposes several land uses to serve the needs of the Cayman Islands population as well as for visitors / residents in an area that is predominantly undeveloped land, bounded on 3 sides by a major and minor highway on Grand

Cayman. The development statement has noted that the campus will bring a considerable benefit to surrounding communities, including through employment opportunities and also by providing a range of facilities and outdoor spaces that that particular part of West Bay does not have access to currently. The mixed-use areas will see the development of additional retail and grocery outlets, as well as restaurants and outdoor spaces.

- b) To maintain and encourage the further development of the tourist and financial industries.

The proposal includes provisions for residential and commercial development as well as office space.

- c) To encourage and improve the commercial areas of the Island.

The PAD will provide additional commercial uses that provide services for the Country as well those designed for neighbourhoods and medical customers.

- d) To preserve the natural assets of the Island for their value in protection from the elements and their natural beauty.

See comments from DOE included in this report.

- f) To minimize road traffic congestion in the Island by the introduction of prudent transportation initiatives.

NRA comments have not be received to assist with this matter.

- g) To encourage the necessary conservation of existing fresh water supplies and the development of new sources of supply and distribution together with measures for effective drainage and avoidance of pollution.

The Development Statement states a comprehensive storm water system shall be designed to collect surface water and retain it for non-potable purposes such as irrigation and toilet flushing. All runoff generated will be managed on site using retention and detention ponds as well as dispersed directly into deep wells from appropriately sized catchment basins. Water runoff from roofs shall be collected in cisterns for use in non-potable uses such as maintenance cleaning, irrigation as well as for the mandatory fire cisterns

- h) To protect areas of environmental significance.

See comments from DOE included in this report.

3. Zoning

a) Existing Zoning

The Development Statement will essentially establish new development parameters for the site, but the existing zoning still remains and dictates certain procedural requirements. The site is currently zoned Low Density Residential. As such, Section 9(3) states commercial, agricultural, religious, social and educational development (including recreational facilities and public and civic buildings) may be permitted if the applicant has advertised the details of the application.

In regard to the procedural requirements for regulations 9(3), in this instance, this application was advertised in the Cayman Compass on Friday 12 March 2021 and Friday 19 March 2021. In addition, notification letters were sent to land owners within a 500 foot radius. Several objections have been received in regards to this application and are included in this report.

b) Surrounding Zoning

The area surrounding the PAD has a variety of zoning: Low Density Residential, Neighbourhood Commercial to the North.

4. General Issues

a) Agricultural Land Capacity

The site is rated Class 6 for agricultural capacity, on a scale of 1-6 with 1 being the best and 6 being the worst. The Land immediately surrounding the site is also classed low for agricultural production.

b) Surrounding Land Uses

The PAD is located at the Northern end of the Esterley Tibbetts Hwy. Much of the surrounding land is un-developed, however there are a few areas that have been developed recently. Residential neighbourhoods are found to the east, west and south of the PAD.

c) Suitability

The PAD application encompasses 40 acres that sits in an area that is predominantly undeveloped land, bounded on 3 sides by a major or minor highway and by brush land to the West. To the East, the land is currently used as a nursery to Dart Enterprises. Consequently, the PAD has a negligible impact on the immediately surrounding properties as such the proposal should strengthen the community.

5. Development Statement

The PAD Development Statement, which provides guidelines for the future development of the area, is included as part of the application package and has been distributed to the CPA members for review. Below, is a summary of the differences between the proposed PAD Transects and the land use zones in the Development and Planning Regulations (2021 Revision). Following the land use summary, the Department discusses additional items for consideration.

a) Proposed Land Uses (Transects)

T1 – Hospital, Wellness, and Associated Uses

This zone consists of hospital-based service's which include inpatient and outpatient services, wellness services, and associated support space to include central plant, waste incinerator, and other services deemed appropriate for the operation of the hospital and wellness centre.

- The rear setbacks will be reduced 15' from 20'

- The side setbacks will be 10 feet.
- Ancillary structures side setbacks 10 feet
- Ancillary structures rear setbacks reduced to 15' from 20'
- Maximum Building Height increased to 90' from 40'
- Site coverage increased to 85% from 30%

T2 – Senior Living: Independent Living, Assisted Living, and Skilled Nursing

This zone consists of Senior Living Residential use to include a continuum of care for residents ranging from Independent Living, Assisted Living, and Skilled Nursing. Senior Living may include on site amenities such as dining, club house, outdoor activity area, pool, and other amenities as deemed appropriate to support the care and wellbeing of the residents.

- Side setbacks will be reduced from 10 - 15 feet to 0 feet.
- Rear setbacks will be reduced from 20 feet to 10 feet.
- Site coverage will be increased from 30% to 75% for multi units & 80% for single homes.
- Building height increased to 75' from 40'.
- Minimum lot sizes will be 2,500 sq. ft.
- The proposed residential densities are similar to what is permitted in the High Density Residential zone.

T3 – Medical and Nursing School and Associated Uses Including Student Housing

This zone consists of an academic village which will consist of a Medical and Nursing School, associated uses, and student housing. Site amenities such as dining, indoor and outdoor activity areas, pool, and other amenities as deemed appropriate to support the mission of the academic village.

- Side setbacks will be 10 feet.
- Rear setbacks will be reduced from 20 feet to 15 feet.
- Building height increased to 75' from 40'.
- Maximum site coverage will be increased to 85% for Medical and Nursing School and 75% for student housing from 30%.

T4 – Mixed Use: Retail, Commercial, Office and Residential

This zone consists of buildings of mixed use to include Retail, Commercial, Office and Residential uses. All uses shall be housed in any combination in the same building. Retail uses shall be placed on the ground floor with upper floors consisting of commercial, office, and residential uses or as otherwise deemed appropriate.

- Front setbacks will be reduced from 20 feet to 12 feet.
- Side setbacks will be 0 feet.
- Maximum building height will be up to 5 storeys. (75'-0")
- Maximum site coverage will be 90%.
- Minimum Lot sizes will be 2,000 sq. ft.

T5 – Residential

This zone consists of a mix of residential and neighbourhood support uses. It may have a wide range of building types: single, semi-detached, apartments duplex's and terrace houses.

- Side setbacks reduced to 0 feet.
- Maximum building height will be up to 5 storeys. (75'-0")
- Maximum site coverage will be increased to 75% for apartments and duplex, 80% for homes from 30%.
- Minimum lot size will be 2,500 sq. ft.
- Maximum residential density will be 48 apartments per acre, 8 homes per acre, 5 duplexes per acre.

6. Multiple Parcels

The PAD area includes 6 separate parcels. If the application is approved, the Department recommends that the parcels be subdivided and combined to match the logical developable areas.

7. Traffic Circulation

The Development Statement promotes that the PAD will be a mixed-use community that prioritizes the pedestrian over the vehicle; there will be an emphasis on several modes but not limited to walking, use of golf carts through a dedicated network of cart ways and internal roads. The golf cart and pedestrian movements will be designed to function best for each of the uses in the PAD. The Development Statement proposes an internal road network which will be designed to minimize the impact on the main public roads. The internal road network shall allow for traffic to flow from one area to another within the PAD without returning to the public main road.

Golf cart accessibility:

An interconnected pathway or designated lanes shall be used for the accommodation of golf cart traffic. Golf carts shall be planned as a means of internal circulation within the PAD or use by residents, staff, students, and others, and designed from outset to reflect the integrated community nature of the PAD. Golf cart locations, pickups, storage, routes and movements will be designed to function best for each uses in the PAD.

Throughout the development, the street sections propose two-lane roadways with bike/golf cart lanes on both sides and sidewalks for the 36' wide sections and two lane road ways and sidewalks on both sides for the 24' wide sections. The Department is concerned in the 24' wide sections if the sidewalk is to be with cyclists potentially this can become a safety concern especially if the adjacent uses are uses where one cannot predict sudden stops or obstacles, such as retail and restaurants.

As was done for the City Services and Health City PADs, the CPA supported designated bicycle lanes that were separated from the sidewalks and vehicular travel lanes. The Department recommends the same be provided for this application.

8. Comprehensive Stormwater Management

A general scope for Stormwater Management Plan is outlined in Section 2.04(e). To date, the Department has not yet received complete comments from NRA.

The Authority has recognized the difficulty in preparing a suitable comprehensive SWM for an entire PAD development and under previous PAD decisions, has required a comprehensive SWMP be submitted and approved for each phase, prior to giving any approvals for physical development in the subject phase. The department recommends a similar condition be attached to this proposal, if the Authority grants approval.

2.5 EAMON MCERLEAN (Robert Towell Architect) Block 22C Parcel 22 (F20-0529) (P20-1182) (\$2,300,000) (MW)

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

Appearance at 1:30

FACTS

<i>Location</i>	Off Spinnaker Rd., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.8789 ac. (38,284.884 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	7,235 sq. ft.
<i>Total building site coverage</i>	10.3%
<i>Required parking</i>	1
<i>Proposed parking</i>	4

BACKGROUND

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

April 13, 2021 (**CPA/08/21; item 2.8**) – the application was adjourned to invite in the applicant re: concerns with the HWM setbacks

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

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

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The application site is currently man-modified and is therefore of limited ecological value. A review of historic aerial imagery of the site confirms that it was formerly a mangrove coastline that was filled in recent years (see figures 1a & b). A site visit conducted on 19 January 2021 also confirmed that this coastline is not ironshore (as the application submission suggests), but is comprised of consolidated, compacted fill material (see figure 2).

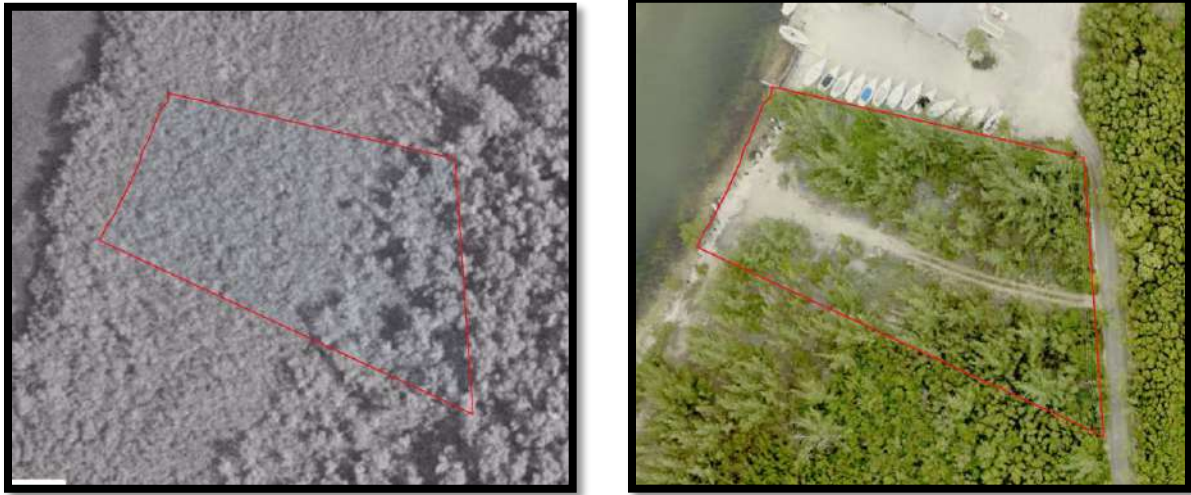


Figure 1: LIS Aerial Imagery showing application site in 1958 (1a) as part of a mangrove coastline and in 2018 as a man-modified site with fill and invasive vegetation (1b)



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

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

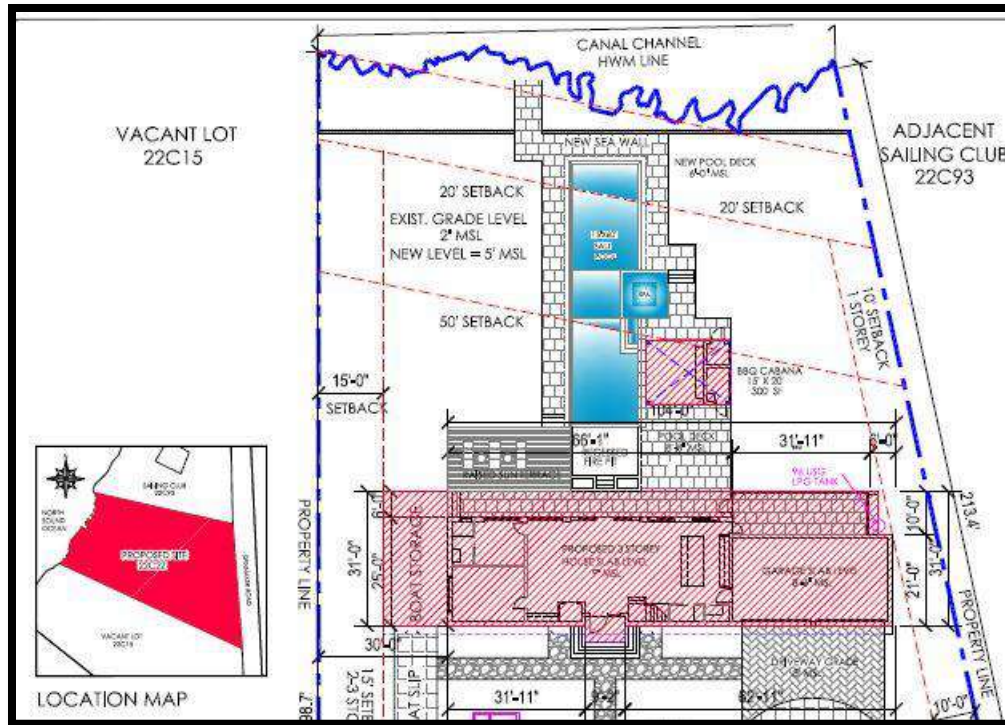


Figure 3: Plan Extract showing the proposed development (Source: Robert Towell Architect Ltd. Jan, 2021)

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

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

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

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

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

APPLICANT'S LETTER

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

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

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

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

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

Zoning

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

Specific Issues

1) HWM Setback

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

0”/73’-1”(seawall), 68’-6” (pool) & 27’-3”(cabana) respectively.

2) Garbage Enclosure Setback

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

SUPPLEMENTAL ANALYSIS

The Board should be reminded the application was seen on April 13th 2021 (CPA/08/21; Item 2.8) and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns related to the deficient high water mark setbacks

2.6 THE GROVE (Johnson Design + Architecture) Block 11D Parcel 105 (P21-0204) (\$40,000) (JP)

Application for replacement of parking spaces with basement storage.

FACTS

<i>Location</i>	West Bay Road, West Bay Beach North
<i>Zoning</i>	N/C
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	3.694 ac.
<i>Current use</i>	Commercial/residential
<i>Required parking</i>	257
<i>Proposed parking</i>	235

BACKGROUND

Extensive history since 2017 to develop the mixed use site.

April 13, 2021 (CPA/08/21; item 2.11) – current application adjourned to invite in

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

- 1) Loss of parking spaces (235 v 244)

APPLICANT’S LETTER

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

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

1. Section 8(13)(b)(i) states that the Authority may grant a variance if “the characteristics of the proposed development are consistent with the character of the surrounding area”. Camana Bay uses a shared parking concept which has granted them similar parking variances in the past.

2. Section 8(13)(b)(iii) states that the Authority may grant a variance if “the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare”. Parking at the Grove is shared between residential and commercial (retail and restaurant) tenants. Such an arrangement reduces the total load on parking because each use demands are heaviest at different hours. Commercial is busiest during the day, while residential and restaurants are busiest in the evenings. If we consider a busy occupancy to require 100% parking and one that’s not to require 50% occupancy, then during the day there will be 24 vacant parking spaces and 20 in the evening given that the development has a total of 236 built spaces. This allows for 9 parking spaces to be removed as per the request of this letter without impacting the Grove’s total parking demand.

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

PLANNING DEPARTMENT ANALYSIS

General

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

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

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

1) Loss of parking spaces (235 v 257)

The existing development was approved with 244 parking spaces.

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

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

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

Application for removing concrete slab.

Appearance at 2:30

FACTS

<i>Location</i>	North Church Street, George Town
<i>Zoning</i>	GC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.09 ac. (3,920.4 sq. ft.)
<i>Current use</i>	Commercial

BACKGROUND

April 13, 2021 (CPA/08/21; item 2.13) – the application was adjourned to invite in

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

- 1) Determine if planning permission is required for the proposal.

AGENCY COMMENTS

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

Department of Environment (NCC)

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

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

APPLICANT'S LETTER

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

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

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

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

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

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

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

Zoning

General Commercial.

Specific Issues

1) Previous decision on OPY 193

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

SUPPLEMENTARY ANALYSIS

On April 13, 2021, the Authority considered the application and it seemed to the Authority that the proposal may not development per Section 13 of the Development and Planning Law and deemed it prudent to invite the applicant to appear before the Authority to discuss this matter.

2.8 PETER KANDIAH (Roland Bodden & Company) Block 15E Parcels 82 and 238 (P20-0808) (BES)

Application to modify planning permission for a 3'-high rope fence on the shoreline.

Appearance at 3:00

FACTS

<i>Location</i>	South Sound
<i>Zoning</i>	Beach Resort Residential
<i>Parcel Size Proposed</i>	1.25 ac. (54,450 sq. ft.)
<i>Current Use</i>	House
<i>Proposed Use</i>	Same as above

BACKGROUND

March 17, 2021 (CPA/06/21; Item 2.25) - It was resolved to grant planning permission, subject to the following conditions:

- 1) The applicant shall submit a revised site plan showing the rope fence setback a minimum of 5' from the 2018 registered high water mark.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

Recommendation: Discuss the application for the following reason:

- 1) New documentation provided by the applicant.

AGENCY COMMENTS

Comments from the DoE/NCC are noted below.

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

The application site is located in a coastal area designated as 'Critical Habitat' for turtle nesting and this particular beach is known to have considerable seasonal fluctuations in width and volume. For coastal properties such as this, the predicted and related impacts of climate change, particularly for the Caribbean region (sea level rise, increased storm

frequency, intensity and associated storm surge), are likely to be significant. Given that the DOE is also documenting an increasing prevalence of exacerbated coastal erosion associated with inappropriately sited developments and their amenity structures, it is not unrealistic to expect this trend will worsen with climate change. Taking into account the basic principle that the fence's current proposed placement on the active beach does not meet the minimum required coastal setbacks as outlined in the Development and Planning Regulations, the DOE strongly recommends that the fence is repositioned landward, behind the current registered Mean High Water Mark (MHW), existing beach dune and seaward vegetation which are all depicted in Figure 1.



Figure 1: LIS 2018 aerial showing the proposed fence line (yellow) with the existing registered mean high water mark (MHW) (blue) and the recently surveyed MHW (red).

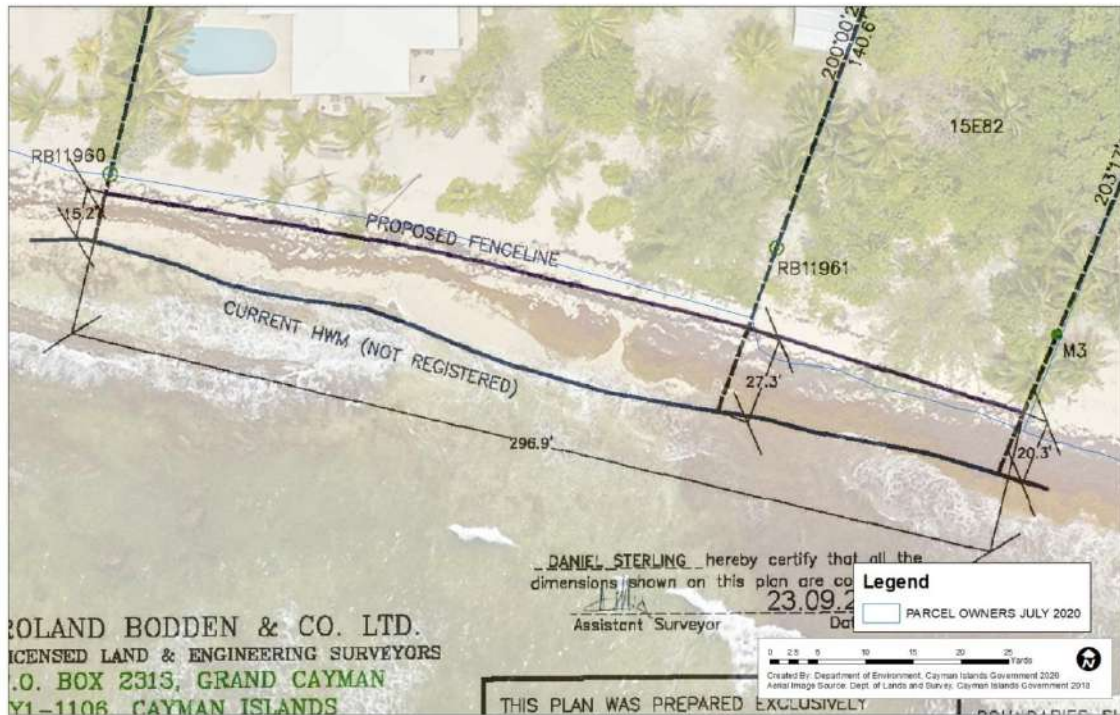


Figure 2: LIS 2018 Aerial image overlaid with site plan (Source: Roland and Bodden 23 Sept 2020)

The site plan submitted (Drawing Ref: 15E238SiteMap.dwg) when overlaid onto the aerial imagery (see Figure 2) shows that the proposed fence line is positioned seaward of the current registered Mean High Water Mark survey, even though the most recent survey (which is not registered) as depicted by the site plan is seaward of the proposed fence line. This illustrates that the beach is extremely dynamic.

It is also important to highlight that survey posts were erected along the beach in June 2020 (see Figure 3) to show the proposed fence location, as confirmed by one of the owners. Once in receipt of this application, the Department undertook a site visit to determine if the survey posts were still in place and to observe the condition of the beach (see Figure 4, 5, 6 & 7). From the site visit, there were sections along the property where there had been significant erosion over the course of merely four months and many of the originally installed temporary fence posts were missing, presumed swept into the ocean. As anticipated it can be concluded from the site visits that the beach is highly dynamic and that the proposed fence is not an ideal location. Had the proposed fence been erected instead of the survey posts, the fence would have been damaged and sections lost due to recent inclement weather. The proposed fence is located within an area where the Mean High Water Mark constantly adjusts, and therefore may not always be on the applicant's property. If not damaged or destroyed, it may block public access along the foreshore during natural cycles of erosion.



Figure 3: The application site with posts and survey tape erected (Source DOE, June 2020)



Figure 4: The application site after Tropical Storm Delta (Source: DOE, October 2020)



Figure 5: The application site after Tropical Storm Delta (DOE, October 2020)



Figure 6: The application site after Tropical Storm Delta (DOE, October 2020)



Figure 7: The application site after Tropical Storm Delta (DOE, October 2020)

Therefore in conclusion, the Department would recommend not placing a fence in the proposed location on the active beach along this coastline. However, if the CPA is minded to grant permission, the following is strongly recommended:

- *The fence should be moved further landward behind the existing beachside vegetation and the registered Mean High Water Mark as shown in Figure 1 (the blue line). The existing vegetation represents the boundary of the most recent erosion cycles and consequently behind it the beach is most stable.*

- *The fence, as depicted in the plans should only be a roped fence to allow for the movement of beach sediment and to allow for nesting turtles to access the nesting habitat.*
- *At no time should this fence be converted to a solid wall structure. This would hinder turtle nesting and would increase the site's susceptibility to climate change impacts and coastal erosion associated with the structures placed on the active beach.*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 3'-high rope fence at the above-captioned properties. The site is located on South Sound Road next to South Sound Community Centre.

Zoning

The property is zoned Beach Resort Residential.

Specific Issues

1) High Water Mark setback

In Beach Resort Residential zone, the minimum setback from the High Water Mark (HWM) is 75' per Regulation 8(10)(f), whereas the proposed rope fence is setback 15.2' from the HWM.

It should be pointed out that the following seawalls were granted planning permission on the coastline near the subject property:

- Block 7D Parcel 6, a seawall was granted planning permission on May 18, 2005 (CPA/12/05; Item 2.2) setback at 50' from the HWM; and,
- Block 7D Parcel 30, planning permission on December 1, 2004 (CPA/29/04; Item 2.21) was granted for a seawall setback 65' from the HWM.

SUPPLEMENTARY ANALYSIS

As noted above, March 17, 2021 (**CPA/06/21; Item 2.25**) – CPA granted planning permission for a 3'-high rope fence on the shoreline, subject to the following conditions:

- 1) The applicant shall submit a revised site plan showing the rope fence setback a minimum of 5' from the 2018 registered high water mark.

The applicant has submitted new photos of the site and additional information for the Authority's consideration as follows:

Applicant's letter

Thank you for allowing me to address you. I apologise for not being able to do this in person due to my absence from Cayman. My surveyor, Mr. Sterling will present this on my behalf.

I am a Caymanian Status holder and have lived at 1026 South Church Street for the last 46 years. When I first moved into the house there was a house on the adjoining lot which is now called Consuelo Beach. Dr Marco Giglioli lived in this house with his

family for several years. My understanding is that the land was gifted to the Government as a place of quiet reflection for the people of South Sound. The South Sound residents agreed that the Government could build a house on the land for Dr. Giglioli in consideration of his efforts in the control of mosquitos.

After Dr. Giglioli's successor left Cayman the house was abandoned, later seriously damaged by Hurricane Ivan and eventually demolished. During the years before the demolition few people walked along the beach in front of the two houses; in fact it was something of an event when they did!

Things changed some years ago when the population of South Sound grew and more and more people walked along the beach and this usage has increased since Consuelo Beach was established. I do not object in any way to members of the public exercising their legal right to pass and repass along the beach in front of my property as long as it is below the mean high water mark which forms my sea side boundary. Unfortunately this is no longer the case.

Over the last few years there have been multiple instances of trespass on to my property. My outside furniture has been moved and used. Fires have been lit and even condoms found on the property. Occasionally my wife and I have been the subject of abuse when pointing out a trespass which often is not just walking through the property but setting up areas with hampers and umbrellas. All above the mean high water mark.

At the time this application was first made, my surveyors established the high water mark which although not registered was considerably closer to the sea than the previously registered survey showed. The surveyors identified the previous mark and erected a temporary post and twine fence roughly along that mark in front of my house. The effect was instant and amazing and we have had hardly any trespassing since then.

The Board's earlier ruling was that the application be granted subject to the fence being moved 5 feet higher up the beach towards my house. A fence there would not serve my purpose at all. A fence there would actually have to be partly behind the foliage and well up onto my property. It would not stop the trespass previously mentioned.

I have submitted a number of photographs with this statement which will I hope show how much space there is between the temporary fence and the sea. I am not in any way obstructing the public's right to pass and repass my property nor will the nesting turtles be affected.

May I ask respectfully that you remove the condition and allow a wooden 4'' by 4 '' post fence linked by rope along the line previously sought.

Applicant's photographs









2.0 APPLICATIONS **REGULAR AGENDA (Items 2.9 to 2.25)**

2.9 BETHANY BAILEY Block 37E Parcel 272 (P21-0209) (\$316,000) (AS)

Application for a duplex.

FACTS

Location

Zoning

LDR

Notice Result

No Objections

Parcel Size Proposed

.2523 acres (10,990 sq. ft.)

Parcel Size Required

12,500 sq ft

Current Use

Vacant

Proposed Use

Duplex

Building Size

1,804 sq ft

Building Coverage

16%

Allowable Units

1 House

Proposed Units

1 Duplex

Proposed Parking

2

Required Parking

2

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

- 1) Minimum lot size (12,500 sq ft v 10,990 sq ft)

APPLICANT'S LETTER

"We write on behalf of our client Ms. Bethany Bailey with regards to the following variance:

- *A lot size variance – The proposed lot size is 10,990.2 sqft which is less than the required 12,500 sqft in LDR zone for a duplex.*

We request permission for the proposed development to remain as shown on the drawings provided and humbly give the following reasons:

1. *Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent parcels were notified by registered mail and there were no objections.*
2. *Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be*

materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.

3. *The application complies with all other relevant planning requirements.*

We look forward to your favourable response to this variance request.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 1,804 sq ft duplex. The duplex will have three (3) bedrooms in total.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9 (8) (e) states that minimum lot size for a duplex is 12,500 sq ft. The subject parcel is 10,990 sq ft. in size. The Authority should note that the associated subdivision is fairly new with 3 houses being approved to date, two of which are under construction. It appears clear the subdivision was designed for single family houses and introducing a duplex into the subdivision on an undersized lot would likely change the character of the subdivision.

2.10 SUMMER COVE HOMES (Architectural Designs and Cayman Contemporary Style) Block 24E Parcel 303 (P21-0374) (\$400,000) (JP)

Application for modification to site plan.

FACTS

<i>Location</i>	Whirlwind Drive, Bodden Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.3388 ac. (14,758.13 sq. ft.)
<i>Current use</i>	Vacant

BACKGROUND

April 18, 2018 (CPA/09/18; item 2.1) – an application for 2 duplexes approved by CPA

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

- 1) Proliferation of access points

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in Bodden Town with Whirlwind Drive forming the western boundary and access together with Sweetleaf Close, a cul-de-sac, also providing an access point to the site. A neighbouring property is located to the north with vacant land forming remaining boundaries.

The application seeks a modification to the site plan in relation to site accesses. The proposal seeks four access points across the site frontage onto Whirlwind Drive.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Proliferation of access points

The development was original approved in 2018 with one mutual entry/exit for two duplexes. The applicant now wishes to modify that proposal and have separate entry/exits for each half of each duplex for a total of four access points. The proposed installation of four accesses across a site frontage of 130' within a subdivision poses a hazard to road users.

Members are encouraged to consider the need for such and whether a shared driveway between the two duplexes as previously approved would be more appropriate.

2.11 ORSO BIANCO LIMITED (Moises A. Bonilla Gardening Services) Block 22C Parcels 4, 5 & 6 (P21-0291) (\$40,000) (MW)

Application for after-the-fact land clearing.

FACTS

<i>Location</i>	Selkirk Dr., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.41 ac. (61,419.6 sq. ft.)
<i>Current use</i>	Vacant

Recommendation: Discuss the application for the following reasons:

- 1) Clearing of the land in the absence of an approved development
- 2) Comments from DOE/NCC

AGENCY COMMENTS

Comments from the DOE/NCC are provided as follows:

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

The applicant is seeking permission, after-the-fact, for the clearing of three parcels of land on Abbey Way. Prior to the unauthorized clearing the parcels were characterized as mangrove habitat, with secondary growth, as shown in Figure 1.



Figure 1: Application site outlined in red, prior to unauthorised land clearing (Source: LIS 2018 aerial imagery)

The DoE obtained drone imagery of the land following the clearing works and it is evident that the clearing has also encroached on to three other adjoining parcels of land, as shown in Figure 2.



Figure 2: Application site outlined in yellow and extent of unauthorised clearing shown as red hatching (Source: DoE drone imagery, 2021).

When alerted to the unauthorised clearing of mangroves, the DoE issued a Cease and Desist Order to stop any further clearing. Mangroves are protected under Schedule 1, Part 2 of the National Conservation Law (2013) and the Mangrove Conservation Plan (2020). It is an offence to clear mangroves without the requisite permission.

The DoE is investigating this matter through the Office of the Director of Public Prosecutions and therefore recommends that this application be held in abeyance pending the outcome of this investigation.

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

APPLICANT'S LETTER

We are submitting an after-the-fact application for the above referenced Block and Parcel numbers (the “Property”).

In March 2021, as part of a competitive tender process, MAB Gardening Services Ltd (‘MAB’) submitted its fee proposal and was subsequently hired to clear the Property, which included clearing the overgrown vegetation and trucking it away to the landfill. Having acquired the Property in August 2020, the owner hired MAB with the intent of (i) clearing the Property, (ii) upon clearing, in time applying to CPA for permission to excavate/fill the Property and to build a perimeter wall/fence and (iii) upon the completion of (ii), planting trees and other landscape within the Property. All such works were to be for the benefit of the owner of the Property aside from the above. Other reasons for clearing the Property included the fact that illegal dumping was taking place, there was evidence of unauthorised gathering taking place (alcohol bottles, small fires, wooden pallets for sitting/gathering/drinking) and wider concerns around safety given the Property was severely overgrown and was an environment that could be used for untoward behaviour.

Unfortunately, at no time did MAB appreciate that CPA permission was required to clear the Property given the contract for services was for the sole purpose of clearing the land in an established subdivision where similar clearing had taken place and had not construction elements to the contract. This was a genuine oversight/misunderstanding and there was at no time intent to deliberately circumvent the required process/permit. Similarly MAB did at no time believe any requisite approvals or requirements from the DOE/National Conservation Law would apply to the clearing of the Property given it was non-waterfront land. If it was known that such permissions/approvals were required then without question such permissions/approvals would have been applied for and received prior to any works commencing.

In the morning of Wednesday 17 March Mr Ronnie Dougal from the DOE visited the Property where certain questions were asked of MAB, who were on site clearing the Property. Later that day (approximately 3:30PM), MAB was served with a cease and desist order by DOE, which was immediately complied with. All machinery was removed from the Property at that time and no further work has occurred since. Therefore, we want to emphasise to both the CPA and DOE that upon being made aware of the need for a permit and being served with a cease and desist order, MAB immediately complied with such order and at no time was it ignored/was any other communication received.

We are extremely distressed and very apologetic that the clearing of the Property occurred without the necessary approvals/permits. It was a genuine mistake/oversight and for that we apologise.

We respectfully request that the CPA consider the application for after-the-fact permission to clear the Property. We are happy to discuss any of the above at the CPA's convenience.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF Land Clearing located on Selkirk Dr., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Timing of clearing

The Authority typically discourages land clearing in the absence of an approved development for the site, which is not the case in this instance. The applicant has provided the reasons for the clearing in their letter provided above.

2.12 GEORGE & MARCIA WRIGHT (GMJ HOME PLANS) Block 27D Parcel 291 (P20-0901) (\$160,000) (JP)

Application for two-bedroom house addition to create a duplex.

FACTS

<i>Location</i>	Bermuda Way
<i>Zoning</i>	LDR
<i>Notification result</i>	None
<i>Parcel size proposed</i>	0.1568 ac. (6,830 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Two-Bedroom House
<i>Proposed building size</i>	1,187.24 sq. ft.
<i>Total building site coverage</i>	24%
<i>Allowable units</i>	1
<i>Proposed units</i>	2
<i>Required parking</i>	2
<i>Proposed parking</i>	3

BACKGROUND

March 17th 2021 (**CPA/06/21; 2.2**) members resolved to adjourn the application directing the Department of Planning to investigate the existence of approved duplexes in the immediate area and to ascertain whether any such approvals related to after-the-fact construction.

December 9th 2020 (**CPA/21/20; 2.17**) It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the deficient lot size and setbacks.

February 22nd 2006 - the Department granted permission for a two (2) bedroom house.

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

- 1) Setback variance (13.1' vs 20') & (13' vs 15')
- 2) Lot size variance (6,830 sq. ft. vs 12,500 sq. ft.)

APPLICANT'S LETTER

We write on behalf of our clients, Mr. George Wright G Mrs Marcia Wright, with regards following variance;

- *A rear setback variance - The rear setback proposed is 13'1" which is less than required 20'.*
- *A side setback variance - The side setback to the left of the property is proposed 13'2" which is less than the required 15' for a two-story building.*

We request permission for the proposed development to remain as shown on the drawings provided and humbly give the following reasons:

- 1. Per section 8(13)(d) of the Planning Regulations, the owners of the adjacent properties were notified by register mail;*
- 2. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, the neighbourhood, or to the public welfare;*
- 3. The application complies with all other relevant planning requirements.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking planning permission for the proposed two-bedroom, 2-storey addition with lot size variance and setback variances.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Setback variances

The proposed two-storey addition to the rear of the existing house, does not meet the required rear setback (13.1' vs 20') and also does not meet the required right side setbacks (13' vs 20'); therefore, the applicant is seeking both rear and right side setback variances from the Authority.

2) Lot size variance

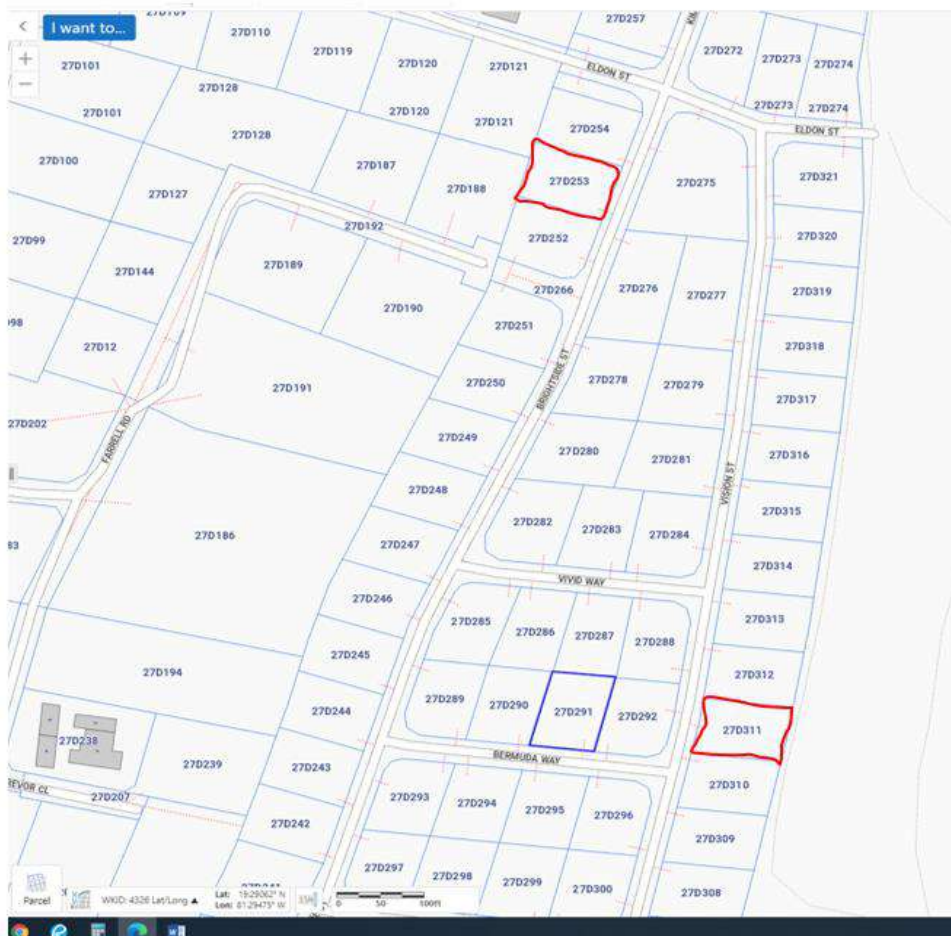
In addition to the setback variances, the applicant is seeking a lot size variance (6,830 sq. ft. vs 12,500 sq. ft.).

SUPPLEMENTARY ANALYSIS

In response to the Authority's reason for adjourning the application, the Department can advise of the following previous approvals for duplexes in the area:

- 27D 253 - May 11th 2016 (**CPA/11/16; item 2.11**) CPA granted a setback variance request of 11.7' v 15' for a two storey addition to the existing dwelling to create a duplex
- 27D 311 - February 19, 2009, approval granted for a house addition to create a duplex

The following is a map excerpt identifying the application site in relation to the above properties:



2.13 JOSEPH EBANKS (Caribbean Home Planners) Block 59A Parcel 18 (P20-1102) (\$5,000) (MW)

Application for a 2 lot subdivision.

FACTS

<i>Location</i>	Frank Sound Rd., North Side
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.45 ac. (19,602 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant

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

- 1) Lot size (9,320 sq. ft. / 9,785 sq. ft. vs 10,000 sq. ft.)

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 2 lot subdivision to be located on Frank Sound Rd., North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(d) states “*the minimum lot size for each detached and semi-detached house is 10,000 square feet*”. The proposed subdivision Lot A would be (9,785 sq. ft.) & Lot B (9,320 sq. ft.) a difference of 215 sq. ft. & 680 sq. ft. respectively.

There is an existing house on Lot A and the subdivision has been designed to allow 10’ side setback for the house.

2.14 JOSEPH EBANKS (Caribbean Home Planners) Block 59A Parcel 18 (P20-1097) (\$200,000) (MW)

Application for a house.

FACTS

<i>Location</i>	Frank Sound Rd., North Side
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.45 ac. (19,602 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	1,342 sq. ft.
<i>Total building site coverage</i>	14.4%
<i>Required parking</i>	1
<i>Proposed parking</i>	1

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

- 1) Lot size (9,320 sq. ft. / 9,785 sq. ft. vs 10,000 sq. ft.)
- 2) Driveway location

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 2 lot subdivision & House with lot size variance to be located on Frank Sound Rd., North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

Regulation 9(8)(d) states “*the minimum lot size for each detached and semi-detached house is 10,000 square feet*”. The proposed Lot B would be 9,320 sq. ft., a difference of 680 sq. ft.

2) Driveway location

The site plan has been designed with the driveway on Frank Sound Road. The existing house has a driveway on the same road and the distance between centre lines of the two driveways would be about 42’. Typically isn’t ideal to have two driveways so close together on such a busy road. Ideally, the new lot would gain access via a right-of-way over Lot A leading to Lariat Drive, however, the subject parcel does not

currently benefit from a right-of-way over that private road. The Authority needs to determine if the proposed driveway location is acceptable.

2.15 DAVID HAMIL (Architectural Designs & Cayman Contemporary Style) Block 43A Parcel 149 (P20-0689) (\$960,000) (BS)

Application for 2-duplexes.

FACTS

<i>Location</i>	Harvey Stephenson Drive and Boysberry Drive, Bodden Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.4067 ac. (17,715.9 sq. ft.)
<i>Parcel size required</i>	15,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed use</i>	residential
<i>Proposed building size</i>	7,920 sq. ft.
<i>Proposed footprint</i>	5,140 sq ft
<i>Total building site coverage</i>	29.01%
<i>Required parking</i>	4
<i>Proposed parking</i>	8

BACKGROUND

No previous CPA history

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

- 1) Access location
- 2) Front setback (18'-7" vs. 20')

APPLICANT'S LETTER

On behalf of my client Hyalyn Tatum, we wish to apply for a variances in regards to the proposed 2 duplexes on Block : 43A Parcel: 149. The request for variance pertains to area of property (17,716 sq. ft.), being less than the 25,000sq.ft. that is required . Also that a small portion of duplex #2 being within the 20' set back , which is mainly due to the odd shape of the parcel.

The parcel also has 2 possible road accesses, which are both owned by the developer. Who has been notified , along with all others within the required radius . And have no objections with our proposal.

We hope that CPA will favourably consider our proposal as the area has apartments and duplexes in this area

PLANNING DEPARTMENT ANALYSIS

General

The application is for 2-duplexes with 16-bedrooms at the above-captioned property. The site is located on Harvey Stephenson Drive and Boysberry Drive, Bodden Town.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Access

The subject property benefits from vehicular right-of-ways from the internal subdivision road and Harvey Stephenson Drive. It would appear that the overall subdivision was designed such that the subject parcel would gain access from the internal subdivision road thereby reducing the number of access points onto Harvey Stephenson Drive, the main spine road for the subdivision, but the applicant has designed the site with access to Harvey Stephenson Drive. The Authority needs to determine if the proposed access is acceptable.

2) Front setback

The proposed setback from Boysberry Drive is 18'-7", whereas the minimum required setback is 20' per regulation 9(7)(i). The applicant has indicated that the setback variance is needed because of the odd shape of the parcel, but it appears that if the site were redesigned such that access was gained from Boysberry Drive instead, it is likely that a setback variance would not be required.

2.16 MALACHI NELSON (Chalmers Gibbs Architects) Block 20D Parcel 447 (New 468) (P20-0582) (\$7,500,000) (MW)

Application for (15) unit apartment complex (2 buildings) with swimming pool, 6' chain link boundary fence & sign.

FACTS

<i>Location</i>	Linford Pierson Hwy., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.0 ac. (43,560 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	19,984 sq. ft.
<i>Total building site coverage</i>	18.82%
<i>Allowable units</i>	15 units
<i>Proposed units</i>	15 units
<i>Allowable bedrooms</i>	24 bedrooms
<i>Proposed bedrooms</i>	24 bedrooms
<i>Required parking</i>	23 spaces
<i>Proposed parking</i>	30 spaces

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

- 1) Suitability
- 2) Fence Height (6'-0" vs. 5'-0")

AGENCY COMMENTS

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

Water Authority

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

Wastewater Treatment and Disposal

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

- The proposed development **requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification** that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. **The proposed system shall have a treatment capacity of at least 3,525 US gallons per day (gpd),** based on the following calculations.

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Apartment Building	6 x 1-Bed Units 1 x 2-Bed Unit	150gpd/1-Bed Unit 225gpd/2-Bed Unit	900gpd 225gpd	1,125gpd
Townhouse Building	8 x 3-Bed Units	300gpd/3-Bed Unit	2,400gpd	2,400gpd
TOTAL				3,525GPD

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

Water Supply:

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

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

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

If there are questions or concerns regarding the above, please email them to: development.control@waterauthority.ky

Department of Environmental Health

DEH has no objections to the proposed in principle.

Solid Waste Facility:

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

Container size (yd3)	Width (ft)	Depth (ft)	Height (ft)	Slab Thickness (ft)	Requirements
8	10	10	5.5	0.5	Water (hose bib), drain, deep well or other approved disposal method.

Swimming Pool:

A swimming pool application must be submitted for review and approval prior to constructing the pool. (April 21 2021)

Department of Environment (NCC)

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

The Department notes that the application site is characterized by wetland vegetation and pond, as shown in Figure 1. Therefore, the Department recommends that only the building footprint is filled and the wetland vegetation is retained where possible to assist with site drainage. A stormwater management plan should also be devised to assist with on-site water retention and reducing surface stormwater run-off and to ensure stormwater does not impact any of the surrounding properties.



Figure 1: LIS 2018 Aerial Image Showing Application Site (outlined in red)

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

Fire Department

Approved for Planning Permit Only 7 April 2021

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (15) Unit Apartment Complex (2) Buildings, Swimming Pool, 6' Chain link Boundary fence & Sign to be located on Linford Pierson Hwy., George Town.

Zoning

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

Specific Issues

1) Suitability

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

- (a) Detached & semi-detached houses.
- (b) Duplexes
- (c) In locations considered as suitable by the Authority guest houses and apartments.

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

- 20D 430 :- Royal Pines Apartments (Approved 21-2-18)(CPA/04/18; Item 2.3)
- 20D 386 & 391 :- Ryan's Retreat.
- 20D 408:- Silver Oaks
- 20D 466:- Downtown Reach
- 20D 387:- Apartments

2) Fence Height

The CPA fence guideline (Section 4.3.3) states *"in residential and tourism-related zones, no part of a semi-transparent wall or fence should exceed 60 inches in height, except for where provided within these regulations."* The proposed 6' chain link boundary fence is only proposed at the Northern & Western boundary of the property as the Eastern boundary has an existing 6' chain link fence which separates it from the existing plan nursery. The proposed fence would be 6'-0" in height a difference of 1'-0" respectively over the allowable height.

2.17 CAYMAN SHORES DEVELOPMENT LTD. (DECCO Ltd.) Block 13C Parcels 34 & 28 (P21-0192) (\$7,300) (MW)

Application for (3) temporary real estate signs.

FACTS

<i>Location</i>	Esterley Tibbetts Hwy., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Current use</i>	Vacant

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

- 1) Compliance to Sign Guidelines

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The application site consists of a mixture of primary seasonally flooded and tidally flooded mangrove forests and man-modified areas. Mangrove forests are a critical part of our natural environment, providing several ecosystem services which include assisting to mitigate the effects of climate change.

As one of the most productive terrestrial ecosystems, mangrove wetlands are extremely biodiverse and provide habitat and food for an immense variety of species. They also function as natural sponges that trap and slowly release surface water. Inland wetlands in urban areas are particularly valuable, counteracting the greatly increased rate and volume of surface-water runoff from pavement and buildings. Trees, root mats and other wetland vegetation also slow the speed and distribution of storm waters. This combined water storage and braking action lowers flood heights and reduces erosion. In addition, inland wetlands improve water quality filtering, diluting, and degrading toxic wastes, nutrients, sediments, and other pollutants. Another important function of mangrove wetlands is that they are extremely effective at sequestering carbon from the atmosphere and serve as carbon sinks.

The DoE has no objection to the proposed temporary signage. However, the Department would not support clearing outside of the footprint of the temporary signs. We recommend that clearing is kept to the footprint of the proposed signs only and that the remainder of the application site is not cleared until development is imminent to allow the existing mangrove vegetation to continue to provide its ecosystem functions.

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

APPLICANT'S LETTER

Please accept our application for three temporary real estate signs located on Esterly Tibbetts Hwy. The signs will advertise the Olea residences which are currently under construction at Camana Bay. We are proposing 1 sign to the North at Maris Avenue and 2 signs to the South before Minerva Drive. Care has been taken to keep the proposed signs out of the vehicular visibility cones. Site walks have been made to ensure the proposed locations do not clash with existing NRA signage. The proposed signs are estimated to be in place until the end of 2022 to align with our sales phase for Olea.

Olea is considered to be an important new piece of the overall Camana Bay development. It is Camana Bay's first for-sale residential product. The project sits somewhat hidden, deep into the center of Camana Bay, on its own Block and Parcel (13C31). For this reason, we have proposed to place these signs at locations still within Camana Bay but on Esterly Tibbetts Hwy to increase exposure and notoriety, rather than place them on the 13C31 parcel where they would be less impactful.

Please reach out to me directly with any questions or concerns.

PLANNING DEPARTMENT ANALYSIS

General

The application is for (3) temporary real estate signs to be located off Esterly Tibbetts Hwy., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Compliance to Sign Guidelines

The CPA sign guideline 4.3 stipulates ;

Real estate signs do not require planning permission, as long as they comply with the following.

- Standard "For Sale" sign, up to six (6) square feet located on seller's property;
- The sign must be setback at least 12 feet from the road edge;
- Multiple signs shall be neatly stacked to avoid cluttered appearance
- Signs located off-premise require planning permission
- Signs may not be posted within a road reserve

Real Estate signs for commercial development, up to sixteen (16) square feet are permissible subject to:

- Any sign over six (6) square feet shall include information of the proposed development.
- Any photograph of sales agents must be no larger than those on the standard six square feet signs.
- Signs greater than 16 square feet will require planning permission

The applicant has proposed (3) temporary real estate signs which are to be affixed to the proposed 4x4 timber posts each with a size of 16'-0" in width & 4'-0" in height for a total of 64 sq. ft. each and a total overall height from the ground of 8'-0". All signs have been setback from the road edge the required 12' or more.

The Authority should determine if the size, location and height of proposed temporary signs are acceptable and warrant granting planning permission.

2.18 NYGEL AND JANET FRANCIS (John Benard) Block 54D Parcel 55 (P19-1063) (\$348,250) (BS)

Application for a duplex and after-the-fact shed

FACTS

<i>Location</i>	Serenity LN.
<i>Zoning</i>	LDR
<i>Parcel Size</i>	12,196.8-sq. ft. vs. 12,500-sq ft
<i>Proposed Use</i>	Duplex (2,786-sqft) and ATF shed (160-sq ft)
<i>Building Size</i>	2,946-sq. ft.
<i>Building Coverage</i>	24.2%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2

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

- 1) Lot size: (12,196.8-sq ft vs. 12,500-sq ft).

APPLICANT'S LETTER

In response to your email dated October 30th, 2019 for further information, the following has been submitted:

I (a) Lot size: Where the regulations call for 12,500-sq ft for duplex and the application lot size is 12,196.8 SQ FT (97.6%) we the applicants hereby do humbly request that you allow us to build this duplex by granting variance in this application.

(b) With response to the steps (encroachments) 6'-8' from the boundary vs 10'-0'', we again request variance in this matter and there is sufficient reason to grant a variance and an exceptional circumstance exists which may include the fact that:

(i) The characteristics of the proposed development are consistent with the character of the surrounding area,

(ii) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent properties to the neighborhood or to the public welfare.

2. Following your request for notices to adjacent land owners, they have been notified by registered mail. This information has been uploaded to the above planning application.

We trust that we have fulfilled your request efficiently and awaiting you reply.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a duplex and an after-the-fact shed. The site is located on Serenity LN.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot Size

The proposed lot size is 12,196.8-sq. ft. whereas the minimum required lot size is 12,500-sq ft for a duplex in accordance with Regulation 9(8)(e).

The Authority may wish to take the following into consideration:

- May 23, 2012 (CPA/12/12; Item 2.15), the Authority granted planning permission for a duplex on Block 54D Parcel 70 with a lot size of 11,325 sq. ft.
- June 9, 2010 (CPA/14/10; Item 2.19), the Authority granted permission for ATF addition to create a duplex on Block 54D Parcel 75 with a lot size of 11,761 sq. ft.
- January 10, 2007 (CPA/01/07; Item 2.28), the Authority granted permission for a duplex on Block 59B Parcel 31 with a lot size of 10,018 sq. ft.
- September 30, 2009 (CPA/25/09; Item 2.28), the Authority granted permission for a duplex on Block 59B and Parcel 38 with a lot size of 9,147 sq. ft.

2.19 KERON WATLER (Whittaker & Watler) Block 37E Parcel 256 (P21-0173) (\$416,702) (MW)

Application for a duplex.

FACTS

<i>Location</i>	Off Fig Tree Dr., Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2882 ac. (12,553.992 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,205.4 sq. ft.
<i>Total building site coverage</i>	15.34%
<i>Required parking</i>	2
<i>Proposed parking</i>	4

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

- 1) Front Setback (18'-0" vs 20'-0")
- 2) Rear Setback (18'-0" vs 20'-0")

APPLICANT'S LETTER

On behalf of my client, I would like to request a 2Ft. variance on the front and rear setback. There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

We are looking forward for your good office for consideration and approval of the variance request.

Thank you in advance in this matter.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Duplex; 3,205.40 sq. ft. with front & rear setback variances to be located off Fig Tree Dr., Bodden Town.

Zoning

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

Specific Issues

1) Front Setback

Regulation 9(8)(i) states “*the minimum front setback is 20’*”. The proposed duplex would be 18’-0” from the front boundary a difference of 2’-0” respectively.

2) Rear Setback

Regulation 9(8)(i) states “*the minimum rear setback is 20’*”. The proposed duplex would be 18’-0” from the rear boundary a difference of 2’-0” respectively.

2.20 BURGER KING HOLDINGS (Bennetts Design Concepts) Block 49B Parcels 29 (P21-0290) (\$50,000) (MW)

Application for 6’ high wall with columns varying in height.

FACTS

<i>Location</i>	Rum Point Dr., North Side
<i>Zoning</i>	Medium Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.7 ac. (30,492 sq. ft.)
<i>Current use</i>	Apartments under construction

BACKGROUND

November 20, 2019 – Fourteen Apartments – the application was considered and it was resolved to grant planning permission. (CPA/24/19; Item 2.13)

May 13, 2020 – Modify Floor Plan – the application was considered and it was resolved to grant planning permission.

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

- 1) Fence height (6’-0”/6’-8” vs 4’-0”)

AGENCY COMMENTS

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

Department of Environment (NCC)

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms we have no comments.

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

APPLICANT'S LETTER

At this time we hereby request planning approval for a 6'ft high concrete fence wall at the above named location which is currently under construction.

The owners of the adjacent parcels 30, 31 and 32 have requested a fence wall to be erected which was happily agreed with the owners of the above mentioned parcel.

Attached to this application is the consent letter and signatures of all parties in favour of the fence wall.

We appreciate your kind consideration in the approval of this application.

Consent Letter

This letter is to serve as an advice to the Planning Department that the following parties who share a common boundary are in agreement and desire to have a 6-foot wall to be erected on the boundary line. This wall is to serve as a privacy wall between the existing homes and a to-be constructed Apartment Building.

<i>Land Ref</i>	<i>Owner Name</i>	<i>Postal Address</i>	<i>Proprietorship Type</i>
<i>49B 29</i>	<i>Burger Holdings Ltd</i>	<i>PO Box 30125, KY1-1201</i>	<i>Single Proprietor</i>
<i>49B 30</i>	<i>Hank J Ebanks</i>	<i>PO Box 227 NS</i>	<i>Single Proprietor</i>
<i>49B 31</i>	<i>Hank J Ebanks</i>	<i>PO Box 227 NS</i>	<i>Single Proprietor</i>
<i>49B 32</i>	<i>Dave Richard Ebanks</i>	<i>General Delivery, KY1-1700</i>	<i>Single Proprietor</i>

Thanking in you advance for your favourable consideration.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a proposed 6' High Wall with columns varying in height to be located on Rum Point Dr., North Side.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Fence Height

The CPA fence guideline 4.3.1 stipulates that *“In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height”*- The proposed concrete wall would be 6' in height with the proposed columns varying in height from 6'-7" – 7'-4" a difference of 2'-0", 2'-7" & 3'-4" respectively.

2.21 TONY & JENNIFER FISCHETT (MJM DESIGN STUDIO) (P21-0294) Block 22D Parcel 313 (\$20,000) (BES)

Application for a 6' wall.

FACTS

<i>Location</i>	Peaceful CL, Red Bay
<i>Zoning</i>	LDR
<i>Parcel size proposed</i>	0.42 ac. (18,295.2 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Dwelling House
<i>Proposed use</i>	4'-high and 6'-high fence for dwelling house

BACKGROUND

August 5, 2015 (**CPA/16/15; Item 2.10**) – CPA granted planning permission for a dwelling house and pool with conditions.

August 9, 2016, a Building Permit issued for a dwelling house.

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

- 1) 6' fence height to screen the pool for privacy.

APPLICANT'S LETTER

We are submitting an application for a boundary fence at our clients existing residence. The fence will be comprised of concrete posts with pre-manufactured painted aluminium infill panels. The fence is being proposed to provide privacy and security our clients and their two young children when they are using their pool and outdoor area. At the moment, the adjacent parcels are vacant, but often used by the owners and others unknown to our clients to access the boats on the canal.

The fence is being proposed at 6' high to block visibility into the rear of the house and pool area to preserve our client's privacy and security.

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking planning permission for four (4) and six (6) fences at above-captioned property. The site is located on Peaceful CL, Red Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Fence height

The applicant is proposing boundary walls for the property. The walls include 4' sections which do not require permission, but also 6' portions that do require permission. The applicant has indicated that the 6' height is being requested to provide privacy screening for the existing pool, see letter above.

2.22 THE STRAND – ANDREW VINCENT (TAG Ltd) Block 12C Parcel 350 (P20-1125) (\$227,000) (JP)

Application for internal addition of 1,119 sq ft

FACTS

<i>Location</i>	The Strand, West Bay Road
<i>Zoning</i>	NC
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	5.94 ac. (258,746.4 sq. ft.)
<i>Current use</i>	Vacant
<i>Required parking</i>	4
<i>Proposed parking</i>	extensive existing parking

BACKGROUND

Extensive and varied Planning history. None of direct relevance to this application.

Recommendation: Grant planning permission.

AGENCY COMMENTS

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

Water Authority

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

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

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

Water Supply:

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

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

Department of Environmental Health

The Department has no objections to the proposed in principle.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within The Strand – a multi-use and multi-occupier commercial site in the central Seven Mile Beach Corridor.

The site benefits from extensive car parking.

The application seeks Planning Permission for the installation of 1119 sq ft additional floor area internally.

Zoning

The property is zoned Neighbourhood Commercial.

2.23 BIRCH TREE VILLAS (II) (Architectural Designs & Cayman Contemporary Style) Block 4B Parcel 632 (P21-0009) (\$1 million) (BES)

Application for modification to increase the floor area and building elevation changes for apartments.

FACTS

<i>Location</i>	Anise Lane off Finch Drive, West Bay
<i>Zoning</i>	HDR
<i>Notification result</i>	No Objector
<i>Parcel size proposed</i>	0.37 ac. (16,117.2 sq. ft.)
<i>Parcel size required</i>	5,000 sq. ft.
<i>Current use</i>	Apartments foundation on site
<i>Proposed building size</i>	1,600 sq. ft.
<i>Total building site coverage</i>	26.1% vs 40%
<i>Allowable units</i>	9
<i>Proposed units</i>	8

<i>Allowable bedrooms</i>	16
<i>Proposed bedrooms</i>	16
<i>Required parking</i>	12
<i>Proposed parking</i>	12

BACKGROUND

July 25, 2007 (**CPA/23/07; Item 2.3**) – CPA granted planning permission for 8-apartments with conditions.

June 17, 2008, a Building Permit was issued.

Recommendation: Modify planning permission.

AGENCY COMMENTS

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

DoE/NCC

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

We have no objection to the proposed addition and modification to the floor layout at this time as the parcel is man-modified and of limited ecological value. We recommend that the applicant plants and incorporates native vegetation in the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands resulting in vegetation that requires less maintenance which makes it a very cost-effective choice.

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least **(2,500) US gallons** for the proposed, based on the following calculations.*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Building 1</i>	<i>4 x 2-Bed units</i>	<i>225gpd/2-Bed unit</i>	<i>900gpd</i>	<i>900gpd</i>
<i>Building 2</i>	<i>4 x 2-Bed units</i>	<i>225gpd/2-Bed unit</i>	<i>900gpd</i>	<i>900gpd</i>
TOTAL				1,800gpd

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

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

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

Water Supply

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.*

National Roads Authority

No comments submitted

Department of Environmental Health

No comments submitted

Fire Department

As per SFPC 1994 602.6.1

Every building constructed shall be accessible to fire department apparatus by way of access road way with all weather drivings surface of not less than 20ft of unobstructed width with adequate roadway turning radius. Please depict proposed fire hydrant.

As noted above, a building permit was issued, and the Department informed the applicant to liaise with the Fire Service regarding this matter.

PLANNING DEPARTMENT ANALYSIS**General**

The application is to modify planning permission to increase the floor area (1,600-sq ft) on the apartments' second floors and change building elevations at the above-captioned property. The site is located on Anise Lane off Finch Drive, Birch Tree Hill West Bay.

The footprint of the buildings remained the same and the increase in floor area (800 sq ft in each apartment blocks) occurred on the second floors. Additionally, the building elevations have changed from the original approved plan by change of roof from hip to flat roof.

Zoning

The property is zoned High Density Residential and the Department has no specific concerns with the modification application.

2.24 NATIONAL CEMENT LTD (APEC Consulting Engineers Ltd) Block 13D Parcel 458 (P21-0122) (\$2 million) (BES)

Application for an additional cement silo with canopy and electrical room and the relocation of a generator and fuel tank.

FACTS

<i>Location</i>	Sherwood Drive, off Seymour Rd
<i>Zoning</i>	H/I
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	4.14 ac. (180,338.4 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Cement Plant
<i>Proposed building size</i>	2,900 sq. ft.
<i>Total building site coverage</i>	7.3%

BACKGROUND

December 18, 2019 (**CPA/26/19; Item 2.34**) – CPA modified planning permission (CPA/12/17; Item 2.14) to reduce floor area and increase building height.

Recommendation: Grant planning permission.

AGENCY COMMENTS

Comments from the DoE/NCC, Department of Environmental Health, and Fire Service are noted below.

DoE/NCC

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment (DoE) notes that the proposed cement silo will be positioned to the east of the existing concrete silo, further away from the closest residential receptors. We therefore confirm that we have no comments at this time.

Department of Environmental Health

DEH have no objections to the proposed in principle

Fire Service

The site layout approved

APPLICANT LETTER

Please find enclosed a modification application to planning approval P18-1212. The previous approval was for the construction of a new batching plant and control building.

This modification application is to add a fourth cement storage silo on the site, including its associated canopy and electrical room. The addition of a fourth silo will require relocation of a previously approved generator and fuel tank.

PLANNING DEPARTMENT ANALYSIS

General

The application is for an addition (1,760 sq.ft) to cement silo, canopy (1,020 sq. ft), electrical room (120 sq.ft.), relocation of a generator and fuel tank at the above-captioned property. The site is located at National Cement Plant on Sherwood Drive, off Seymour Rd, George Town.

Zoning

The property is zoned Heavy Industrial and the Department has no specific concerns.

2.25 HARBOUR HOUSE MARINA (Paradise Drafting Ltd) Block 24B Parcel 215 (P21-0265) (\$200,000) (JP)

Installation of a canal wall.

FACTS

<i>Location</i>	Prospect Drive, Prospect
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.15 ac. (93,654 sq. ft.)
<i>Current use</i>	Marine Commercial

BACKGROUND

Extensive and various history, however, none of direct relevance to the current proposal.

Recommendation: Grant planning permission.

AGENCY COMMENTS

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

Department of Environment (NCC)

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

The application site is man-modified and of limited ecological value. However, best management practices should be adhered to during construction to prevent any impacts to the canal during the construction of the sea wall. These include but are not limited to:

- Any stockpiled materials should be kept away from the canal edge to reduce the possibility of rainwater runoff washing material into the canal;*
- The seawall construction area shall be fully enclosed with silt screens with a 4 ft minimum skirt depth to contain any sedimentation or debris arising from construction of the seawall as depicted by the submitted site plan;*
- The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*
- Care should be taken not to prevent boating access along the canal for the residents in the southern part of the canal.*

PLANNING DEPARTMENT ANALYSIS

General

The application site is located at the most northerly point of Prospect Drive, bound by the North Sound to the north and an existing canal to the west.

The application seeks Planning Permission for the installation of a canal wall along the canal.

Zoning

The property is zoned Low Density Residential.

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Appendix ‘A’

Aster Cayman Medcity



Development Statement

28 January 2021

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Article I. Introduction and Project Narrative

The purpose of this Development Statement is to set out the development parameters and guidelines for the Aster Cayman Medcity Planned Area Development (ACMPAD), including appropriate plans and data in sufficient detail to adequately explain the proposed development, and covering all built environment & infrastructure elements and systems contained within the agreement with Cayman Islands Government. This Development Statement identifies the main planning concepts of Aster Cayman Medcity and includes the design and planning guidelines for structures and uses in the ACMPAD. The ACMPAD takes into consideration the current Planning Laws and Regulations of the Cayman Islands.

Aster Cayman Medcity will reflect Aster Medcity located in Kochi, India and include a multi-phased healthcare, wellness, senior living and education set of facilities, along with associated residential, retail, commercial, support and recreational facilities consistent with an integrated, carefully designed multifaceted campus development. Aster Medcity Kochi, India is the flagship hospital of Aster DM Healthcare Limited. Aster DM Healthcare is one of the largest private healthcare service providers operating in multiple Gulf Cooperation Council states and the fourth largest healthcare provider in India by market capitalisation. Aster DM Healthcare is driven by the three core principles of clinical excellence, accessibility and affordability, and has a strong presence across primary, secondary, tertiary, and quaternary healthcare through their hospitals and clinics.

Aster Cayman Medcity will commence with a 160-bed comprehensive, tertiary and quaternary care hospital, with future expansion, based on need, to 500 beds. Alongside the hospital will be an assisted living facility and healthcare university, both developed in subsequent phases, as part of a joint commitment to seeing the Cayman Islands develop as THE destination for Destination Healthcare, or medical tourism. With this project, Aster aims to replicate its “Medcity” concept, which has proven to be highly successful in its flagship facility in Kochi, India.

Aster Cayman Medcity will bring world class Healthcare to the Cayman Islands, co-located and integrated with assisted living facilities for our senior members of society, for whom it is widely recognised there are few adequate options despite our ageing population. Additionally, the development will also create a healthcare university, not only creating an additional educational economic diversification but also creating a very real opportunity for Caymanians to pursue medical, nursing and allied healthcare careers without the burden of leaving our shores for clinical training.

Acting as Aster DM Healthcare’s Western Hub, Aster Cayman Medcity will further their Caring Mission with a Global Vision to serve the world with Accessible, Affordable, and Quality Healthcare. The facility will become one of the premier institutions in the Caribbean Region, while serving populations in Canada, North, Central and South America. It will bring the Cayman Islands population access to a range of advanced services, especially at a tertiary and quaternary care level, that historically have only been accessible, at high cost, in the United States.

The project campus will be located on land defined by Batabano Road to the North, Esterley Tibbetts Highway to the East and an East-West connector road to the South. It is surrounded by undeveloped land with the sole exception of a part-completed residential development on the South side of the Southern boundary road, slightly to the West of the campus.

In common with Aster DM Healthcare's commitment to creating a healing environment, the campus design and layout will blend the built environment with the natural one, including the use of existing water features, pathways and carefully planned horticulture in keeping with the local flora and fauna. It will go further too, by utilising renewable energy, reclaiming and capturing grey water for non-potable uses, onsite waste processing and a design-led approach to minimising vehicular movement within the site too.

This positive approach to an ecologically sustainable and psychologically pleasing environment will be extended further as the campus grows to incorporate an assisted living development, healthcare university and associated mixed use commercial and residential areas, including services, retail and recreation as necessary to serve the campus and/or local population. The evolution of the campus will see an emphasis on walkability, as well as the extensive use of golf carts for within campus and between area transport.

When considering the campus as a whole, with multiple use-types, as well as development phases, it is important to emphasise that the development is planned as an integrated set of healthcare, wellness, senior living and education establishments, all supported by facilities and services necessary or beneficial to the function of the campus and the experience of its users. This will be considered and respected throughout, in both layout and connectivity between different areas or building uses to ensure the successful interaction of different campus elements, both in function and indeed flow of people, for instance through pedestrianisation of certain areas or through siting buildings with frequent connectivity in close proximity with careful consideration of roads, paths and cart access.

Furthermore, the integrated nature of the campus community, along with a stated goal of environmental and energy sensitivity, will also be reflected in our adoption of parking management systems to enable parking sharing, the use of golf carts on a designated network of golf cart lanes, the adoption of car and ride share, and encouragement of other shared or public transport systems. Pedestrian, golf cart and traffic management will be designed to work holistically together from both a safety and a flow perspective.

Finally, the campus will bring a considerable benefit to surrounding communities, including through employment opportunities and also by providing a range of facilities and outdoor spaces that this part of West Bay does not have access to currently. The mixed-use areas will see the development of additional retail and grocery outlets, as well as restaurants and outdoor spaces.

Article II. Development Statement

The Development Statement standards listed below follow the Cayman Islands Development and Planning Law (2017 Revision). The Development Statement Standards listed below shall be used in conjunction with Article III. Transect Based Planning.

Section 2.01 Proposed Land use types

(a) Mix of land use types:

- T1: Hospital, Wellness, and Associated Uses
- T2: Senior Living: Independent Living, Assisted Living, and Skilled Nursing
- T3: Medical and Nursing School and Associated Uses Including Student Housing
- T4: Mixed Use: Retail, Commercial, Office and Residential
- T5: Residential

(b) Proposed density of development:

The development density shall be planned in accordance with the appropriate transect as described in Article III. Transect Based Planning and graphically depicted in Article IV. Master Plan

(c) Compatibility with and impact on surrounding properties:

The campus sits in an area that is predominantly undeveloped land, bounded on 3 sides by major or minor highway and by brush land to the West. To the East, land is currently used as a nursery to Dart Enterprises.

Consequently, the project has a negligible impact on immediately surrounding properties from a functional standpoint but may result in increased land values in the immediate vicinity. To the West of the site is a new cemetery area. This does not immediately adjoin the site and no impact is envisaged.

The site is well-served by the local road network, including directly by Esterley Tibbetts Highway, and so there will be no accessibility or traffic compatibility issues either during construction or when operational.

Section 2.02 Site Planning

(a) Setbacks and site area coverage:

Setbacks and site area coverage shall be planned in accordance with the appropriate transect as described in Article III. Transect Based Planning and graphically depicted in Article IV. Master Plan

(b) Provision of parking and service areas:

Parking requirements and service areas shall be planned in accordance with the appropriate transect as described in Article III. Transect Based Planning and graphically depicted in Article IV. Master Plan

(c) Provisions for open spaces, both public and private:

Open space, both public and private, uses shall be planned for residents, students, seniors, patients, and staff. Interconnected walkways will provide for a safe and direct access to and through open spaces. Additionally, a network of golf cart lanes will allow residents and other persons to access open spaces in different parts of the site without resorting to car use. All open spaces shall be planned in accordance with the appropriate transect as described in Article III. Transect Based Planning and graphically depicted in Article IV. Master Plan

(d) Zoning and land use map:

Refer to Article IV Transect Diagram TD-100

Section 2.03 Design

(a) Building design: scale, mass, height, form, and proportion:

For the Hospital, the architectural design will incorporate the requirements of a safe, health-enhancing, regulated technical institution i.e. a hospital, into a design consistent with and respectful of the Caribbean climate, including the potential for severe weather events and flooding, ensuring it is fully code compliant with respect to hurricanes and designed to minimise disruption in the event one should land. The hospital's form and design features will be focused on creating an aesthetically pleasing, energy efficient, high quality building that promotes a healing environment and a sense of wellness, whilst sitting comfortably in a mixed-use campus context. The environmental design of the hospital will seek to minimise the use of energy consumables, make best use of renewables and reduce waste, almost all of which will be handled onsite,

including with a full recycling programme, space for which will be designed from the outset.

For the Senior Living, Residential, Medical School, Student Housing, and Mixed-Use components of ACMPAD, the architectural design will express and respond to the contemporary, mixed-use campus in which it sits, as well as the Caribbean context of the Island, with the aim of presenting efficient buildings, blended into pleasing open spaces, with a feel appropriate to the locality. The Caribbean climate will again be considered throughout the design, including the safety and security for senior residents who may be less able to address their own security.

The architectural design will reflect the needs for flexibility, high quality and longevity, the latter itself being part of the commitment to lowest practical environmental footprint. At all design stages, minimisation and ease of maintenance will be considered, both to reduce energy consumption and to minimise the impact of maintenance-related services on site. Buildings will be designed to ensure that the spaces between them will create usable pedestrian and exterior spaces, as well as provide a carefully connected network of golf cart lanes to ensure safe passage of residents over longer distances without the need to resort to cars. ACMPAD shall be designed to ensure that the building's height and mass respects views, solar access, and privacy for adjacent uses, with the tallest buildings situated farthest from the main West Bay residential areas. The site as a whole will encompass an approach to open space and horticultural planning designed to minimise the visual impact of buildings while creating engaging outdoor spaces that contribute to healing and a sense of wellness.

Building's massing shall be considered both from an aesthetic perspective and to ensure a balanced site, proportionately laid out and sympathetic to the surrounding land and properties. Buildings will be placed in consideration of their vertical and horizontal edges and how these interact with and define public open spaces, courtyards, and passages. The vertical edge (façade) and height will be carefully considered, and design elements adopted to ensure attractiveness and fit with the site and the surroundings. Each individual building's height and mass will be carefully considered in relationship to its position within the site, the site conditions, and adjacent buildings.

Where buildings represent a change in height relative to adjacent buildings, design will reflect the need to create a rhythm and visual flow throughout, without acute jumps and architectural changes. Larger buildings will be designed to express smaller scale rhythms using elements such as terraces,

eaves, and parapets to express the importance of certain parts or to break the scale into smaller components.

The following images provide a broad overview of the intended architectural approach and landscaping for the hospital development, assisted living and medical university. The residential and commercial developments will remain in keeping with these.



studio+

DEVELOPMENT STATEMENT FOR: ASTER CAYMAN MEDCITY

CONFIDENTIAL



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DEVELOPMENT STATEMENT FOR: ASTER CAYMAN MEDCITY

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CONFIDENTIAL

(b) Allowance for natural light and ventilation:

Building's shall take into consideration design options which contribute to natural daylighting and ventilation where appropriate throughout each building type, in full respect of the building use. Given the impact of natural light on sense of wellbeing, patient & resident accommodation will be positioned and sited to make best use of natural vistas and light, for instance by seeking to position patient rooms on upper floors and wherever possible reducing the impact of adjacent buildings from a blocking and shading perspective. At every opportunity and throughout the site, vistas, ventilation, and light will be designed in consideration of both efficient, low environmental footprint and as an opportunity to optimise' s the resident, student, patient experience, while still fitting within the context of the site.

(c) Sign placement and design:

Signs shall be placed and sized in accordance with current Planning Department criteria as well as NRA guidelines, where applicable. Signs, including but not limited to primary and ancillary building signs, monument signs, wayfinding signs, specialty signs, and roadway signs shall conform to the aesthetic character of ACMPAD, and demonstrate design consistency throughout the site.

(d) Street furniture and lighting:

Street furniture, where appropriate shall be provided throughout the ACMPAD. Street furniture may consist of benches, chairs, tables, umbrellas, bus stops, bollards, streetlamps, traffic and wayfaring signage, shade structures, trellis, bollards, fountains, waste receptacles, and other types deem necessary to contribute to the overall sense of place with in the ACMPAD.

Lighting shall be provided, where appropriate, through the ACMPAD. Lighting shall be provided to contribute to public safety, pedestrian activity, and to enhance the architectural character of the development. Lighting may include pole mounted lights, building accent lighting, landscape lighting, boulevard lighting. Photometrics and lighting intensity shall be designed to applicable code criteria which aides in the benefit to the health, safety, and welfare of the resident's, student's, patient's experience.

All street furniture and lighting shall conform to the aesthetic character of ACMPAD and demonstrate design consistency throughout the site.



(e) Provision for extensive landscaping:

The site will be extensively landscaped, planning for which will be incorporated from the earliest possible stages, commencing with appropriate use and consideration of the existing natural environment and features. Landscaping will be utilised to promote a healing environment, while providing walkways, paths and park areas accessible to residents of the campus and local population alike, bringing important open space amenity to the local area in a safe and managed manner.

The horticultural landscaping will embrace Cayman Islands and regional flora and fauna throughout, creating a celebration of the horticultural diversity we enjoy while ensuring the overall site full respects the context in which it sits and the flora and fauna already in the vicinity.

In compliance with Planning regulations for PAD 24 (2)(c) a minimum of 5% of gross land area will be utilised as open space to serve the development, and this will be appropriately and carefully interspersed through the development to ensure equity of the external aesthetic environment.

(f) Flow of vehicles & pedestrians

The different areas, buildings and uses of the site are envisaged as an interrelated and fully integrated healthcare, wellbeing, senior living and education set of establishments and as such the flow of people and vehicles around the site will be carefully considered at all design stages.

The site will make use of different transport modes, all seamlessly designed together to promote minimal vehicular use, whilst maximising safety and promoting low carbon footprint. These modes will include but not be limited to walking, use of golf carts through a dedicated network of cartways and internal roads.

Golf cart and pedestrian movements will be designed to function best for each of the uses in the PAD, and the information about the way they will function will be provided in the detailed design for planning submissions. Internal walkways and golf cart routes will be designed and presented as each Block is developed and submitted to Planning.

(g) Site access

The site will be designed in careful consideration of different access requirements, encompassing but not limited to pedestrians, local population,

residential areas, emergency services, patients, students, service staff and traffic, as well as International guests.

Where feasible and advised, certain accesses will be focused on limited uses and others more broad. Consideration will be given throughout the project to volumes of different traffic types to ensure an appropriate balance of both transport modes and the infrastructure necessary to support them.

We will utilise an approach that minimises vehicle use and access by considering and designing access arrangements and facilities that contribute to this. International guests will be transported to the site and facilities, such as comprehensive concierge services, will be designed to minimise their need for car access while present on site. This principle extends to relatives of guests too, who may stay external to the site. Public transport availability will be considered and provision for appropriate site access, drop off and collection will be made.

Section 2.04 Infrastructure

(a) Internal road network:

The ACMPAD internal road network shall be designed to meet the internal traffic demand through the development as well as transitioning through the area. The road system will be designed to minimise the impact on the main public roads. The internal road network shall allow for traffic to flow from one area to another within the ACMPAD without returning the main public road.

(b) Golf cart accessibility:

An interconnected pathway or designated lanes shall be used for the accommodation of golf cart traffic. Golf carts shall be planned as a means of internal circulation within the ACMPAD or use by residents, staff, students, and others, and designed from outset to reflected the integrated community nature of the ACMPAD. Golf cart pathway's or designated lanes shall be delineated and clearly marked to seamlessly integrate with pedestrian and or vehicular traffic flow, with priorities for each established to promote safety and efficient flow.

Golf cart locations, pickups, storage, routes and movements will be designed to function best for each of the uses in the PAD, and the information about the way they will function will be provided in the detailed design for planning submissions and presented as each Block is developed and submitted to Planning.

(c) Water supply, either public or private:

Potable water supply will be provided by the Cayman Water Company through an underground network of pipes. Water supply shall be provided through a central piped distribution system, sized appropriately for the distribution throughout the various phases of ACMPAD.

Sprinkler system cisterns will be provided based on existing code requirements. Fire wells are also to be used to supplement the piped water system based on requirements of the Cayman Islands Fire Service.

The site will adopt an aggressive water capture programme and re-use for non-potable purposes, including irrigation, to minimise the impact on local water supply systems and provision. This will include but not necessarily be limited to control and collection of rainwater flow, sewage treatment for re-use purposes, cisterns for storage and distribution.

(d) Sewage disposal system:

On site independent sewage disposal and sewage treatment facilities will be designed and located appropriately in each transect area or block of the ACMPAD, designed to create an efficient system and to be consistent with our plans for aggressive water capture and re-use for irrigation and other non-potable purposes. Consequently, after appropriate treatment the sewage disposal system will produce grey water which would be used for landscape irrigation, flushing of toilets and other non-potable purposes.

(e) Comprehensive storm-water management plan:

A comprehensive storm water system shall be designed to collect surface water and retain it for non-potable purposes such as irrigation and toilet flushing. All runoff generated will be managed on site using retention and detention ponds as well as dispersed directly into deep wells from appropriately sized catchment basins. Water runoff from roof's shall be collected in cisterns for use in non-potable uses such as maintenance cleaning, irrigation as well as for the mandatory fire cisterns.

(f) Provision for electrical, liquefied petroleum gas and telecommunication facilities:

All electrical distributions systems throughout ACMPAD shall be underground where feasible. The electrical system shall comprise of primary service from Caribbean Utilities Company (CUC) installed underground to a series of external pad mounted transformers with further distribution underground to the

main electrical rooms or meter connections. Pad mounted transformers shall be screened where possible but remain available to CUC for access and servicing. Solar power and or other low footprint energy generation systems will be used throughout ACMPAD where appropriate.

Liquified petroleum gas will be used on site with appropriate storage and distribution systems designed with safety as a primary focus.

Telecom and Internet services shall also be distributed underground by the relevant entity with license from OfReg.

(g) Oxygen generation & storage:

Oxygen will be generated on site with appropriate storage and distribution systems designed with safety as a primary focus.

(h) Waste disposal:

An onsite incinerator shall be provided at the hospital site for the disposal of human, biochemical and hazardous waste. The incinerator shall conform to all applicable codes and regulations. Collection, management, incineration and disposal of waste will be handled entirely within the development, as per agreement with Government, and a suitable network and system of red, yellow and black bins will be established and managed.

(i) Environmental Sustainability:

Environmental sustainability shall be an important factor associated with the design of the ACMPAD. Sustainable design considerations shall include comprehensive provision for recycling of cardboard, paper, plastic, aluminium and glass, all with a common aim of avoiding use of landfill.

Additionally, alternative renewable energy sources such as solar power, and water harvesting for use as a non-potable water solution will be core to the efficient, low environmental footprint approach the development will adopt.

Section 2.05 Phasing

(a) Phasing for construction and installation of infrastructure works:

Please refer to phasing drawings PH-100 and PH-101

(b) Phasing for construction of buildings within the master planned area:

Please refer to phasing drawings PH-100 and PH-101

Article III. Transect Based Planning

Aster Cayman Medcity will use Transect Based Planning as the organising principle in establishing the predominant uses and contextual character of the overall development. As the development standards to be implemented throughout each phase of ACMPAD, the Transect Based Planning principles through the incorporation of Transect Zones will define the intended uses and overall character of each of the transect zones in the continuum of the ACMPAD.

The Transect Zones will contain specific content as it relates to the following criteria:

- a) General Character
- b) Building Placement
- c) Maximum Building Height
- d) Type of Civic Space
- e) Minimum Setbacks
- f) Base Density
- g) Maximum Lot Coverage
- h) Minimum Lot Size
- i) Parking Requirements

Transect Zones included in ACMPAD include:

- T1: Hospital, Wellness, and Associated Uses
- T2: Senior Living: Independent Living, Assisted Living, and Skilled Nursing
- T3: Medical and Nursing School and Associated Uses Including Student Housing
- T4: Mixed Use: Retail, Commercial, Office and Residential
- T5: Residential

Article III. Transect Based Planning

Section 3.01

T1

Hospital, Wellness, and Associated Uses

This zone consists of hospital-based service's which include inpatient and outpatient services, wellness services, and associated support space to include central plant, waste incinerator, and other services deemed appropriate for the operation of the hospital and wellness center.

Development Standard

Development Criteria

General Character

High density area comprised of attached and or detached buildings set in a pedestrian friendly environment which embraces the natural environment. The buildings will address and contribute to the wellbeing through additive landscaping.

Building Placement

As appropriate to accommodate for vehicular traffic, pedestrians, golf carts, and service vehicles

Typical Building Height

Up to 5 Stories.

Maximum Building Height

90' to the roof slab

Type of Civic Space

Parks, plaza's, median planting and similar

Minimum Setbacks

Front: 20'

Side: 10'

Rear: 15'

Ancillary structures side: 10'

Ancillary structures rear: 15'

Base Density

70 beds per acre

Maximum Site Coverage

85% (building and parking)

Minimum Lot Size

1 acre

Parking Requirements

1 per 500 s.f. net to include wellness and associated uses.

Section 3.02

T2

Senior Living: Independent Living, Assisted Living, and Skilled Nursing

This zone consists of Senior Living Residential use to include a continuum of care for residents ranging from Independent Living, Assisted Living, and Skilled Nursing. Senior Living may include on site amenities such as dining, club house, outdoor activity area, pool, and other amenities as deemed appropriate to support the care and wellbeing of the residents.

Development Standard	Development Criteria
General Character	High density area comprised of attached and or detached buildings set in a pedestrian & golf cart friendly environment which embraces the natural environment. The buildings will address and contribute to the wellbeing through additive landscaping.
Building Placement	Shallow to medium front and side yard setbacks
Typical Building Height	3 to 5 Stories.
Maximum Building Height	75' to the roof slab
Type of Civic Space	Common parks, plaza's, median planting and similar
Minimum Setbacks	Front: 20' Side: 0' Rear: 10'
Base Density	48 Units per acre
Maximum Site Coverage	75% for multi unit's (semi attached and attached) and 80% for single homes (building and parking)
Minimum Lot Size	2,500 s.f.
Parking Requirements	1 space per 2 units and 1 golf cart per 5 units

Section 3.03

T3

Medical and Nursing School and Associated Uses Including Student Housing

This zone consists of an academic village which will consist of a Medical and Nursing School, associated uses, and student housing. Site amenities such as dining, indoor and outdoor activity areas, pool, and other amenities as deemed appropriate to support the mission of the academic village.

Development Standard	Development Criteria
General Character	High density area comprised of attached and or detached buildings set in a pedestrian friendly environment which embraces the natural environment. The buildings will address and contribute to the wellbeing through additive landscaping.
Building Placement	Variable setback
Typical Building Height	3 to 5 stories
Maximum Building Height	75' to the roof slab
Type of Civic Space	Common parks, plaza's, median planting and similar
Minimum Setbacks	Front: 20' Side: 10' Rear: 15' Ancillary structures 10' all sides
Base Density	Medical School: 225 Students per acre. Nursing School: 120 students per acre. Student Housing 80 bedroom's per acre.
Maximum Site Coverage	85% for Medical and Nursing School and 75% for student housing (building and parking)
Minimum Lot Size	1 Acre
Parking Requirements	School: 1 per 750 s.f. Student Housing: 1 per 2 rooms.

Section 3.04

T4

Mixed Use: Retail, Commercial, Office, and Residential

This zone consists of buildings of mixed use to include Retail, Commercial, Office and Residential uses. All uses shall be housed in any combination in the same building. Retail uses shall be placed on the ground floor with upper floors consisting of commercial, office, and residential uses or as otherwise deemed appropriate.

Development Standard	Development Criteria
General Character	Medium to high density mixed use buildings. Attached and detached buildings forming a continuous pedestrian & golf cart friendly street frontage.
Building Placement	Shallow setbacks or none. Buildings orientated to the street.
Typical Building Height	3 to 5 stories.
Maximum Building Height	75' to roof slab
Type of Civic Space	Common parks, plaza's, median planting and similar
Minimum Setbacks	Front: 12' Side: 0' Rear: 10'
Base Density	40 Residential units per acre
Maximum Site Coverage	90% (building and parking)
Minimum Lot Size	2,000 s.f.
Parking Requirements	1 space per 300 s.f. for commercial, office, and retail. 1 space per unit for residential

Section 3.05

T5

Residential

This zone consists of a mix of residential and neighborhood support uses. It may have a wide range of building types: single, semi-detached, apartments duplex's and terrace houses.

Development Standard	Development Criteria
General Character	Mix of building types: single, semi-detached, apartments duplex's and terrace houses with a balance between landscape and buildings with a pedestrian & golf cart friendly walkable neighborhood.
Building Placement	Shallow to medium front and side yard setbacks
Typical Building Height	2 to 5 stories
Maximum Building Height	75' to soffit or roof slab
Type of Civic Space	Common parks, plaza's, median planting and similar
Minimum Setbacks	Front: 20' Side: 0' Rear: 10'
Base Density	48 apartment units per acre, 8 homes per acre, 5 duplex per acre
Maximum Site Coverage	75% for apartments and duplex, 80% for homes
Minimum Lot Size	2,500 s.f.
Parking Requirements	1 space per unit

Article IV. Master Plan

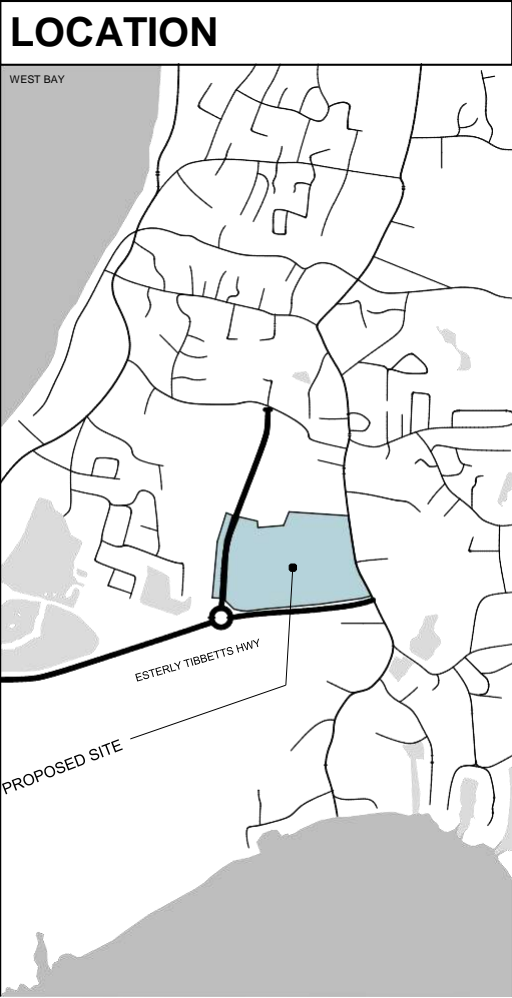
Section 4.01 List of attachments

- (a) Transect Diagram TD-100
- (b) Massing & Density Plan MD-100
- (c) Massing & Density Isometric MD-101
- (d) Master Phasing Plan PH-100
- (e) T1 Hospital Phasing Plan PH-101
- (f) Services Infrastructure Plan SI-100
- (g) Open Space & Landscape Diagram LD-100
- (h) Road System RS-100
- (i) Streetscape Sections RS-101

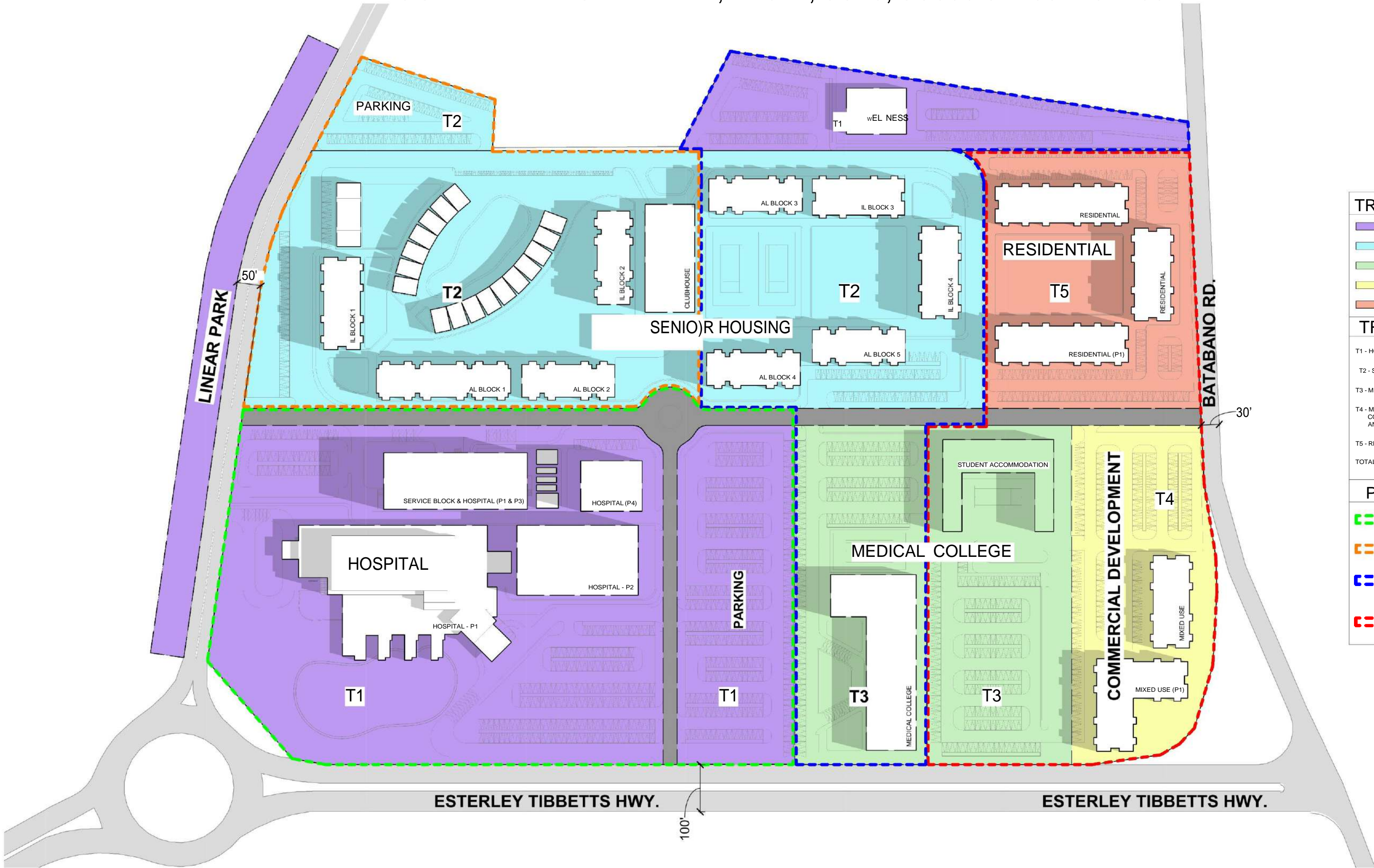
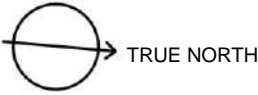
ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155

DRAWING INDEX				
SHEET NUMBER	SHEET NAME	Current Revision	Current Revision Date	Sheet Issue Date
TD-100	TRANSECT DIAGRAM			02/15/21
MD-100	MASSING AND DENSITY PLAN			02/15/21
MD-101	MASSING AND DENSITY ISOMETRIC			02/15/21
PH-100	MASTER PHASING PLAN			02/15/21
PH-101	T1 HOSPITAL PHASING PLAN			02/15/21
SI-100	SERVICE INFRASTRUCTURE PLAN			02/15/21
LD-100	OPEN SPACE AND LANDSCAPE DIAGRAM			02/15/21
RS-100	ROAD SYSTEM			02/15/21
RS-101	STREETSCAPE SECTIONS			02/15/21



ASTER CAYMAN MEDCITY
BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



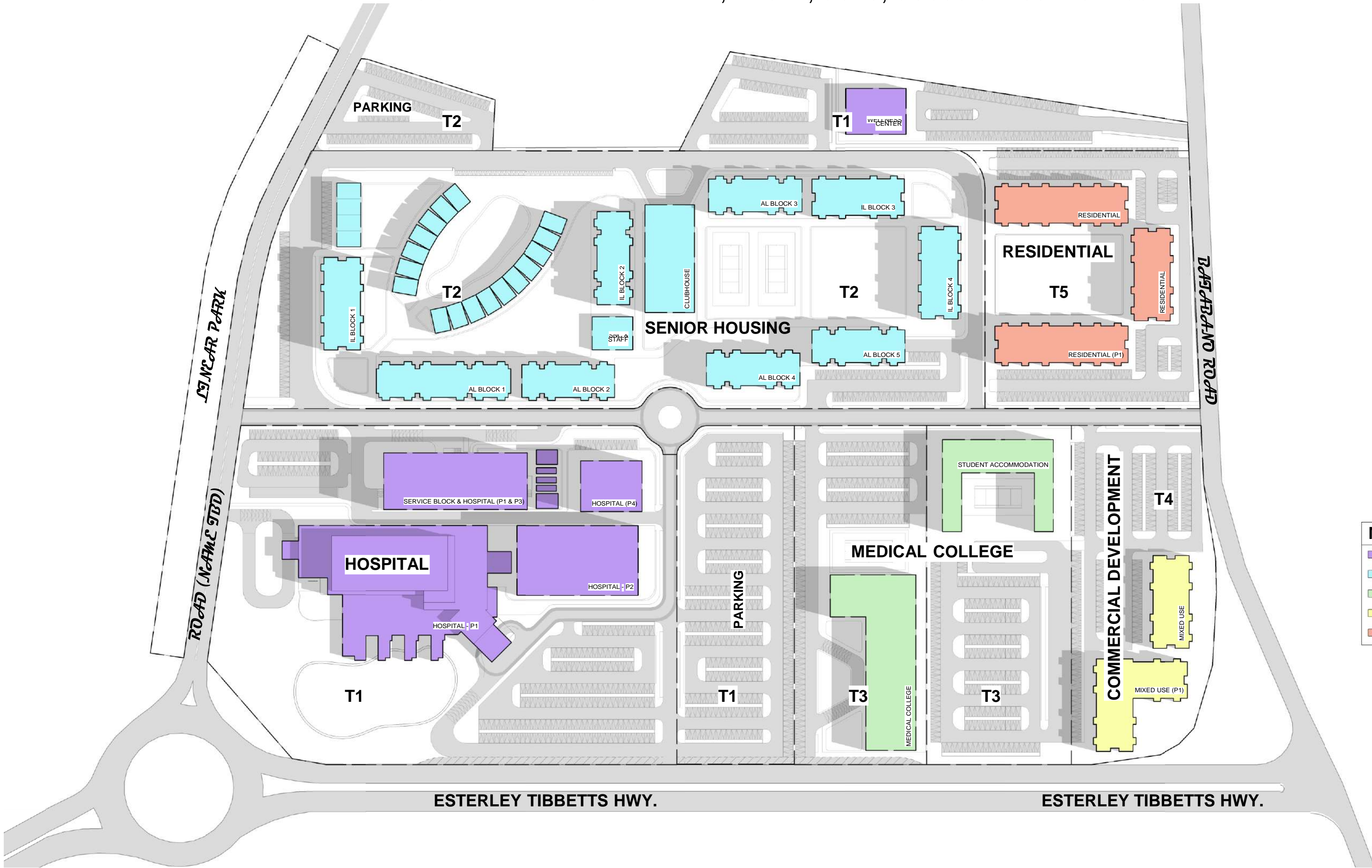
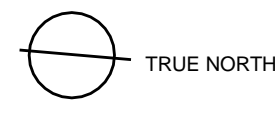
TRANSECT LEGEND	
	T1 - HOSPITAL
	T2 - SENIOR HOUSING
	T3 - MEDICAL COLLEGE
	T4 - MIXED USED
	T5 - RESIDENTIAL
TRANSECT AREAS	
T1 - HOSPITAL:	16.26 ACRES
T2 - SENIOR HOUSING:	12.05 ACRES
T3 - MEDICAL COLLEGE:	5.56 ACRES
T4 - MIXED USED: RETAIL, COMMERCIAL OFFICE AND RESIDENTIAL:	2.78 ACRES
T5 - RESIDENTIAL:	3.35 ACRES
TOTAL TRANSECT AREA:	40 ACRES
PARCEL LEGEND	
	PARCEL 1 HOSPITAL & PARKING 12.36 ACRES
	PARCEL 2 SENIOR HOUSING 7.55 ACRES
	PARCEL 3 MEDICAL COLLEGE, SENIOR HOUSING, WELLNESS CENTER 9.43 ACRES
	PARCEL 4 STUDENT HOUSING, RESIDENTIAL, COMMERCIAL 9.38 ACRES



PAD - TRANSECT DIAGRAM	1
	1" = 80'-0"

ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



MASSING LEGEND

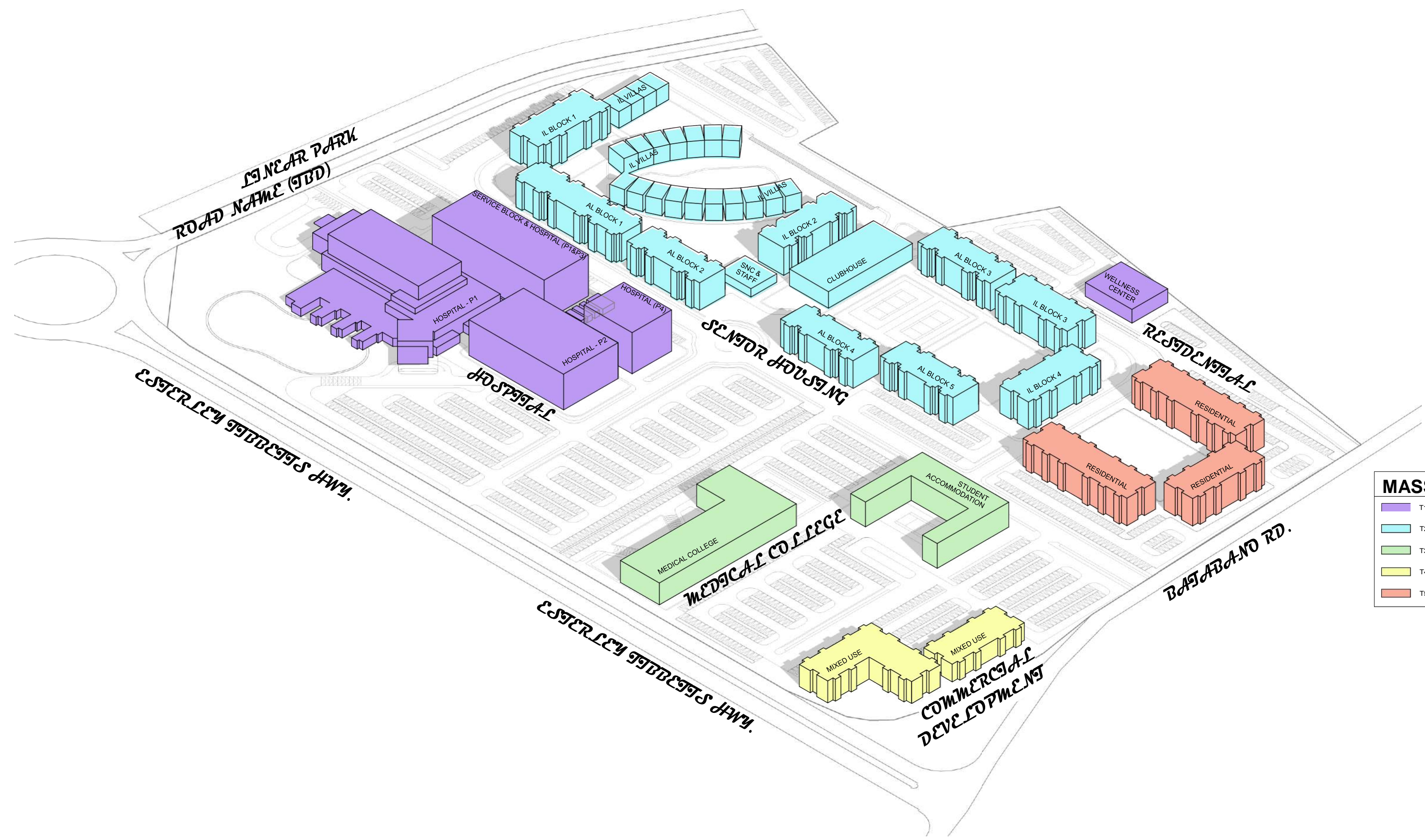
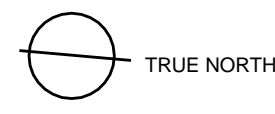
- T1: 5 STORIES MAX / 90'
- T2: 3 - 5 STORIES / 75'
- T3: 3 - 5 STORIES / 75'
- T4: 3 - 5 STORIES / 75'
- T5: 2 - 5 STORIES / 75'

PAD - MASSING AND DENSITY PLAN		1
		1" = 80'-0"

MASSING AND DENSITY PLAN

ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



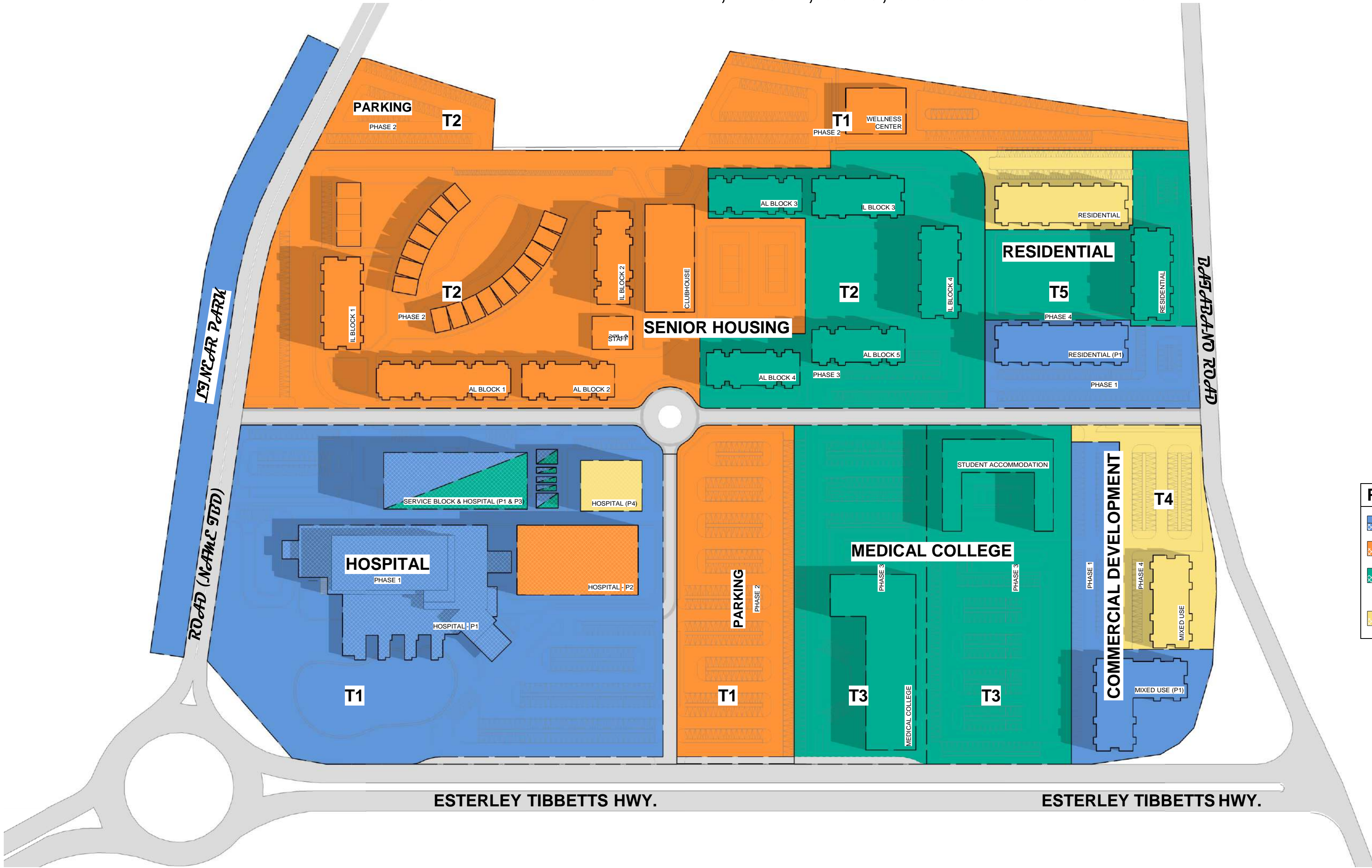
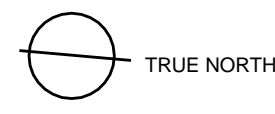
MASSING LEGEND

- T1: 5 STORIES / 90' (Purple)
- T2: 3 - 5 STORIES / 75' (Cyan)
- T3: 3 - 5 STORIES / 75' (Green)
- T4: 3 - 5 STORIES / 75' (Yellow)
- T5: 2 - 5 STORIES / 75' (Orange)

PAD - MASSING AND DENSITY ISOMETRIC		1

ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



PHASING LEGEND

- PHASE 1 -** MAIN HOSPITAL, COMMERCIAL, RESIDENTIAL
- PHASE 2 -** HOSPITAL EXPANSION, SENIOR HOUSING, PARKING EXPANSION
- PHASE 3 -** MEDICAL COLLEGE, STUDENT ACCOMMODATIONS, SENIOR HOUSING EXPANSION, WELLNESS CENTER, HOSPITAL EXPANSION
- PHASE 4 -** COMMERCIAL DEVELOPMENT, RESIDENTIAL

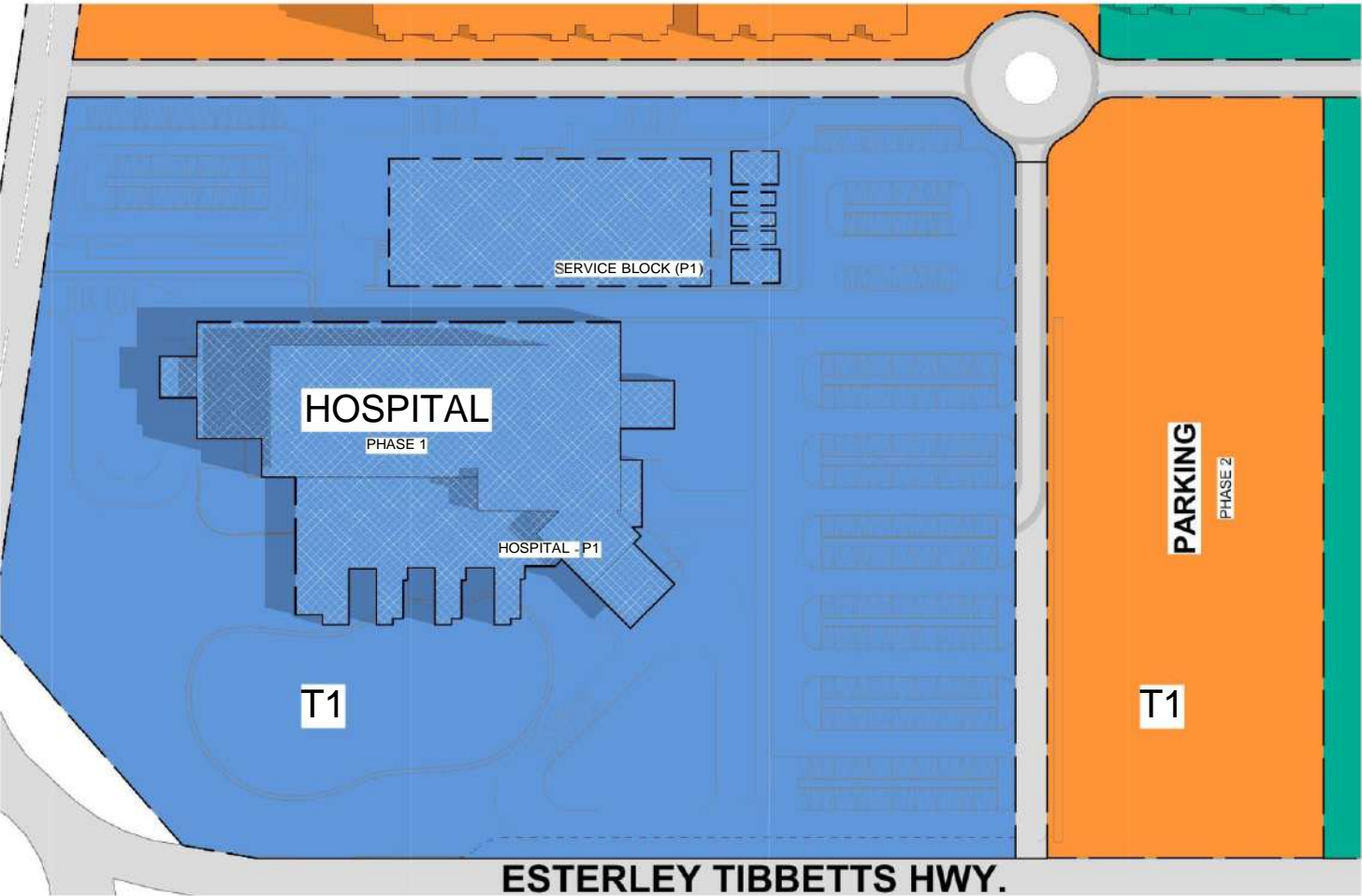


PAD - MASTER PHASING PLAN		1
		1" = 80'-0"

MASTER PHASING PLAN

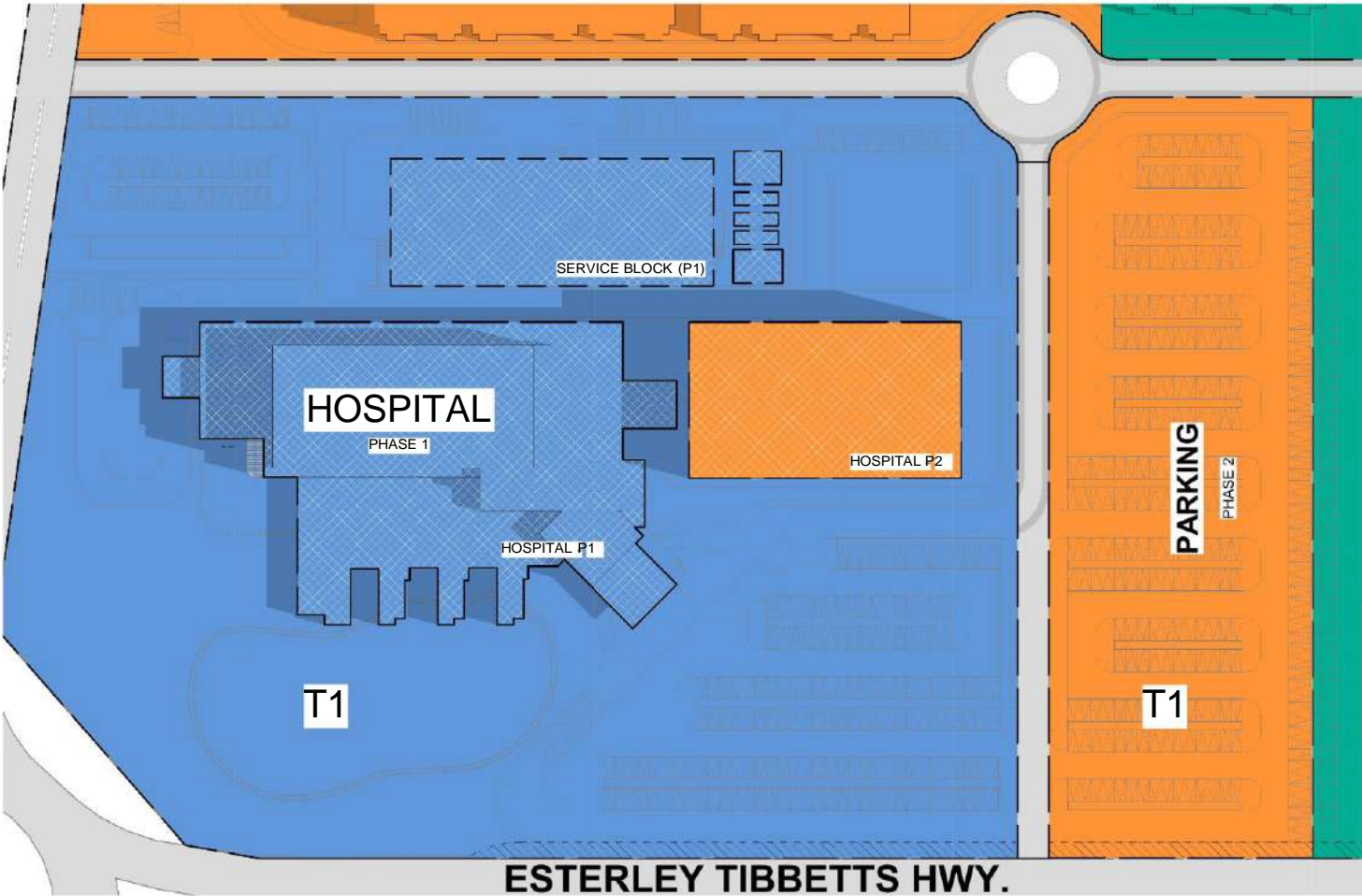
ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



PAD - T1 PHASING PLAN - PHASE 1

1
1" = 80'-0"



PAD - T1 PHASING PLAN - PHASE 2

2
1" = 80'-0"

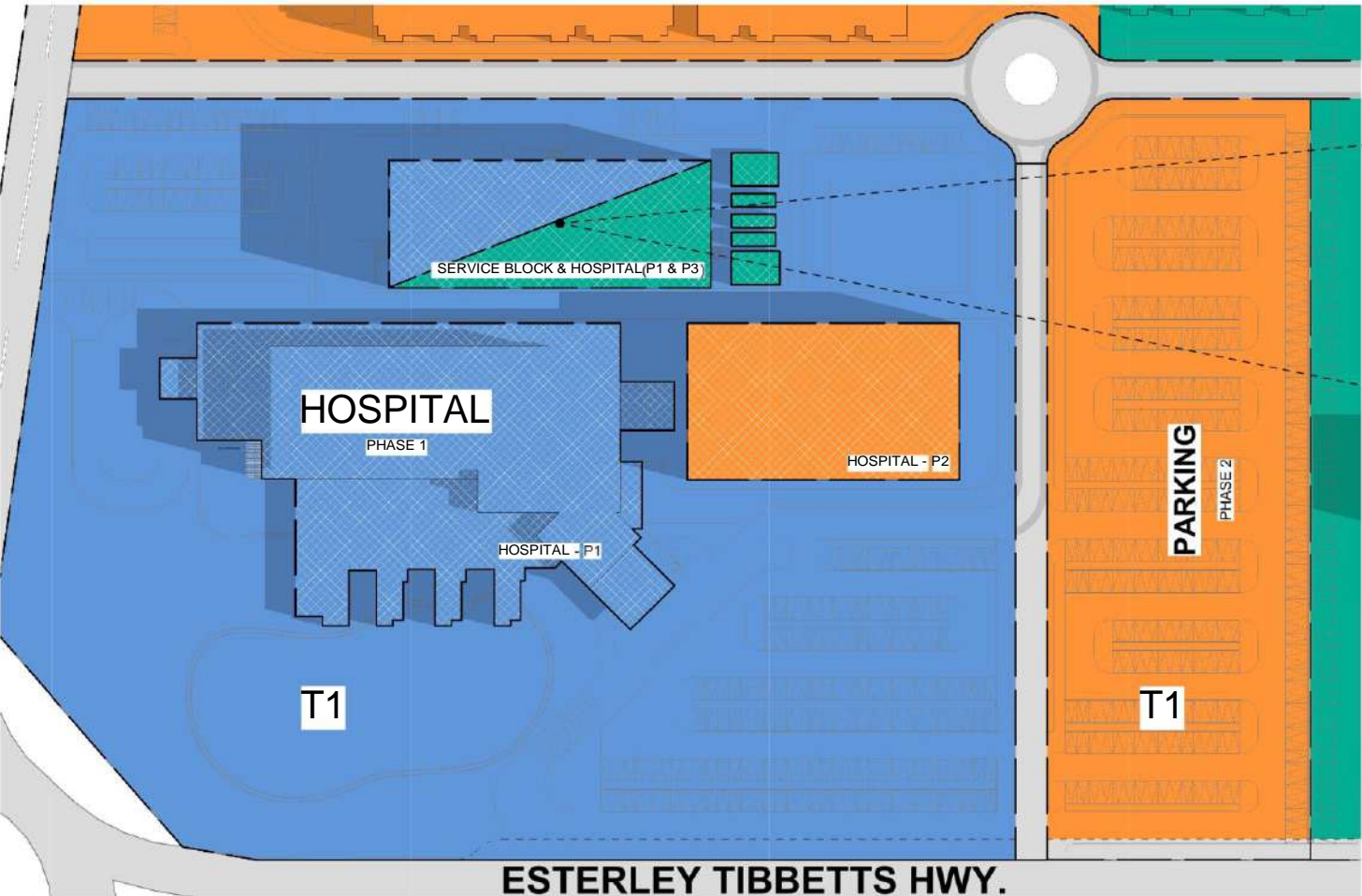
TRUE NORTH

PHASING LEGEND

- PHASE 1 - MAIN HOSPITAL, COMMERCIAL, RESIDENTIAL
- PHASE 2 - HOSPITAL EXPANSION, SENIOR HOUSING, PARKING EXPANSION
- PHASE 3 - MEDICAL COLLEGE, STUDENT ACCOMMODATIONS, SENIOR HOUSING EXPANSION, WELLNESS CENTER, HOSPITAL EXPANSION
- PHASE 4 - COMMERCIAL DEVELOPMENT, RESIDENTIAL

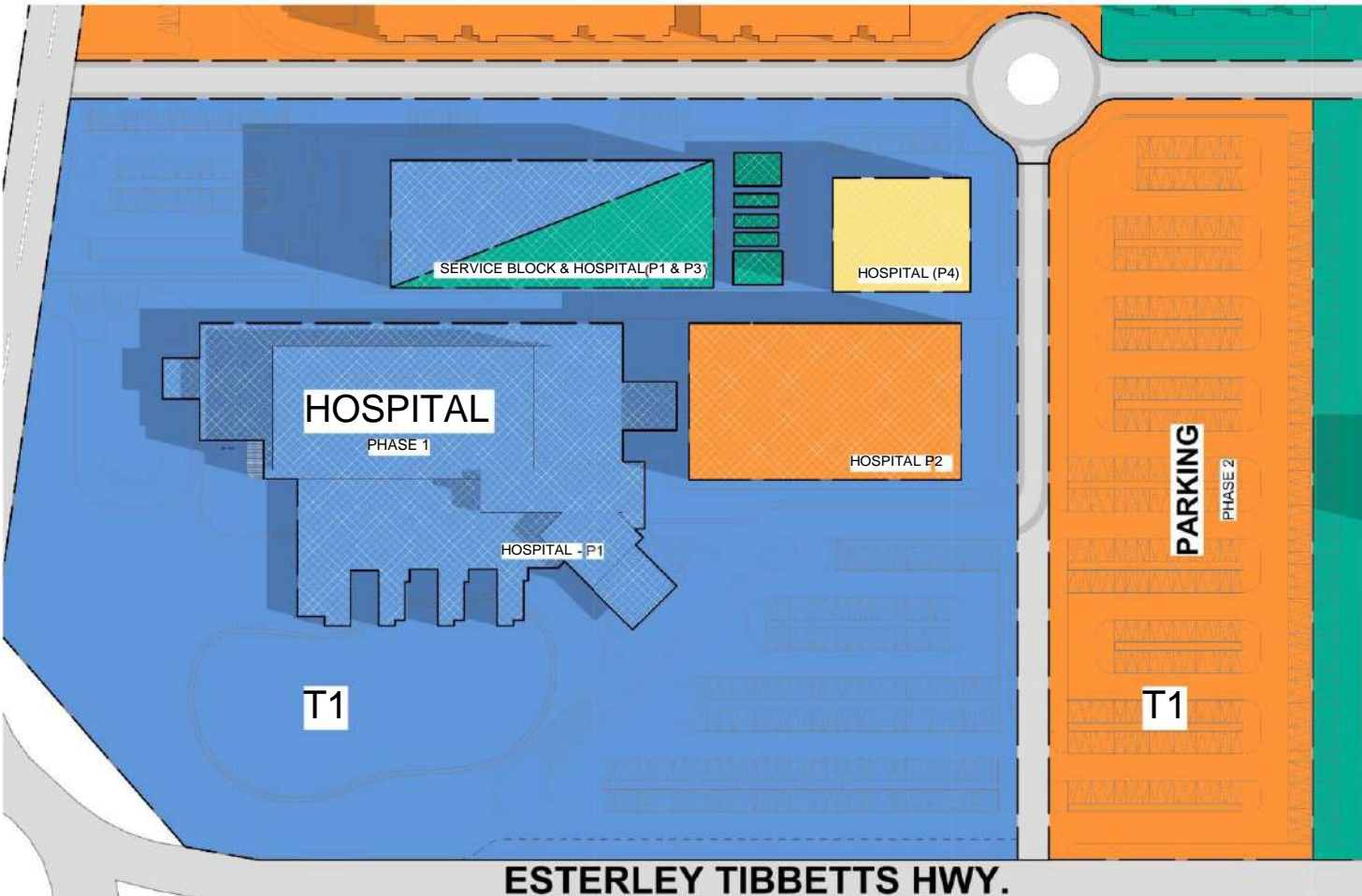
3 NEW FLOORS

EXISTING SERVICE BLDG



PAD - T1 PHASING PLAN - PHASE 3

3
1" = 80'-0"

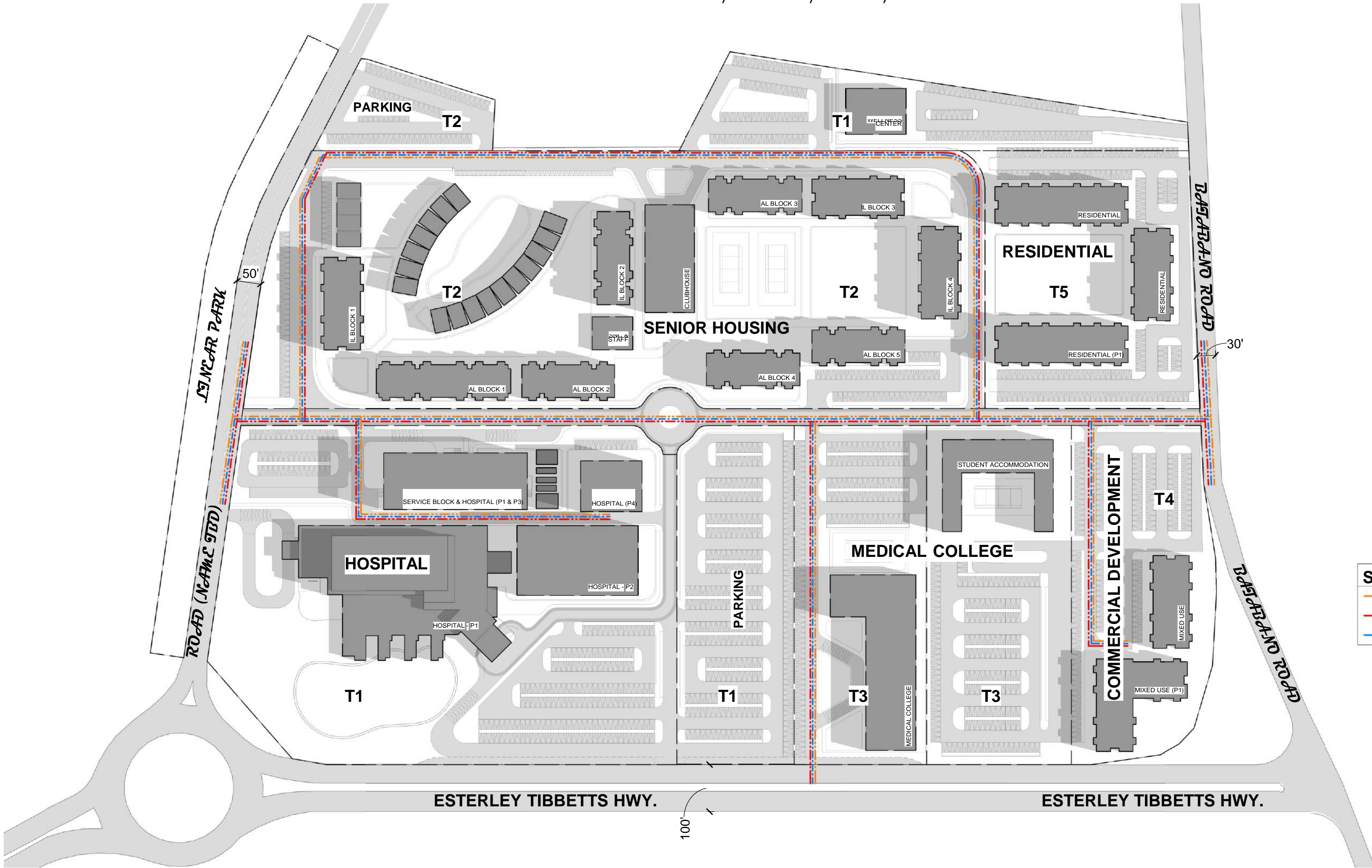
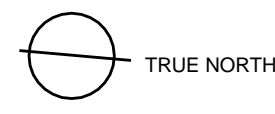


PAD - T1 PHASING PLAN - PHASE 4

4
1" = 80'-0"

ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



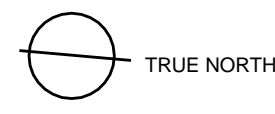
SERVICES LEGEND

- DATA / TELECOM / TV DISTRIBUTION
- ELECTRICAL DISTRIBUTION
- WATER DISTRIBUTION

PAD - SERVICE INFRASTRUCTURE PLAN		1
		1" = 80'-0"

ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



OPEN SPACE LEGEND

WATER FEATURE/LAKE

OPEN SPACE/LANDSCAPING

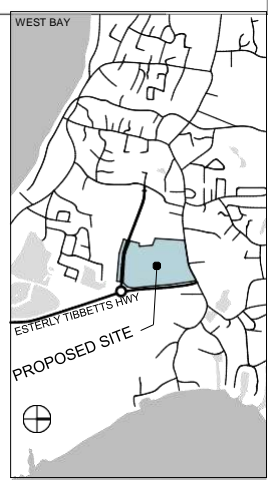
DEDICATED >5% OPEN SPACE

5% OPEN SPACE REQ.

PAD TOTAL AREA - 40 ACRES

5% OF TOTAL AREA - 2 ACRES (MIN.)

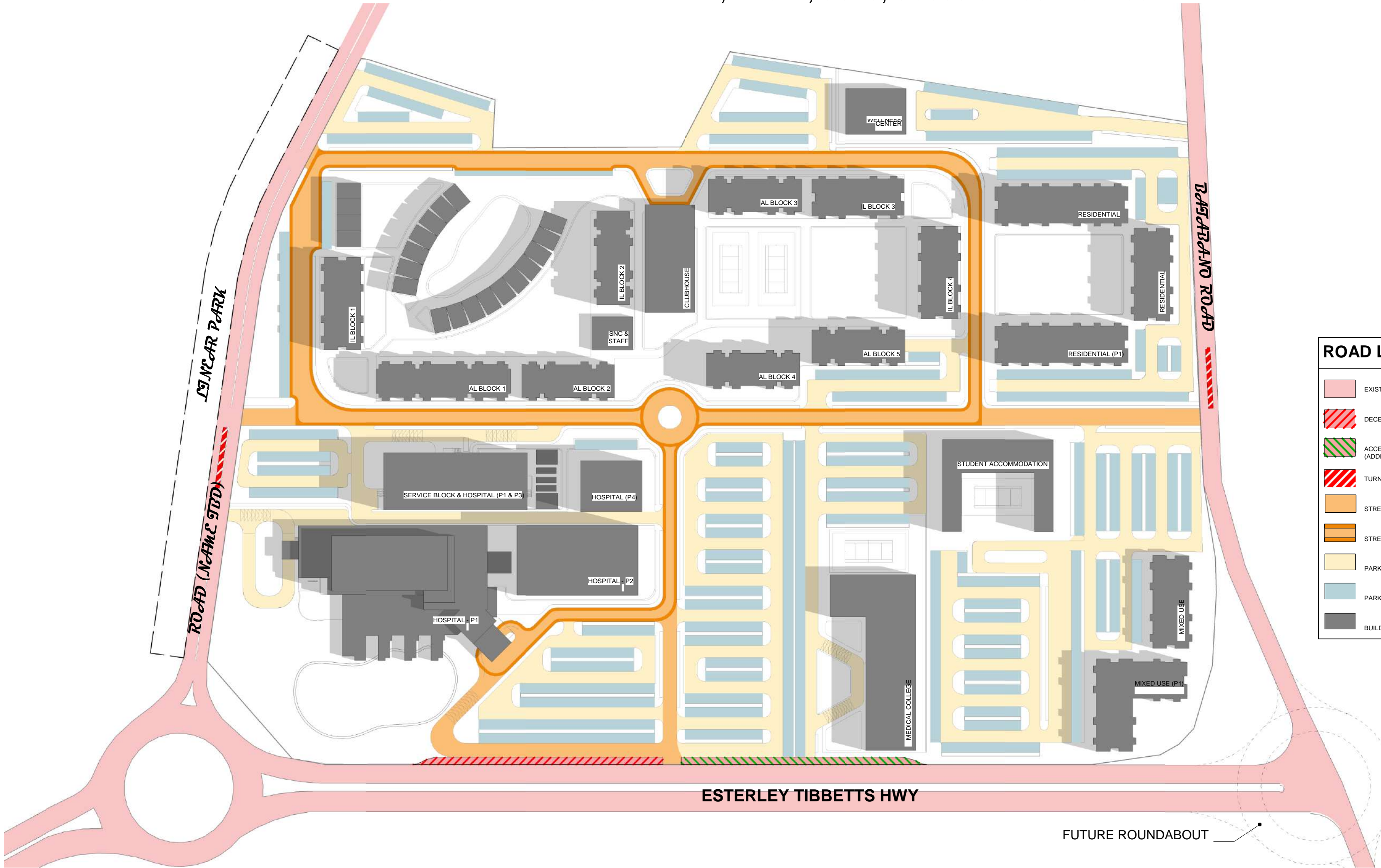
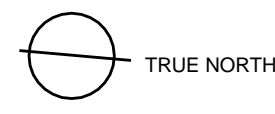
DEDICATED OPEN SPACE SHOWN - 3.2 ACRES (8.5%)



OPEN SPACE AND LANDSCAPE DIAGRAM		1
		1" = 80'-0"

ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



ROAD LEGEND

EXISTING ROADS

DECELERATION LANE

ACCELERATION LANE (FUTURE)
(ADDED W/ FUTURE ROUNDABOUT AT BATABANO)

TURN LANE (FUTURE)

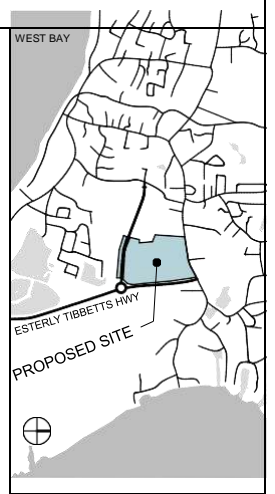
STREET & ACCESS LANES

STREET & ACCESS WITH GOLF CART LANE

PARKING / SERVICE LANES

PARKING

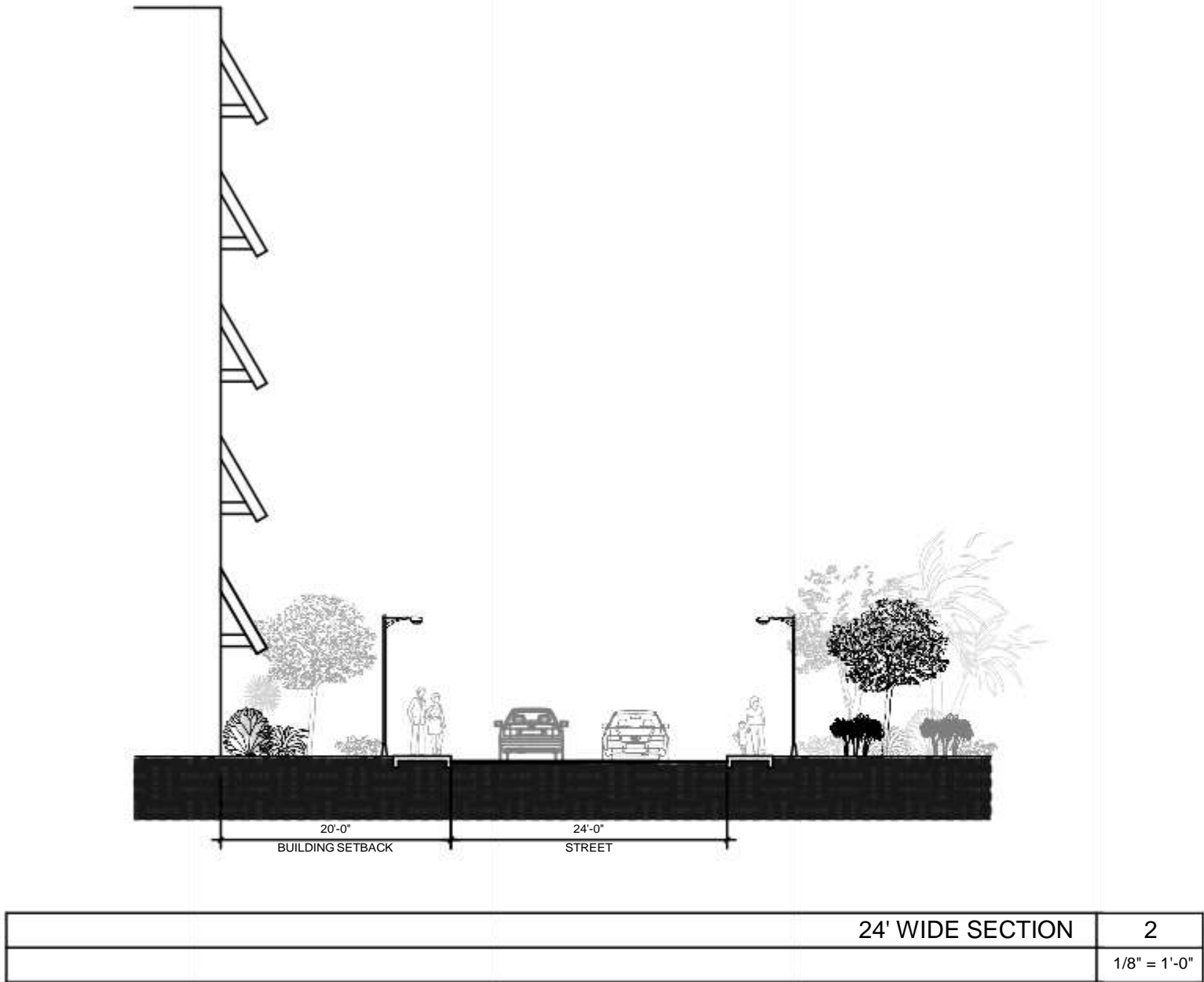
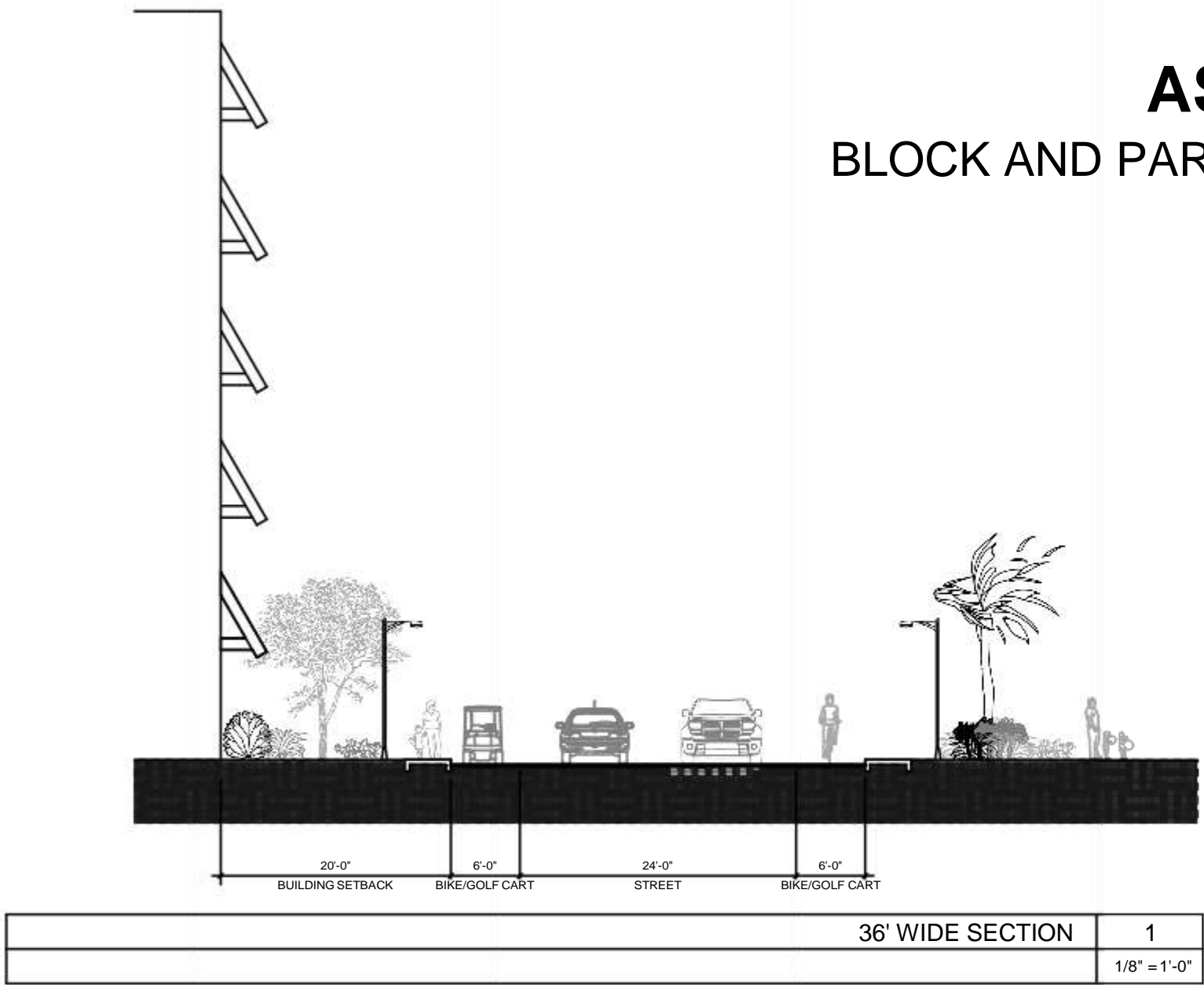
BUILDINGS



PAD - ROADWAY DIAGRAM		1
		1" = 80'-0"

ASTER CAYMAN MEDCITY

BLOCK AND PARCEL: 4D117, 4D511, 5C79, 5C330 9A103 & 9A155



STREETSCAPE SECTION KEY PLAN	3
1" = 100'-0"	