

Central Planning Authority

Agenda for a meeting of the Central Planning Authority to be held on January 22, 2020 at **9:30 a.m.** in the Conference Room, 1st Floor, Government Administration Building, Elgin Avenue.

2nd Meeting of the Year

CPA/02/20

Mr. A. L. Thompson (Chairman)

Mr. Robert Watler Jr. (Deputy Chairman)

Mr. Kris Bergstrom

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden

Mr. Roland Bodden

Mr. Joseph Coe

Mr. Ray Hydes

Mr. Trent McCoy

Mr. Jaron Leslie

Ms. Christina McTaggart-Pineda

Mr. Selvin Richardson

Mr. Fred Whittaker

Mr. Haroon Pandohie (Executive Secretary)

Mr. Ron Sanderson (Deputy Director of Planning (CP))

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

List of Applications Presented at CPA/02/20

1. 1 Confirmation of Minutes of CPA/01/20 held on January 08, 2020. 3
2. 1 GUMTREE CAYMAN LTD. Block 20C Parcel 164 (F19-0532) (P19-1021) (\$2,500,000) (MW) 4
2. 2 ILEANNA BODDEN Block 4B Parcel 612 (F09-0082) (P19-0965) (CS) 8
2. 3 MARRIOTT BEACH RESORT AND ADJACENT PROPERTIES Block 13B Parcels 2, 193, 143, 102 & 142 (CWL19-0023) (CS) 9
2. 4 VISTA DEVELOPMENT (Elvis Ltd.) Block 2C Parcel 198 (F19-0537) (P19-1029) (\$18M) (CS) 11
2. 5 BRONTE (LACOVIA) Block 12E Parcel 54 (F00-0316) (P19-1137) (\$180M) (MW) 17
2. 6 MELAYNEE BODDEN Block 22D Parcel 288 (F03-0241) (P19-0681) (MW) 72
2. 7 ALLEYPOINT DEVELOPMENT (Robert Young) Block 2C Parcel 101 (F18-0333) (P18-0755) (P19-0939) (CS) 74
2. 8 DR.GYANDRA AND MANISH JHA Block 22D Parcel 150 (F18-0299) (P18-0771) (\$1,500,000) (EJ) 76
2. 9 INVINCIBLE INVESTMENT CORPORATION (Westin Hotel) Block 11D Parcel 45 (FA94-0233) (P19-1186) (CS) 86
2. 10 INVINCIBLE INVESTMENT CORPORATION (Westin Hotel) Block 11D Parcel 37 (FA98-0045) (P19-1187) (\$2.9M) (CS) 89
2. 11 JOANNE ANGLIN Block 4E Parcel 86 (F98-0313) (P19-1338) (\$5604) (JP) 96
2. 12 CLIFTON RINGROSE Block 28B Parcel 70 (FA88-0048) (P19-1068) (BES) 97
2. 13 LIV DEVELOPMENT Block 15E Parcel 34 Lot 12 (F19-0636) (P19-1250) (\$725,000) (MW) 99
2. 14 LIV DEVELOPMENT Block 15E Parcel 34 Lot 13 (F18-0182) (P19-1196) (\$725,000) (MW) 103
2. 15 LIV DEVELOPMENT Block 15E Parcel 34 Lot 14 (F19-0635) (P19-1247) (\$725,000) (MW) 107
2. 16 TUKKA RESTAURANT SEA WALL (RNL Holdings Ltd.) Block 74A Parcel 74 (175/96) (P19-0857) (JP) 109
2. 17 SHARON KAREN SMITH Block 72C Parcel 329 (F98-0339) (P19-1067) (\$3,000) (MW) 116
2. 18 MCRUSS Block 25B Parcels 113 and 305 (FA88-0092) (P19-0893) (\$850,000) (BES) 117
2. 19 JESSICA THOMAS (Pallet America) Block 14BH Parcel 92 (F05-0071) (P19-1303) (JP) 123
2. 20 MERCITA DUNKLEY Block 72B Parcel 45 (FA91-0137) (P19-1323) (JP) 124
2. 21 MICHELLE & NEIL PURTON Block 17A Parcel 293 (FB86-0044) (P19-1290) (CS) 127
2. 22 DOWNING RESIDENCE Block 33E Parcel 108 (F19-0432) (P19-1385) (\$870,000) (JP) 128
2. 23 AURA CONDOMINIUMS Block 23B Parcel 114 (F97-0108) (P19-1216) (MW) 130
2. 24 CAYMAN BUSINESS PARK Block 14D Parcel 405 (F00-0337) (P19-1275) (CS) 132
2. 25 BRANDEE ELISE ROMANICA Block 8A Parcel 129 (F19-0221) (P19-1128) (\$11,044) (MW) 133
2. 26 SIMMONS ESTATE Block 22D Parcels 244, 294, 297 & 319 (F98-0127) (P19-1263) (P19-1272) (\$362,500) (MW) 134

APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
Gumtree Cayman	10:00	2.1	4
Ileanna Bodden	10:30	2.2	8
Marriott CWL	11:00	2.3	9
Vista Development	11:30	2.4	11
Bronte (Lacovia)	12:00	2.5	17
Melaynee Bodden	1:00	2.6	72
Robert Young	1:30	2.7	74
Dr. Jha	2:00	2.8	76

1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/01/20 held on January 08, 2020.

2.0 APPLICATIONS APPEARANCES (Items 2.1 to 2.8)

2.1 GUMTREE CAYMAN LTD. Block 20C Parcel 164 (F19-0532) (P19-1021) (\$2,500,000) (MW)

Application for a five (5) unit warehouse.

Appearance at 10:00

FACTS

<i>Location</i>	Beckz Cl., George Town
<i>Zoning</i>	General Commercial
<i>Notice Requirements</i>	300'
<i>Parcel Size Proposed</i>	0.4592 AC/20,002.752 sq. ft.
<i>Parcel Size Required</i>	20,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	15,101 sq. ft. (5) Unit Warehouse
<i>Building Size</i>	15,101 sq. ft.
<i>Building Coverage</i>	39.81%
<i>Proposed Parking</i>	20 spaces (5 Loading spaces) (25 total)
<i>Required Parking</i>	23.428 spaces
<i>Number of Units</i>	5

BACKGROUND

December 18, 2019 (CPA/26/19; item 2.14) – the application was adjourned to invite in the applicant

Recommendation: Discuss the application, for the following reasons:

1. Suitability
2. Parking calculation
3. Shared driveway
4. Parking Encroachment – 6'-0" vs. 20'-0"
5. Side Setback- 3'-8" (Garbage Enclosure) vs. 6'-0"

AGENCY COMMENTS

Comments from National Conservation Council, Water Authority, and National Roads Authority are noted below.

National Conservation Council

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

Water Authority

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

Wastewater Treatment & Disposal

- The developer shall provide a septic tank with a capacity of at least (2,500) US gallons for the proposed. The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required. Traffic rated manhole covers shall be heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring.*
- 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 4'8" above MSL or 5'8" if installed less than 100ft from the sea. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Potential High-Water Use:

The plans submitted do not indicate the types of tenants to be included; therefore, the above requirements are based on low-water-use tenants; i.e., those where wastewater generation is limited to employee restrooms/breakrooms. The developer is advised that if high-water-use tenants; e.g., food service, laundry, etc., are anticipated, provision should be made at this stage by providing details so that the requirements can be adjusted accordingly. Any future change-of-use applications to allow for a high-water-use will require an upgrade of the wastewater treatment system which, depending on the use, may include in-ground interceptors for grease or oil-grit or lint, and depending on the volume, an upgrade to an Aerobic Treatment Unit.

Water Supply

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

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

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

National Roads Authority

As per your memo dated October 21st, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 15,101 sq. ft. has been assessed in accordance with ITE Code 150 - Warehouse. The anticipated traffic to be added onto Beckz Close is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
54	5	4	1	5	1	4

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

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) ft wide. Please have applicant revise site plan.

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 Beckz Close, 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 Beckz Close. 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.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 15,101 sq. ft. five (5) unit warehouse building located on Beckz Cl., George Town.

Zoning

The property is zoned General Commercial.

Specific Issues

a) Suitability

Regulation 13(1)(a) lists the appropriate uses to be permitted within the General Commercial zone, to which an industrial building is not specifically listed. Regulation 13(6) does state that uses other than commercial uses may be permitted in a Commercial zone if that can be done without changing the primary use of that zone.

The surrounding parcels within this commercial subdivision are vacant with the exception of Parcels 120 & 121 where Phases 1 & 2 as previously done by the same Developer are located.

The Authority is recommended to determine whether the proposed use is appropriate for this area.

b) Parking calculation

If the entire building is considered warehouse storage then the required number of parking spaces is 15. The applicant is providing 20 spaces. However, the third level mezzanines are labelled as office/storage and if that area is calculated at 1 space per 300 sq ft then the total number of parking spaces would be 23. It should be noted that the site plan also shows 5 loading areas.

c) Shared driveway

The site plan indicates that the entrance to the site will form part of a shared driveway with 20C 171. No approvals have been granted for 20C 171. Until reciprocal easements are secured the access to the subject site will only be 11' wide. The Authority must determine if this acceptable.

d) Parking Encroachment

Regulation 8(8)(c) states *"In Commercial zones and Industrial zones – parking areas shall not be provided within road setbacks."* Ten (10) of the proposed parking spaces shown at the front of the development will encroach the road setback at 9'-2" from the fronting road boundaries difference of 10'-10" respectively.

e) Road Side 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 3'-8" from the physical boundary. The proposed would be a difference of 2'-4" (Garbage enclosure) respectively.

SUPPLEMENTAL COMMENTS

No changes have been made to the plans as the applicant was invite in to appear before the Authority.

2.2 ILEANNA BODDEN Block 4B Parcel 612 (F09-0082) (P19-0965) (CS)

Application for a two (2) lot land strata subdivision.

Appearance 10:30

FACTS

<i>Location</i>	Basil Close, West Bay
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	13,560 sq. ft.
<i>Current Use</i>	Duplex

BACKGROUND

April 2, 2009- a duplex was administratively approved.

October 23, 2019 (CPA/22/19; Item 2.19) The Authority resolved to adjourn the application to invite the applicant to appear before them to discuss concerns regarding the design of the application.

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

1. Lot size and lot width variances.

APPLICANT LETTER

“On behalf of our client, Ms. Ileana Bodden, we are kindly requesting a variation on the minimum lot sizes for the proposed Raw Land Strata lots, as it relates to Planning Regulation 8(13). This is an existing duplex stratification which we are requesting the stratification of the land space. This will include land usage for unit entitlement for the owners to enjoy private and personal space. We are kindly requesting a favourable review into this proposal. Your approval for the variation would be greatly appreciated. Should you have any questions or require any additional data please call our office.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a two (2) lot raw land subdivision.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

a) Land Strata Lot Size and Lot Width

The minimum lot size allowed for a house in the MDR zone is 7,500 sq. ft. The proposed lot sizes range from 2,922 sq. ft. to 3,071 sq. ft. As proposed Strata lot boundaries extend from the shared wall, the strata lots do not comply with the minimum 60' lot width at 33' to 39'.

SUPPLEMENTARY ANALYSIS

No changes have been made to the application.

2.3 MARRIOTT BEACH RESORT AND ADJACENT PROPERTIES Block 13B Parcels 2, 193, 143, 102 & 142 (CWL19-0023) (CS)

Coastal Works License application for a beach rehabilitation project.

Appearance at 11:00

FACTS

Location

West Bay Road, West Bay Beach South

Zoning

Hotel/Tourism

APPLICANT LETTER

Over the past year it has become apparent given the new and renovated bedroom hotel offerings on Island, both the Brand and hotel ownership group (London and Regional Hotels) need to further invest and The Marriott Grand Cayman renovate in order to keep abreast with the luxury hotel and accommodation sector offering here on Island.

The team and I endeavor to curate experiences for all our guests, creating lasting memories of the Cayman Islands in the hope that guests will return in the future again and again.

The purpose of my letter is to kindly ask your support. We currently have 2 key projects in the planning phase;

1) Beach Re-nourishment.

As you know the resorts to this end of Seven Mile Beach suffer from periodic and natural sand erosion.

This erosion has now virtually removed all sand from The Marriott Hotel, South Bay Beach Club, Tamarind Bay and Plantation Village. In order to rectify the problem we are in the process of submitting a joint application on a trial basis to restore and stabilize the beach. Our plan is to use completely removable technology, green that is proven to work around the globe, including hurricane zones and protected area such as The Great Barrier Reef.

Should this application be successful all funding will be provided by the Marriott Hotel ownership group (L&R) and afore mentioned Strata's. We would however like to ask your support and consideration in waving duties for the project which is likely to cost up to Cl 950,000. Although funding will be provided by the individual properties, the beach is open for the use and enjoyment of all tourists and Caymanians alike; we believe this project will re-energize the Georgetown end of Seven Mile Beach.

Attached you will find a detailed engineers estimate to support this request. In addition we will be submitting an application to relocate sand from Queens Bottom (adjacent to the hotel shore) between the Reef and the Wall and placing that sand on the shore, normally this would be liable for duty per square foot, we are requesting duty on approximately 100,000 square feet of sand also be waived.

Department of Tourism are aware of our intent and fully support this project, we believe this will have a huge impact on visitors to this end of the beach, it also provides additional nesting sites.

Attached for your reference you will find a full presentation deck and engineers estimate.

2) Renovation Works

We are currently working with designers on a detailed renovation schedule, the scope of which will encompass all bedroom and beachside area of the hotel. In October 2019 this process will commence with the build-out of 4 sample/model rooms. These 4 new rooms will provide the blueprint for the full renovation of all 295 rooms in 2020. The budget for this project spread between now and the end of 2020 is around 23 million Cl.

Attached you will find a presentation deck which indicates the general direction of design. In September 2019 we expect to import 2 containers containing all necessary goods for the 4 rooms, the value of which is 200,000.

We are a key employer and supporter in the local community and a key contributor financially of tax revenues to the Island. In addition and on the basis we are working towards improving the product a experience for travelers to the Island, I am kindly requesting that you consider waiving the duties on both the four rooms and also the full renovation scheduled in 2020.

I would welcome the opportunity to meet with you in person and discuss these projects with you at greater length. In the meantime I ask for your kind consideration in reviewing the duties applied to the import of all necessary goods, with the aim of improving the tourism product here on Grand Cayman.

Thank you in advance for your time and patience in this matter

PLANNING COMMENTARY

The Department received a request to comment on a Coastal Works application for a beach rehabilitation project extending from the Marriott Beach Resort to Plantation Village. The works include installation of sand mattresses along the shoreline and geotubes on the seabed.

At the Authority's request, the applicant has been invited to appear to provide greater details into the reasons for the request and answer questions of the board members.

2. 4 VISTA DEVELOPMENT (Elvis Ltd.) Block 2C Parcel 198 (F19-0537) (P19-1029) (\$18M) (CS)

Application for eighteen (18) apartments, pool, sea wall, and a modification of the shoreline.

Appearance at 11:30

FACTS

<i>Location</i>	North West Point, West Bay
<i>Zoning</i>	BRR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.29 AC/56,192 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments
<i>Building Footprint</i>	11,003 sq. ft.
<i>Building Area</i>	73,982 sq. ft.
<i>Site Coverage</i>	24%
<i>Number of Units Allowed</i>	25
<i>Number of Units Proposed</i>	18
<i>Number of Bedrooms Allowed</i>	77
<i>Number of Bedrooms Proposed</i>	52
<i>Required Parking</i>	24
<i>Proposed Parking</i>	42

BACKGROUND

December 18, 2019 (CPA/26/19; Item 2.11) The Authority resolved to adjourn the subject application to invite the applicant to appear before them to discuss matters raised by the Department of Planning.

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

- 1) Building height (64'7" to 80' vs. 55')
- 2) Building height (6 storeys vs. 4)
- 3) High Water Mark setback (30' vs. 50')
- 4) Shoreline modification

- 5) Side setback for garbage enclosure (0' vs. 6')
- 6) Driveway turning radii
- 7) DOE Comments.
- 8) DEH Comments.

AGENCY COMMENTS

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

Department of Environment

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

The proposed development is proposing a setback of 30 feet from the Mean High Water Mark, which does not meet the required minimum coastal setback for ironshore of 50 feet, prescribed in the Development and Planning Law and Regulations. The parcel is located on a high-energy coastline and given the significant impact to this coastline by wave energy from Hurricane Ivan in 2004 (as is visible in figure 1 below) and the climate change predictions for the region, structures should not be permitted with reduced setbacks. Increasing the setback to at least 50 feet will also allow the existing artificial inlet to remain; the DOE would recommend the filling of this inlet (as proposed in the application) as it likely provides habitat for marine life and filling it would result in impacts not only to the organisms within the inlet but also to the Marine Protected Area it connects to due to the spread of turbidity.

The DoE therefore strongly recommends that the plans are modified to increase the coastal setbacks.



Figure 1: Aerial imagery from 2004 showing the subject parcel before and after Hurricane Ivan (LIS, 2004).

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

Department of Environmental Health

“Please see the department’s comments on the above application:

- 1. The angle of the approach is unsatisfactory.*
- 2. The applicant must submit revised plans showing the enclosure complying with the minimum requirements.”*

National Roads Authority

As per your memo dated October 4th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by a residential development of a eighteen (18) 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 North West Point 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>
<i>120</i>	<i>9</i>	<i>2</i>	<i>7</i>	<i>11</i>	<i>7</i>	<i>4</i>

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

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) ft wide.

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

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

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

Stormwater Management Issues

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

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

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

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

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

Water Authority

Please be advised that the Water Authority's requirements for 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 5,350 US gallons per day (gpd),** based on the following calculations.

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
<i>Apartments</i>	<i>18</i>	<i>225/300</i>	<i>5,250</i>	<i>5,250</i>
<i>Gym</i>	<i>1</i>	<i>100</i>	<i>100</i>	<i>100</i>
TOTAL				5,350 GPD

- ***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 4'7" above MSL or 5'10" if 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.

Generator and Fuel Storage Tank(s) Installation:

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s), associated piping, and dispensers. The monitoring wells shall comply with the standard

detail of the Water Authority. All wells shall be accessible for inspection by the Authority. In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.

Water Supply:

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

APPLICANT'S LETTER

See Appendix 'A'

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for 18 apartments, pool, seawall, and a modification to the shoreline.

Zoning

The property is zoned Beach Resort Residential

Specific Issues

a) Building Height

Regulation 8(4) lists what items are not to be included when determining building height. These include storeys below grade, elevator towers, parapet walls or structures of a like nature, and any necessary mechanical appurtenances.

Regulation 8(2)(f) allows development within the BRR zone to a maximum height of 55' or 4 storeys, whichever is the less.

As the site is along the shore, the site naturally slopes towards the sea. The proposal includes basement level parking with an external driveway along the building's side versus an internal ramp from the front. Meaning, the basement entrance is exposed and could be considered a storey.

Given this, building heights do vary at various segments of the proposal:

- Seaside elevation is 64' 7" - measured from proposed seawall and pool deck;
- Side elevation is 73' 10" – measured from finished site grade at the garage entrance;
- Side elevation at 80' – measured from finished site grade to roof of courtyard;
- Roadside elevation is 78' 4" from finished grade to top of roof.

This proposal includes five (5) habitable storeys and basement level parking that is partially below grade as access is provided at grade from the side.

Regardless, the proposal exceeds the maximum number of storeys permitted within the BRR zone. Regulation 8(13) specifically states that the Authority does not have ability to grant variances for the number of permitted storeys.

The applicant has defended their design choice in their letter, included in this report.

a) Shoreline Modification

The applicant wishes to fill in an existing man-made inlet in the ironshore. As stated in their letter, the shoreline has been undermined by wave action. They wish to address the undermined area by installing concrete blocks to create a concrete barrier 30' from the high water mark and backfilling the remaining area.

With the concrete barrier/seawall in place, the applicant then proposes to install a pool located within the area that will be filled (inlet and current undermined ironshore). The pool will be located 30' from the High Water Mark.

b) High Water Mark Setback

Per Regulation 8(10)(f), the High Water Mark setback for an ironshore shoreline is 50'. As mentioned above, the applicant wishes to construct a seawall and pool 30' from the high water mark for reasons stated in their letter. The stairs from the pool deck to the shore will be 24'5" and 25'5" from the shore.

Given the strong wave action that occurs in this area and the physical evidence of the impacts the wave action has on the ironshore, the Authority is asked to consider whether it is appropriate to allow any development within the setback. A concrete seawall will still be subject to degradation from wave action, which DOE has expressed concerns of how the material, if broken and enters the sea, will impact marine life.

c) Side Setback Variance

Regulation 8(7) requires a 6' setback from adjacent property lines for solid waste storage areas. The applicant has placed the garbage enclosure 0' from the side property line and 6' from the front property line.

d) Driveway Design

If the Authority is minded to support this application, the Department notes the access points on to North West Point Road do not have suitable turning radii.

SUPPLEMENTARY ANALYSIS

No changes have been made to the application.

2.5 BRONTE (LACOVIA) Block 12E Parcel 54 (F00-0316) (P19-1137) (\$180M) (MW)

Application for 96 apartments contained within 3, 10 storey buildings. The application also includes 1 lobby building; 1 utility building; 13 pools; a generator; 3 - 500 gallon underground LPG tanks and boundary walls.

Appearance at 12:00

FACTS

<i>Location</i>	West Bay Rd., West Bay
<i>Zoning</i>	Hotel Tourism
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	4.55AC/198,198 sq. ft.
<i>Current Use</i>	Apartments
<i>Proposed Use</i>	Apartments
<i>Building Size</i>	520,809 sq. ft.
<i>Proposed Apartments</i>	96
<i>Allowable Apartments</i>	113
<i>Proposed Bedrooms</i>	366
<i>Allowable Bedrooms</i>	no density limit
<i>Building Coverage</i>	33.4%
<i>Proposed Parking</i>	158 spaces
<i>Required Parking</i>	144 spaces

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

- 1) Height, scale and massing
- 2) Wall Height (8')
- 3) Objectors concerns

AGENCY COMMENTS

Comments from the Department of Environment (NCC), Department of Tourism, Fire Department, National Roads Authority, Water Authority, CIAA and OfReg are proved 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 is man-modified and is occupied by the existing Lacovia Condos. The site is adjacent to a Marine Protected Area (Seven Mile Beach Marine Park) and is located on a turtle nesting beach; approximately 260 ft from Critical Turtle Nesting Habitat under the proposed Sea Turtle Conservation Plan. Based on DoE’s 20 years of monitoring sea turtle populations, the site has had a number of nests from both loggerhead (Caretta caretta) and green (Chelonia mydas) sea turtles.



Figure 1: Site Location and Environmental Context Plan

On the 8th August 2019, the Applicant met with the DoE to discuss their proposed development; at this meeting the Department made recommendations around turtle friendly lighting, coastal setbacks and the inclusion of native species in the landscaping scheme. The Applicant adopted the Department's comments and indicated that they will install turtle friendly lighting, and met again on 13 September 2019 to discuss the revised plans which resulted in this application.

Given the scale and the location of the project (i.e. large scale residential development adjacent to a Marine Protected Area), the proposal was screened for an Environmental Impact Assessment (EIA) as outlined in Schedule 1 of the National Conservation Council's Directive for EIAs issued under section 3(12)(j) and which has effect under section 43(2)(c) of the National Conservation Law. The Screening Opinion (enclosed) concluded that **the proposed development does not require an EIA** as there are no adverse significant effects considered likely, however the environmental implications are addressed in the comments below. This conclusion was endorsed by the National Conservation Council, as outlined in the enclosed letter, dated 26 November 2019.

Climate Change and Coastal Setbacks: Climate change predictions for the region include increased storm intensity, storm surge, sea level rise and beach erosion over time which are likely to negatively impact the Cayman Islands including this site. Therefore it is important to have mitigation measures in place to provide resilience to the impacts of climate change. Thus, the Department is encouraged to see that the applicant is maintaining an appropriate setback (130 ft from the Mean High Water Mark), along with a cistern, a first floor slab at 15 ft above mean sea level, using native species for landscaping and no fire lane on the beach side. The Landscape Plan includes native species such as Sea Grape, Native Inkberry, and Bay Cedar, particularly in the dune plantings on the beach. Native species are naturally adapted for the environs and are cost effective and attractive planting options. With the

embedded mitigation measures and the implementation of the sea turtle nesting conditions outlined below, there are likely to be beneficial effects on ecology.

Turtle Nesting: *The site is a turtle nesting beach and all marine turtle species are listed in Part 1 of Schedule 1 of the National Conservation Law, 2013 as being 'protected at all times'. Therefore, to prevent heavy machinery destroying nests and to minimise the threat of artificial lighting on nesting and hatchling sea turtles we strongly recommend the inclusion of the below conditions in any grant of planning approval:*

- 1) The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*
- 2) 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.*
- 3) No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- 4) Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.*
- 5) Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.*

Visual Impact: *The proposed development will be set back 20 ft from the northern and southern parcel boundaries. The neighbouring property to the north (Watercolours) is also set 20 ft from their southern boundary but setback further from the Mean High Water Mark than the proposed development (as shown in Figure 2).*



Figure 2. The proposed development will be set within the existing footprint of the buildings (foreground) which may block daylight, sunlight and views from the units within southern units of the neighbouring property, the WaterColours (background).

Although the proposed development complies with the minimum required setback under the Development and Planning Regulations, it will be very visually prominent on the beach. The proposed development may block the views of units within the WaterColours. There may also be visual impacts on SeaScape, to the south of the proposed development, given the relative heights of the two developments.

Therefore, due to the scale of the proposed development, we recommend that visual impacts and daylight, sunlight and overshadowing are considered further. We strongly recommend:

- A high-level assessment of visual impact on the receptors in the units of the WaterColours, and*
- An assessment of daylight and sunlight for WaterColours including on amenity spaces. As noted in the EIA Screening Opinion, there are minor effects from noise and vibration and from the potential for cumulative effects from additional 10-storey developments on Seven Mile Beach which are likely to come forward. These should be considered by the Central Planning Authority.*

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

**Screening Opinion for the Proposed Redevelopment of Lacovia 19
November 2019**

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 includes a 10 storey apartment building with 96 units (520,809 sq ft) with 13 pools, a generator, three underground 500 gallon Low Pressure Gas Tanks and a 15 ft privacy wall. The site is located at Block 12E Parcel 54, to the west of West Bay Road at the existing site of Lacovia. The site is located on a turtle nesting beach, located approximately 260 ft from Critical Habitat under the proposed Sea Turtle Conservation Plan.

The applicant has included a number of embedded mitigation measures into the proposed development including an appropriate setback for beach vegetation and for the hard structures, a cistern, and native species within the landscaping plan. The applicant has also indicated that they will install turtle friendly lighting in the proposed development.

The planning application was considered against the screening criteria outlined in the EIA Directive. There would be beneficial effects with respect to ecology if the recommended conditions were included, including a turtle friendly lighting condition. There may be minor adverse impacts with respect to noise during construction and with cumulative development at Seven Mile Beach. These effects should be considered by the Central Planning Authority. There may also be adverse effects to visual impact, daylight, sunlight and overshadowing that should be considered further due to the prominence of the building on the beach and we have recommended additional studies to assess these effects.

The Department of Environment is of the opinion that the proposed development does not require an EIA as there are no likely significant adverse effects.

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. large-scale residential development adjacent to a Marine Protected Area.

The screening criteria include:

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

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

The Site

*The site is located at Block 12E Parcel 54, to the west of West Bay Road at the existing site of Lacovia. The site location is shown on Figure 1. The site has an area of 4.55 acres and is located on Seven Mile Beach. The site is located on a sea turtle nesting beach, located approximately 260 ft from Critical Habitat under the proposed Sea Turtle Conservation Plan. Based on DoE's 20 years of monitoring sea turtle populations, the site has had a number of nests from both loggerhead (*Caretta caretta*) and green (*Chelonia mydas*) sea turtles.*

The existing development is not considered to be an architectural heritage asset and currently forms a low-rise residential complex with one pool. The landscaping is set back at the approximate natural vegetation line (approximately 100 to 130 feet from the Mean High Water Mark) although there are currently cabanas within the sand, seaward of the vegetation.

The site is adjacent to a Marine Protected Area – the Seven Mile Beach Marine Park.

Proposed Development

Description of the Proposed Development

The proposed development comprises a 10 storey apartment building with 96 units (520,809 sq ft) with 13 pools, a generator, three underground 500 gallon Low Pressure Gas Tanks and a 15 ft privacy wall.

Planning History

The site was the previous location of the Beach Club, prior to redevelopment as the existing Lacovia building in the early 1980s.

The Applicant met with the Department of Environment on 8 August 2019 to discuss the plans. The Department made recommendations around turtle friendly lighting, the setback and the inclusion of the planting of native species. The Applicant adopted the Department's comments, and met again on 13 September 2019 to discuss the revised plans.

Characteristics of Potential Impact

The baseline conditions, the potential impact of the proposed development and any likely significant effects have been qualitatively assessed for each of the below environmental aspects. Having due regard to air quality, architectural and archaeological heritage, flood risk and water quality, ground conditions, noise and vibration, socio-economics, and transport there are not considered to be adverse environmental impacts in this areas.

Ecology

The site is located on a sea turtle nesting beach, located approximately 260 ft from Critical Habitat under the proposed Sea Turtle Conservation Plan. The Applicant has indicated that they will install turtle friendly lighting on the proposed development. The Applicant has not requested any variances to the setbacks in the Development and Planning Regulations, and has positioned the proposed development behind the natural vegetation line. All hard structures are located at least 130 feet from the Mean High Water Mark. The Applicant has also consulted with the Fire Department to ensure that no fire lane is required on the beachside.

The Applicant has provided a Landscaping Plan and has included native species such as Sea Grape, Native Inkberry, and Bay Cedar, particularly in the dune plantings on

the beach. The Applicant has proposed an 80 ft setback to the planting beds. During construction, a temporary construction fence will be installed 130 ft from the Mean High Water Mark. The applicant should ensure that the construction fence would not allow turtles into the construction site, and therefore it should be embedded at least 2 feet into the sand.

Overall, the proposed development is likely to have a moderate beneficial effect on ecology through the installation of Turtle Friendly Lighting, the planting of native species, and a sensitively-placed development which does not extent seaward of the natural vegetation line. The beneficial effect is contingent upon the following conditions:

- The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018).*
- Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.*
- Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.*

Noise and Vibration

The surrounding noise environment is relatively quiet and predominated by road traffic noise. There are adjacent residential receptors to the north and south, and commercial receptors to the east. The proposed development has the potential to generate noise

through the demolition, clearing, filling and construction. The proposed development is not likely to generate noise during operation. The effect is not considered to be significant and therefore it is the role of the Central Planning Authority to consider the noise associated with the construction of the proposed development.

Climate Change

Climate change is likely to have severe impacts on the Cayman Islands, including the site. 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. The proposed development is likely to contribute to 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 maintaining an appropriate setback, using native species for landscaping, including a cistern and a first floor slab at 15 feet above Mean Sea Level.

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. The proposed development is setback from the Mean High Water Mark by 130 ft, however the risk of effects from climate change still remain. No solar energy is proposed for the proposed development. The proposed development could have incorporated renewable energy in order to provide climate change resilience and mitigation. There are not considered to be likely significant effects with respect to climate change.

Visual Impact; Daylight, Sunlight and Overshadowing

The proposed development will be set back 20 ft from the northern and southern parcel boundaries. The neighbouring property to the north (Watercolours) is also set 20 ft from their southern boundary but setback further from the Mean High Water Mark than the proposed development (as shown in Figure 2).



Figure 2. The proposed development will be set within the existing footprint of the buildings (foreground) which may block daylight, sunlight and views from the units within southern units of the neighbouring property, the WaterColours (background).

Although the proposed development complies with the minimum required setback under the Development and Planning Regulations, it will be very visually prominent on the beach. The proposed development may block the views of units within the WaterColours. There may also be visual impacts on SeaScape, to the south of the proposed development, given the relative heights *of the two developments*.

When the proposed development is constructed, it may also block daylight and sunlight from the southernmost units at WaterColours. There may be overshadowing of the

amenity spaces at the WaterColours because of the height of the proposed development, and the close proximity to those amenity spaces.

We do not believe an EIA is required to assess these effects, however we strongly recommend the following:

- A high-level assessment of visual impact on the receptors from the WaterColours and possible from SeaScape; and*
- An assessment of daylight, sunlight and overshadowing for WaterColours including on amenity spaces.*

Cumulative Effects

The proposed development is likely to be the first of many redevelopment projects along Seven Mile Beach. There are other older low-rise condominiums who may also seek to redevelop into 10 storey buildings. It is reasonably foreseeable that similar redevelopment will come forward in the near future, and that this will set a precedent for this type of redevelopment. This will change the nature of Seven Mile Beach. It will introduce more people onto the beach. The proposed development will be visually prominent and with future cumulative development, there will also be visual amenity effects, as the view of Seven Mile Beach from the beach, from the water and from West Bay Road will change from low-rise to high-rise. At this time, in the absence of a Seven Mile Beach Tourism Corridor Area Plan, this matter should be considered by the Central Planning Authority.

Conclusions

The proposed development does not require an EIA as there are no adverse significant effects considered likely, however visual impact and daylight, sunlight and overshadowing should be considered further. The proposed development has included embedded mitigation to reduce the environmental impact of the development. The proposed development has included some climate change resilience features, however has not included renewable energy. There are minor effects from noise and vibration and from the potential for cumulative effects from development that should be considered by the Central Planning Authority.

There are likely to be beneficial effects on ecology provided the following conditions are implemented:

- The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles. All lighting*

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

- *Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
- *No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
- *Construction materials shall be sited as far back from the beach as possible to maximise nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.*
- *Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.*

We also strongly recommend:

- *A high-level assessment of visual impact on the receptors in the units of the WaterColours; and*
- *An assessment of daylight and sunlight for WaterColours including on amenity spaces.*

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).

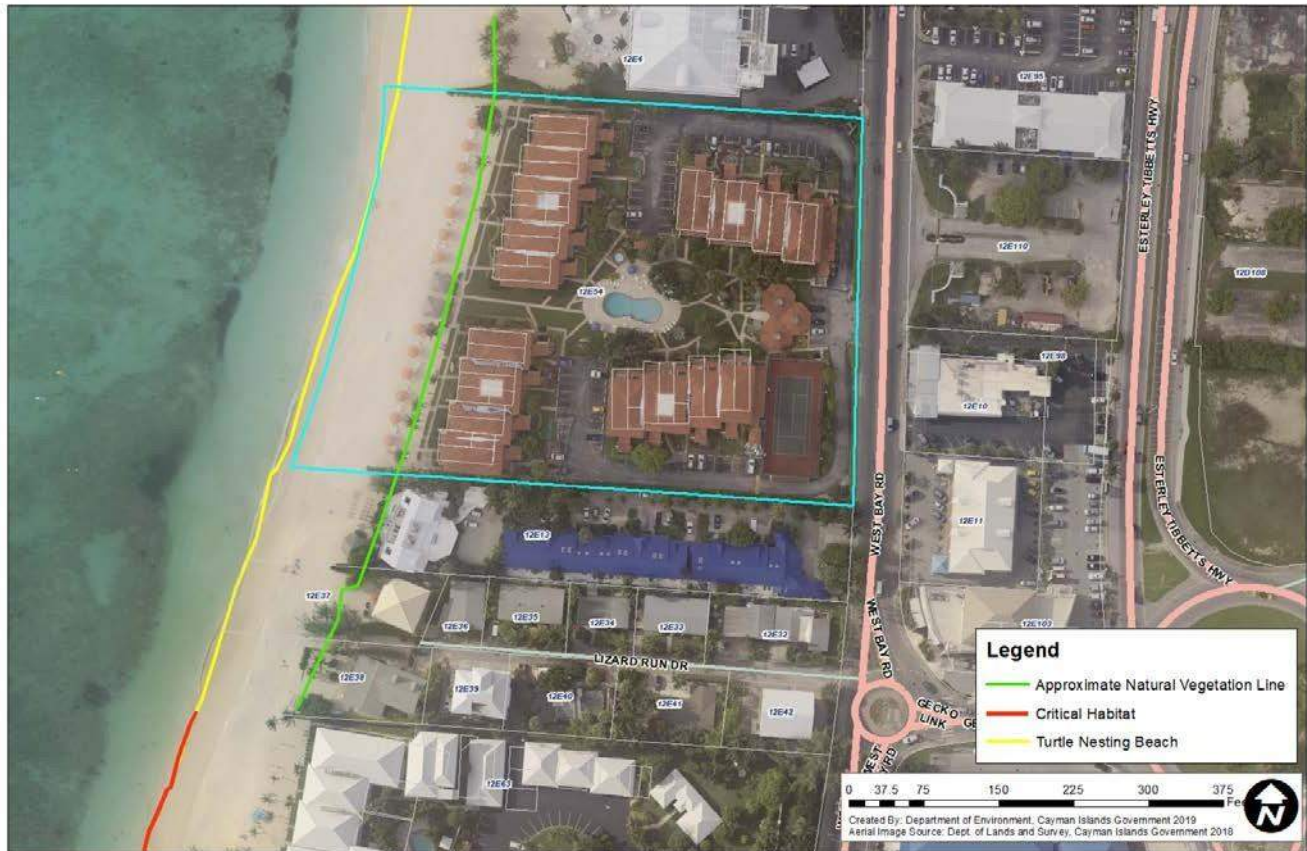


Figure 1. Site Location and Environmental Context Plan

Department of Tourism

1. Project at a Glance

The Department of Tourism has been asked to provide comments on the Planning Application for the project named Lacovia, located at Block 12E, Parcel 54.

2. Tourism Recommendations

The Department of Tourism (DOT) met with the developers of the proposed property in addition to Planning officers to address the questions that were posed on November 27th, 2019. The questions that were posed to this application were:

- 1. Given the increase in guest capacity that will be offered at the property, can the developer provide information to the extent to which food and beverage will be provided?*
- 2. The DOT would like to request a summary of the main room unit style concepts and design.*

The following information was shared with the DOT in response to these questions:

- 1. The total room capacity at the new Lacovia development will be 366 rooms with a total of 96 apartments. This is a significant increase as the property previously had 61 apartments with 102 rooms. The new rooms will have 7-8 different layout styles and handicap able rooms will be available on property.*
- 2. The decision to renovate the property was unanimously accepted by all owners. All owners agreed to be under one umbrella of tourism licensing once the development is completed.*
- 3. There will be food and beverage options that will be available on site to guests only. Full room service, breakfast, lunch and dinner will be available to guests only.*
- 4. The property will feature 7 new room styles. These will include ground floor units having their own pool, multiple 3 bedroom 2.5 baths, a penthouse and 2 other 4 bedroom units.*
- 5. The timeline for completion of this project is the end of 2023.*

Based on the information received, the DOT has no objections to this project.

Fire Department

The fire access plan has been reviewed and approved by the Cayman Islands Fire Service.

National Roads Authority

As per your memo dated October 29th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

The minimum stopping sight distance, for horizontal alignment, along residential access roads shall be seventy-five feet (75') as measured between two (2) points on the centre of any lane and 3.5 feet above the carriageway. Please have applicant revise site plan.

Road Capacity Issues

The traffic demand to be generated by a residential development of a ninety-six (96) 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 West Bay Road is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak 16% In	AM Peak 84% Out	PM Peak Hour Total Traffic	PM Peak 67% In	PM Peak 33% Out
638	49	10	39	60	39	21

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

Access and Traffic Management Issues

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

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

A six (6) foot sidewalk shall be constructed on West Bay Road, within the property boundary, to NRA standards to facilitate the introduction of a separate bicycle lane along West Bay Road. Please have applicant revise site plan.

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

Stormwater Management Issues

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

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

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

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

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

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

Water Authority

Please be advised that the water authority's requirements for this development are as follows:

Wastewater treatment:

The proposed development 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.*
- a grease interceptor with a minimum capacity of 2,000 us gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. the outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the wbbss.*

Existing wastewater infrastructure:

The developer is advised that existing wastewater infrastructure leading to the wbbss is present at the proposed development site. the developer shall contact the water authority's engineering services department at 949-2837, (ext 3000) to be advised of the location, site specific requirements and infrastructure relocation. until the infrastructure has been relocated to water authority's requirements, no construction/site clearing or excavation shall commence.

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.

Generator and fuel storage tank(s) installation:

In the event underground fuel storage tanks (usts) are used the authority requires the developer to install monitoring wells for the usts. the exact number and location(s) of the monitoring wells will be determined by the authority upon receipt of a detailed site plan showing location of the ust(s), associated piping, and dispensers. the monitoring wells shall comply with the standard detail of the water authority. all wells shall be accessible for inspection by the authority. in the event above ground fuel storage tanks (asts) are used, monitoring wells will not be required.

Water supply:

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.*

CIAA

No objections from CIAA provided structure remains unchanged from architectural drawings and red obstruction lights are affixed to it's highest point.

OfReg

The OfReg Fuels has reviewed the above captioned plans for proposed 3 x 500 USG LPG (Propane) underground containers. The Office requires more information to be submitted to carry-out a proper plan review for the LPG (Propane) application.

OBJECTIONS

Letter #1

We received notification issued November 20 of a request for planning permission for a block very close to our property which is 12E33, Lizard Run.

We highly object to this proposed project. I understand that it is 10 stories tall with 96 units and 13 swimming pools! Really, who needs 13 swimming pools? Especially when you have the most beautiful sea in the world right out front. This is a large influx of people in an area not really big enough to contain that many chairs/umbrellas. The owners will be packed in like sardines. As always, along with that many people comes more trash and more noise. Not to mention the environmental impact this could have on the ocean and reef. It is sad to me that you are allowing giant corporations to come in and build these completely out of context buildings. The beach is beautiful because it is not overwhelmed by skyscrapers. Have you ever been to Clearwater Florida? I suggest that your planning department take a field trip there to see how awful a beach backed by huge soul-less buildings is, before it is too late.

Please don't allow this development. Keep Grand Cayman sweet and not subjected to the greed of developers, who only want to sell more units without any regard, whatsoever, to the spirit of the island. Remember, they will sell and leave. Then you are stuck with an over developed island and polluted waters and no more fish, where no one will want to come and spend the tourist dollars that are good for the country.

Letter #2

We object to all the applications relative to the above block in that not sufficient time has been given to review the applications.

The Notice was not 'served' on 25th October.

The envelope containing the notice was postmarked 29th October and registered in the SMB post office on Nov 7 as shown in the attachment. The notices that registered mail was available for pick up were delivered into our mail box PO Box 30998 on Saturday, November 16 as can be referenced at Seven Mile Beach post office documents. We obtained the notices on going to the Post Office on November 18, the first day of opening after the deposit and 19th. So the first day we could actually see the Notice of Application was yesterday November 18 and in my case today November 19.

This is not the legally required notice period.

I have copied the Water Colours administration for the use of our attorneys.

Letter #3

We received a notification issued November 20 of a request for planning permission for a block very close to our property.

*We would like to **object strenuously** to this planning permission application for three outrageously large 10- Story Apartment building with 96 units, 13 swimming pools and huge privacy walls and generators on **Block 12E54**.*

*The area for which Strata is seeking permission to build this monstrosity is on a quiet beach where most of the buildings are 2-5 story condominiums or private houses. It is **WAY out of proportion** with the rest of the buildings on that stretch of beach. In recent years, for reasons we cannot understand, permission was granted to build one other very high and hideously ugly building which ruins the skyline and landscape and is absolutely not in keeping with the rest of this part of 7 mile beach. Painter.*

*The generator and heavier population will bring noise pollution and no doubt lots of light pollution into an area which has always been very quiet, at night and during the daytime. The tasteful Lacovia 3 or 4 story historically there nestled into the landscape. The whole area will be **ruined in terms of atmosphere**. The beach will be crowded with chairs. And there could be noisy crowds instead of the very respectful and quiet clientele of Lacovia, Seascape, the single family homes, and the tasteful developments further south.*

*In addition, there is a very **small coral reef** with nice fish not far out from the shore of this block that has been for at least 30 years a nice place to snorkel. This could be destroyed should there be boat traffic and other water sports developed there.*

Finally there is **absolutely no excuse** in these times of climate emergency to ruin the environment with 13 **swimming pools**. The sea is right there for swimming. That is why, in fact, people come to the Cayman Islands—for the quiet sandy beaches and the beautiful water.

Most of the pools along 7 mile beach are empty most of the time. It is wasteful to maintain them, and build them. If the project goes ahead against our objections, surely ONE POOL would be sufficient.

We absolutely object to building this monstrosity, for which there is no need. The development should be in keeping with the general neighboring properties.

Thank you for applying some common sense to limit this kind of reckless development on the island, and certainly on this precious part of 7 mile beach.

Letter #4

We act on behalf of the Proprietors of Strata Plan No. 763, (hereinafter “our client”) comprising the owners of the condominium development known as “WaterColours”. We have been instructed by our client to make the relevant legal submissions in support of their objection to the captioned application for planning permission (hereinafter “the Application”), which we hereby submit, on the following bases:

1. Redevelopment – Demolition Approval

Our clients are concerned that there has been no application for planning permission for demolition of the existing development. Whilst it may have been conveniently presumed that an application to build a new building or buildings on the same property somehow carries with it the inherent permission to demolish existing structures, that clearly cannot be the case.

“Development” is defined in section 13 (3) of the Development and Planning Law (2017 Revision) as:

“the carrying out of building, engineering or other operations in, on, over or under any land, the making of any material change in use of any building or other land”.

It is therefore submitted that the demolition of the existing structures in and of itself amounts to “development” pursuant to the Development and Planning Law and therefore requires an application for planning permission. Indeed, as a matter of public policy, including the protection/preservation of public health and safety, it is as important for there to be strict planning control in respect of the demolition of any existing structures as for the erection of any new buildings. It is therefore submitted that it is the duty of the CPA to ensure that any permission granted for the demolition of any building is made subject to strict conditions as to how and when the demolition will be done, not least of which include the control and management of dust and noise and other potential pollution, control over the removal construction debris and rubble, removal of old utility and sewage infrastructure, environmental damage management and dust/pest and rodent mitigation. Until recent times, these type of demolitions have

not been so common along Seven Mile Beach, but with the availability of existing beach front raw land being all but eliminated, there is good reason to believe that these types of applications will become more prevalent and will require very careful management, oversight and control from Planning, particularly in any area sensitive to pollution such as the subject site in the heart of the Seven Mile Beach. Indeed, this type of development has the potential to be the most harmful to the amenity of any area and bearing in mind that the existing Lacovia development is a very large, multi-building development, made of concrete, surrounded by some of the most expensive real estate on Seven Mile Beach, there is very good cause for concern. There will no doubt be, albeit hopefully for a short time, a lot of noise dust and rubble generated on this site from the demolition of the existing buildings and such an operation will no doubt involve the use of heavy equipment to break down the buildings and load the resultant rubble onto trucks to be hauled away from the site. Without proper management, this could result in serious harm to the amenity of the entire surrounding area, even if for a relatively short period of time. Clearly, this kind of activity must be made subject to careful and strict planning control. It is therefore submitted that it would be nothing short of a dereliction of statutory function by the CPA to permit the Applicant to demolish the existing development without planning permission first being specifically granted for such demolition works.

It is submitted that permission for this demolition must be applied for separately, albeit collaterally, as this is a different type of development from the construction of the proposed development, and consequently, different criteria applies to such an application and different conditions would need to be applied to the same. It is further submitted that such permission should be sought either contemporaneously with, or prior to, the application for permission to construct the new development, as it would logically seem to be a waste of time to apply for permission for the first stage of works (demolition) only after the applicant obtains permission for the second phase (construction).

In any event, it is submitted that permission must be sought and obtained for the demolition of the existing buildings/structures and the removal of the resulting construction debris from the site, and, if such permission is to be granted, it should be made subject to strict conditions which are designed to mitigate nuisance, risk or injury and damage to persons and property on the adjacent properties.

2. Duty of the CPA to Direct Development in accordance with The Development Plan

It is submitted that it is the duty of the CPA to ensure, in addition to meeting the prescribed criteria set out in the Development and Planning Law and Regulations, that any development which is proposed must also conform to the requirements of the Development Plan in order for it to be approved. This is confirmed specifically by the existence of a standalone ground of appeal in the Law itself for any decision of the CPA which is “at a variance with the

Development Plan”, per Section 48 (1) (d) of the Development and Planning Law (2017 Revision) (“the Law”). It should be noted that the term “at a variance with the Development Plan” means the entirety of the Development Plan Planning Statement, which is the guiding policy document which binds the CPA as to how it must approach and consider planning applications.

It is our client’s advised position that this dictates that the CPA cannot grant permission when it is not satisfied, on the evidence before it, that such planning application conforms to the intent of the Planning Statement. Therefore, the CPA must ensure that, inter alia, any planning permission that it grants is in general conformity with the Development Plan Planning Statement and that such development will not cause harm to any of the material planning interests as outlined in Section 1.2 of the same.

It is further submitted that the statutory remit of the CPA goes far beyond evaluating the architectural design and aesthetic impact of any proposed development as well as the direct impact on surrounding properties which may be caused by that particular development. It is clear from the express language of the Development Plan itself, which is part of the CPA’s statutorily imposed mandate, that the CPA’s function is to generally guide and manage development in such a way that improves the general welfare of the people of the Islands. The Development Plan Planning Statement (“The Plan”), provides, inter alia, that: “The general aim of the plan is 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...”, per Section 1.2.

Section 1.2 of the Plan, from its inception in 1977, also provided that “The primary objective of the Development Plan is to maintain and enhance the Cayman Islands and the well-being and prosperity of its people...”.

This primary objective is repeated in enhanced form in the 1997 amendment of the Development Plan.

These provisions clearly dictate that a primary function of the CPA’s remit is to ensure that development which is potentially harmful to the economic, cultural, social or general welfare of the people of Cayman should not be permitted.

Therefore, given that there is no means of ensuring that a developer who gains planning permission for a large scale project such as in subject application will actually complete the project, the CPA should do everything in its power to ensure that any permission given to such a development will not cause economic harm to existing properties/proprietors, either by way of the development itself being harmful to the amenity of the area or, worse yet, by the project being left in an unfinished state and thereby becoming a blight on the entire area. In regards to the latter concern, it is submitted that the CPA should at the very least have some assurance that the entity or person who gains planning permission has the competence and financial wherewithal to complete the project, especially in light of the fact that, unlike in most other

first world countries, there is no requirement of a developer's bond to ensure that the project is completed. It is therefore hard to imagine how the CPA could properly discharge its duty in that regard without knowing the nature of the arrangement between the developer and the owner. This is not intended to suggest that there is any reason to believe that this would be the case in this Application, as the developer does have an existing track record with other, albeit significantly smaller, projects. However, from what little we can discern from the application which has been submitted, this is the redevelopment and expansion of an existing condominium development by an external entity, where neither the developer nor the owner of the property has been properly identified on the application form itself. Whereas the current owner of the property can easily be ascertained by examination of the Register, we do not and cannot know whether and when ownership may change, given that the current owner of the common property is a strata corporation, with many individual owners of the existing 55 strata lots, and given that we know from the application that there will be a significant increase in strata units, we can only anticipate that the existing strata corporation may well be wound up and entirely replaced by another strata corporation, as has happened with other redevelopments of strata developments. As it currently stands, the application only bears the name "Bronte" as the name of the developer, which is clearly insufficient for the purposes of identification of the entity which would be bound by the terms and conditions of any planning permission granted.

Given these circumstances, and bearing in mind the magnitude of this redevelopment project and the significance of the area it is being developed in, it is concerning that the particular arrangement between the developer and the ownership group has not been disclosed, thereby depriving the CPA of the ability to make any assessment of the viability of the project itself, which we would submit is clearly a matter that the CPA must have regard to before it can consider granting planning permission.

It is submitted that by merely taking a common sense approach to the interpretation of Section 1.2 of the Plan, it is plain to see that in order for the CPA to conform to the primary objection of the Development Plan, it must ensure that any development will not be allowed which could have a detrimental effect on the economic welfare of the people of the Cayman Islands. As we are obviously dealing with extremely valuable properties in the immediate vicinity of the proposed development, the CPA must be careful to ensure that any development does not negatively impact on the market value or appeal of properties in that area, particularly because revenues from stamp duty on the sale of such properties is a crucial component of our very narrow tax base. Simply put, a drop in the market appeal or value of properties in any area of the Seven Mile Beach strip will result in a direct adverse economic impact on these Islands. It is therefore submitted that The CPA must be very cognizant of all aspects and potential economic ramifications of any proposed project of the nature and in the location of the proposed development.

3. Hotel/Tourism Zoning Requirements

Section 3.04 of the Development Plan 1997 provides the CPA's mandate in respect of

proposed development within the Hotel/Tourism zone:

“Development within these zones will include hotel, cottage colony development, detached and semi-detached houses, and apartments. Development will be carefully regulated to ensure that the needs of the tourist industry are met and that new buildings will in general be related to the needs of the industry.”

The Authority shall apply the Hotel/Tourism provisions and other relevant provisions of this Statement in a manner best calculated to-

- (a) provide for the orderly development, expansion and upgrading of facilities to maintain a successful tourism industry;*
- (b) ensure that all development enhances the quality and character of the Cayman Islands’ hotels and cottage colonies;*
- (c) prevent the over-development of sites and to ensure that the scale and density of development are compatible with and sensitive to the physical characteristics of the site;*
- (d) ensure minimal traffic impacts on surrounding properties and existing public roads;*
- (e) ensure that waterfront developments are designed to avoid interference with natural coastal processes; and*
- (f) ensure adequate allowance for public access to the sea.”*

(i) Meeting the Needs of the Tourism Industry

The CPA would be duty bound to assess whether this type of development, in this location, is compatible with the criteria outlined in sub-sections (b), (c), (d) and (f) of Section 3.04 and, concomitantly, whether this development fulfills the mandate dictated by that Section. It is submitted that in order for the CPA to be satisfied in that regard, there must be some credible evidence placed before the CPA to satisfy it that proposed development is in fact intended to serve the needs of the tourism industry. Obviously, this would require the CPA to be properly informed as to the intended use of the development and whether the same will operate as short term rental accommodation for guests who may otherwise have become guests at one of the hotels on Seven Mile Beach hotel and as to whether that sector of the tourism market needs the type of accommodation proposed. Simply put, the CPA would be acting in dereliction of its statutory mandate if it simply approved any and every development that is put before

them on the basis that they are exercising some form of blind faith that the same is necessary to “enhance the tourism industry” of the Islands. We would therefore submit that, based on our instructions and the materials disclosed to our client, this application falls short of putting the CPA in the position that it needs to be in to make a decision that is consistent with Section 3.04 of the Development Plan Planning Statement. Section 3.04 effectively places an onus on the developer to demonstrate that the proposed development will in fact cater to the needs of the tourism industry. In order to discharge this onus, the Applicant would necessarily have had to make submissions and/or provide the CPA evidence in support of its position. However, the issue of this proposed development meeting the needs of the tourism industry has not been addressed at all by the Applicant.

It is further submitted that the decision of the Planning Appeals Tribunal in the Chelverton Investments Ltd. appeal, in respect of a decision made by the CPA on 27 July 2005, whereby the CPA granted planning permission for a two-storey storage building development, is both relevant and instructive in this regard. It is submitted that, although that decision related to development within one of the Commercial zones, it can be used for guidance as to the “needs” test to be applied by the CPA in order to properly satisfy itself as to whether a development “meets the needs” of a particular planning initiative, whether that be in a General Commercial or Hotel/Tourism zone.

Although the Chelverton case is not reported, the Agenda of the CPA dated September 14, 2011 contains the Planning Department’s commentary and includes extracts of the decision, and, for the purposes of our submissions in the instant matter, we would draw the CPA’s attention to the aforementioned excerpt of the Planning Appeal Tribunal’s decision, to wit:

“The Development and Planning Regulations (2005 Revision) provide this definition: ‘...zones in which the primary use is a less intense form of development than that permitted in a General Commercial zone and ...zones in which the primary use is less intense form of development than that permitted in a General Commercial zone and

which cater principally for the needs of persons resident in, or in the vicinity of, the zone’. (emphasis added)

It was noted by the Tribunal that the test, which zeroes in on the needs of local residents, was correctly identified, but incorrectly applied, by the CPA. The CPA held that the proposed development would “cater principally to persons in the surrounding area”.

However, there was a complete paucity of any explanation of this finding and, in the Tribunal’s view, there was simply no information on the record which

supported the CPA's conclusion, in particular information which would outweigh the balance of objections received from neighbouring residents (as outlined below).

The Appellants pointed out that the application had met with a tide of objections from the local residents. Forty objectors' letters were read into the record at the CPA meeting. The tenor of the objections related to the allegedly inappropriate nature of the proposed storage facility in a neighbourhood of this type. It was submitted that the objectors' letters provided overwhelming evidence that the requirements of the Development Plan and Regulations had not been met in that there was no demonstrated need for a development of this type in the relevant neighbourhood, nor would it serve the needs of the community.

Further, it was submitted that the decision was manifestly unreasonable because it failed to take into account the weight of objections when considering the needs of the local community (which was the test to be applied in considering whether the proposed development met neighbourhood commercial criteria). The decision was therefore one which no rational tribunal could have arrived at, in particular in the light of the complete absence of any evidence of the needs of the community contrary to the tide of objections which had been received, and had the effect of permitting industrial use in a neighbourhood commercial zone.

Hence, the CPA failed to take into account the character and requirements of the neighbourhood in which the development would be located as it was mandated to do by the Development Plan...

The Tribunal was satisfied that on either possible analysis the decision was one which was failed to take into account matters which it ought to have taken into account and which was so unreasonable in the absence of any identifiable basis for the decision that no reasonable tribunal could have arrived at it."

It is submitted that the CPA is bound by this decision of the PAT, and it is further submitted that, applying the applicable principles laid out in that decision, in order for the CPA to grant approval in respect of the subject development, the CPA must require that some evidence is adduced at the hearing that the proposed development "meets the needs of the tourism industry", as that is what is required by Section 3.04 of the Development Plan.

Although it may well be argued that the proposed development meets the basic criteria set out in the Regulations, it is submitted that this cannot and should not, in and of itself, be the determinative of planning approval. Such an interpretation would fly in the face of the established jurisprudence and would make a nonsense of having a quasi-judicial authority (the CPA) carry out a discretionary function in order to grant planning approval. Regulation 10 of the Development and Planning Regulations (2018 Revision) (“the Regulations”) provides the specific requirements for the number of bedrooms, lot size, site coverage and setbacks specifically applicable to hotel developments in a Hotel/Tourism Zone. However, it must be borne in mind that the Regulations simply provide certain requirements which have to be met in order for the CPA to consider granting approval. This does not, however, gainsay that once the criteria of the regulations are met, the CPA should automatically grant planning permission. To take such an interpretation would offend both the clear statutory intent of the Law and the Regulations and Development Plan, as well as common sense, since it would obviously not make any sense to even have a planning authority consider a planning application if the process was simply a box-ticking/ rubber-stamping exercise. The CPA must look beyond the mechanistic provisions of the Regulations and any decision that it renders must be consistent with the clear intent of the Development Plan, and, in particular, Section 3.04 of the Plan.

(ii) Providing for the Orderly Development of the Hotel Zone

It is submitted that the CPA, in order to grant planning permission for the subject development, must be satisfied that such a proposed development can be said to promote “the orderly development, expansion and upgrading of facilities required to maintain a successful tourism industry” as required by Section 3.04 (a) of the Development Plan. It is therefore submitted that this mismatched development cannot be genuinely described as something which will achieve “the orderly development, expansion and upgrading of facilities required to maintain a successful tourism

industry”. Given the existing traffic difficulties in the immediate area and the large number of tourists who already occupy the immediate area along Seven Mile Beach from the numerous hotels in the vicinity and the proximity to Royal Palms and other beach “clubs” it is arguable that this area of Seven Mile Beach is already too highly trafficked and occupied and that the addition of further units in this area may have a detrimental effect on the quality of the area for locals and tourists alike.

(iii) Preventing over-development of sites

It is submitted that even from a cursory examination of the site plan and elevations it is obvious that the proposed development was designed to maximize the full development potential of the site which is allowable under the relevant provisions of the Regulations with regards to Hotel/Tourism zoning. However, this approach flies in the face of the

specific intent of Section 3.04, which provides that, “The Authority shall apply the Hotel/Tourism provisions and other relevant provisions of this Statement in a manner best calculated to... (c) prevent the over-development of sites and to ensure that the scale and density of development are compatible with and sensitive to the physical characteristics of the site”.

It is therefore submitted that this dictates that the CPA must look at each and every development site within the Hotel/Tourism zone and, notwithstanding the prescribed maximum site coverage and minimum setbacks provided in the Regulations, it must apply those provisions in a way which is best calculated to prevent overdevelopment of the site in question. It is further submitted that the best indicator of whether a site is being overdeveloped is the compatibility of the proposed development to existing developments and the adverse impact caused to those existing developments by the proposed development. That being the case, it becomes very clear that the proposed development is in fact an overdevelopment of the site, which offends the clearly stated mandate of the CPA as set out in Section 3.04 (c).

It is again emphasised that this portion of Seven Mile Beach is reaching a critical maximum capacity with the existence of multiple hotels, condominiums and cruise ship passenger “drop-off-beaches” in the immediate vicinity.

4. Provision of Adequate Setbacks

It is submitted that regardless of whether the proposed development meets the minimum prescribed setbacks in the Regulations, the CPA should nonetheless ensure that setbacks are adequate for the proposed development, as provided by Section 2.6 of the Development Plan 1997, which provides:

“The provisions for development setbacks are for achieving the following purposes:

- (a) To provide adequate natural light, ventilation and privacy to all buildings;*
- (b) To provide amenity space and to facilitate landscaping around the building;*
- (c) To maintain and enhance the quality and character of development fronting a road;*
- (d) To provide a buffer between buildings on neighbouring lots; and*
- (e) To avoid or minimise any negative impact the development or use of once lot may have on the occupants of a neighbouring lot.”*

It should be noted that Section 2.6 of the Plan not only makes it clear what the rationale behind the provision for setbacks is, but it also makes it clear that the prescribed regulations regarding minimum setbacks are just that, minimum setbacks, and, consequently, in each and every case the CPA should decide, based on the criteria set out in Section 2.6, what the appropriate setbacks should be for each and every project. It

is further submitted that this is especially important when the CPA is considering an application of the size, density and magnitude of the proposed subject development. Whilst it is true that every zone has attendant regulations which dictate what can be permitted by the CPA, which gives rise to a presumption in favour of that type of development, that does not gainsay that once the mechanical criteria is met, the CPA is obliged to ignore the valid concerns of adjacent landowners or to reject all other material planning considerations, and simply rubber stamp the application as approved, as that would clearly be a dereliction of the CPA's duty as outlined in the Law and the Development Plan.

It is submitted that, as required by Section 2.6(a), the CPA has a duty to ensure that sufficient setbacks are applied which achieve the purpose of providing "adequate natural light, ventilation and privacy to all buildings". As we have submitted beforehand, the minimum setback provisions provided in the regulations are simply and precisely that, a minimum benchmark or starting point for the CPA. It therefore is obvious that, depending on the nature, size and height of a development, the prescribed minimum setback may not be sufficient, and the CPA in such circumstances as exists in the instant application must take account the existing neighbourhood as a whole, and consider whether, under the circumstances, the minimum setbacks are indeed adequate.

It is therefore submitted that it is well known that the subject land is one of the most active turtle nesting grounds along Seven Mile Beach, with up to three different species of turtles nesting along the beachline immediately in front of the existing Lacovia development. It is a matter of national, and international, importance that these breeding locations are protected. It is therefore extremely important that the development have an appropriate sea-side setback to permit such nesting to continue in the future and that any and all development (including demolition and construction) on the land be subject to strict conditions and requirements in regard to beachside activity, storage and machinery movement and use.

In light of the foregoing, the CPA should take into account and have proper regard to all of the provisions of Section 2.6 in order to determine whether this project, given its particular size and height, can be permitted with the statutorily prescribed minimum setbacks, so as to allow for maximum footprint and density, without any regard for the clear statutory mandate dictated by Section 2.6 and the other relevant provisions of the Development Plan.

For each and all of the foregoing reasons, it is respectfully submitted that the CPA should reject the proposed application, unless and until all of the foregoing concerns and issues can be properly and adequately addressed.

5. Adverse Impact on Neighbouring Developments

Our client also has genuine concerns about the potential adverse impact of the demolition and construction works associated with the proposed development on the use and enjoyment of their property, which they are legally and constitutionally entitled to enjoy without undue interference. Whilst our client appreciates that demolition and construction operations are, as a matter of necessity, generally noisy and dirty and normally have short term adverse impact on surrounding development, it should be noted that given the scale and magnitude of this proposed development, the demolition and construction period will without a doubt span many years and will involve construction methodologies which, without proper, vigilant regulation, will not only create a nuisance and annoyance to the enjoyment of surrounding properties, but will also pose a significant risk of damage to property and to human health and safety. This project will be among the largest construction projects ever undertaken in Cayman, with three large residential tower structures of the building reaching the maximum permitted height. Our client is also mindful of the fact that the development team has not to date taken on a project of anywhere near this scale and height. For this reason alone, it is submitted that the CPA must be very careful in its deliberations of this application and, if permission were to be granted, the CPA must find a way to ensure to both mitigate the nuisance associated with construction and to eliminate any risk of damage of property or injury on the surrounding properties.

Our client is cognizant that the CPA does not typically regulate things such as site management and construction methodology, but it is submitted that, particularly in this case, such regulation would be a necessity, particularly because the Government and the CPA owe a constitutional and legal duty to the owners of adjacent properties to ensure that their actions do not permit or result in interference with the rights of adjacent landowners. It is therefore submitted that the CPA must, in deciding whether to grant permission or to impose conditions on planning permission, ensure that such grant of permission does not cause harm to a material planning interest. It is a matter of established legal precedent that the term “material planning interests” includes the interests of adjacent landowners, as the protection of individual owners/occupiers of land is an important aspect of public interest as a whole [per Stringer v. Minister of Housing and Local Government and another (1970 1 WLR 1281)]. Therefore, the CPA is required to ensure that its action (in granting permission) does not result in harm to, inter alia, the rights of adjacent owners.

It is submitted that, given the foregoing position, the CPA is required by the Constitution and the relevant statutory provisions, as well as by common law, to ensure that it does everything in its power to protect the interests of adjacent landowners from harm from any proposed development.

It would therefore seem that, in order for the CPA to discharge its lawful duty, it must first require the applicant to disclose the necessary relevant details as to its demolition

and construction phasing and methodologies, and based on that information, to then consider whether the same would sufficiently ensure that the adjoining landowners are protected from such harm and, if possible, to implement any measures it sees as necessary by way of conditions on planning approval. It is submitted that if the CPA does not have before it the necessary information upon which it can make a properly informed decision regarding the risk of harm, then it cannot grant planning approval, as it would have no way of assessing such risk.

By way of example, one of the things that concerns our client is the use of cranes and other lifting equipment which will no doubt be necessary for construction of the ten-storey towers. It is our client's position that, barring some direct agreement between the relevant parties, the placement and use of such equipment should ensure that there is no oversailing of the common boundary of the subject parcel with our client's land by such equipment and that all the necessary measures are put in place to ensure that such equipment is used in accordance with the highest degree of safety standards to minimize the risk of damage to property or injury to persons on our client's adjoining property. This is but one example, and without a detailed construction methodology plan, our client (as well as the CPA) would be simply left to guess as to the nature and extent of harm which may arise during the construction phase of proposed development.

Our client reserves the right to expand upon the arguments outlined above, as well as to make any further submissions which may be deemed necessary and relevant after a proper and thorough review of the proposed development has been conducted by the relevant agencies.

APPLICANT SUBMISSIONS

Letter #1

I act on behalf of the Applicant Bronte Development Ltd ("Bronte").

I have been instructed to respond to the letters of objection which I hereby do. I will first address the objections on behalf of the Proprietors of Strata Plan No. 763 ("WaterColours") in the letter dated 10th December 2020 submitted by JacksonLaw Attorneys as my submissions with respect to those objections will address later the other concerns raised by R. Lila Abu-Lughod by letter dated 1st December 2020 and undated letter from Jawad Abu-Lughod and Mary Grey-Lughod (please note both of these objectors are proprietors of the same property which is Block 12E Parcel 33).

It is thus necessary to put these objections into proper context. The legal position as it relates to the above captioned application is as follows:

The site is zoned Hotel/Tourism, which is governed generally by the provisions of Regulation 10 of the Development and Planning Regulations (2018 Revision) ("the Regulations") and is located within the area designated as Zone 1 Hotel/Tourism pursuant

to Schedule 4 of the Regulations, for the purpose of determining the maximum permitted height of the building, as provided by Regulation 8(8)(2)(e) of the Regulations, which provides that the applicable height of any building on the proposed development site is one hundred and thirty feet or ten storeys whichever is the lesser.

The proposed development meets or exceeds and certainly complies with all the applicable requirements of Regulation 10(1) of the Regulations. The applicant is not seeking nor is it required to apply for any variances. It is further submitted that the proposed development, being purely residential in nature, is the least obstructive type of development that could be proposed in the Hotel/Tourism zone. My client is not seeking approval for entertainment facilities related to the needs of the tourism industry as per Regulation 10(3) of the Regulations. It is therefore respectfully submitted that my client's application should be approached on the assumption that the development, meeting all of the relevant development criteria provided for in the Development and Planning Law and the Regulations, should be duly approved by the CPA unless there are valid grounds to warrant a refusal of the application. It is my view that there are no valid grounds raised in any of the objections to warrant refusal of the above captioned application.

I will now address the objections submitted by JacksonLaw Attorneys and will use the numbering utilized by them for ease of reference:

1. Redevelopment - Demolition Approval

This is not a relevant planning consideration at this stage.

In fact it is difficult to follow the rationale of this objection as there is no such "demolition planning application" and it would be placing the "cart before the horse" to seek permission to demolish the existing residential dwellings without first obtaining planning permission from the CPA.

It is accepted that in due course that separate permission will have to be sought from the Planning Department Building Control Unit ("BCU") which will include a demolition and construction works plan. My client provides its undertaking that it will comply with all reasonable conditions imposed by BCU at the relevant time. There is no validity with respect to this objection to the instant application.

2. Duty of the CPA to Direct Development in Accordance with the Development Plan.

*I will direct the CPA's attention to the Judgment in Grand Court Cause No. G0244/2014 - Grand View Strata **Corporation v Planning Appeals Tribunal (PAT) and Bronte Development Ltd.** In the said case Mr. Justice Panton carefully and judiciously analyzed and considered the Development Plan, The Development and Planning Law and the Regulations.*

At Paragraph 12 of the Judgment states:

"The Development Plan is referred to as a "Planning Statement for the Cayman Islands" and in the Statement itself, it is said that where there is a conflict between the Regulations and the Planning Statement, the Regulations shall prevail."

The general aim of the Plan is to maintain 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".

The primary objective, according to the Development Plan is to:

"...maintain and enhance the Cayman Islands and the well being and prosperity of its people subject thereto its environmental character".

The Development Plan states that there is an intention to develop a planning strategy which is flexible enough in concept and implication to accommodate individual requirements, special circumstances as well as changing conditions. There is the requirement for the striking of "a careful balance" between what is a valuable natural feature and a desirable development".

The Judgment of Justice Panton refers to the Respondent's Counsel Mr. Aisf, QC's, submissions at Paragraph 47 of the said Judgment where he "expressed the view that the Development Plan should not be slavishly followed, and that the CPA and PAT cannot be hidebound by a Development Plan that is 20 years old. He cited the Cayman Islands case Cortina Villas v PAT [2000 CILR 360] in which Sanderson J quoted and adopted a passage at page 557 of the fifth edition of Judicial Review of Administrative Action by De Smith- Woolf and Jowell. That passage cautioned against a slavish adherence to government circulars or development plans".

I now draw your attention to Justice Panton's comment at paragraph 48 of the Judgment where he states, "Without suggesting at this time that there has been a non-adherence to the Development Plan, it may be useful to say that, in my opinion, non adherence has to be in a significant way on a matter of great importance for a planning permission to be overturned. The foremost consideration is whether there has been general compliance with the Law and the Regulations made thereunder".

At paragraph 49 Justice Panton made the following observation: "In Simpson v Edinburgh Corporation [1961] SLT M , a case involving planning permission, the legislation provided that where the application was made to the local planning authority for planning permission, the authority may grant permission either unconditionally or subject to such condition as they think fit, and in dealing with such application, the authority shall have regard to the provisions of the development plan,

so far as material thereto, and other material considerations. This is similar to the legislation in the instant case. Lord Guest noted that the legislation obliges the authority to have regard to the Development Plan. However, he said he did not interpret the words "to have regard to" as meaning "slavishly to adhere to". He said that what was meant was that the planning authority was to consider the Development Plan, but there was no obligation to follow it (emphasis added). This interpretation is apt in the instant situation especially when it is considered that the Regulations take priority to the plan where there is a conflict."

We are confident that the CPA are well aware of its duties pursuant to the Law, the Regulations and the Development Plan and will consider all relevant planning considerations when determining this application and not to take into consideration extraneous and irrelevant matters under the guise of being valid concerns and objections.

At Page 4 of JacksonLaw's letter it spends a lot of time insinuating that the Applicant is not properly identified and that this is somehow a relevant planning consideration. The CPA's minutes and decisions are public one need only refer to the CPA minutes of 25th July 2018 wherein the Applicant is listed as "Water Mark Development". There was no requirement to identify the developer or land owner. In the instant case it's clearly evident that Bronte is Bronte Development Ltd. The objector then alludes to possible economic harm but provides no evidence of such alleged harm. I would submit that much of what is stated at the paragraph at page 4 is not helpful to the CPA in that the Applicant does indeed have an existing record as a developer in the Cayman Islands and is more than capable of completing this project to a very high standard.

3. Hotel Tourism Zoning Requirements

The Letter of January 14th 2020 from the Department of Tourism is referred to and it clearly supports this development. It is my client's view that it will enhance the tourism product as it follows the model similar to Caribbean Club where short term rentals will be available for tourist accommodation thereby ensuring that the needs of the tourist industry are met and that new buildings will in general be related to the needs of the industry.

The Regulations provide as follows:

10. (1) Hotels, cottage colony developments and apartments are permitted in Hotel/Tourism development zones if they comply with the following requirements-

- (a) the maximum number of bedrooms for hotels is sixty-five per acre;*
- (b) the maximum number of apartments is twenty-five per acre;*
- (c) the minimum lot size for hotels and apartments is half an acre with a minimum lot width of 100 feet;*
- (d) the minimum lot size for residential development within a*

hotel zone is 12,500 square feet and the minimum lot width 100 feet;

(e) the maximum site coverage for hotels and apartments is forty per cent of the lot size;

(f) the minimum side setbacks are a minimum of 20 feet;

(g) the minimum rear setbacks are 25 feet from the road edge or lot boundary as the case may be; and

(h) in the case of a cottage colony development-

(i) the maximum number of cottage units is ten per acre;

(ii) no cottage unit contains more than two bedrooms; and

(iii) the maximum site coverage is twenty-five per cent of the lot size.

My client's application is fully compliant with the above regulation.

There is a troubling aspect to the objections presented at page 6 of JacksonLaw's letter which refers to a so called "needs" test.

First the reference is to The Development and Planning Regulations (2005 Revision) which are no longer relevant for the purpose of this application, and the definition is being used entirely out of context.

The Chelverton Investments Ltd. decision of the PAT was for development in one of the Commercial Zones. In fact your attention is drawn to the definition included in the Development and Planning Regulations (2018 Revision) at Regulation 13 provides as follows:

13. (1) Commercial zones fall into the three following categories-

(a) General Commercial zones in which the primary use is commercial, including, but not limited to, use for—

(i) banks and other financial institutions ;

(ii) shops for the selling of groceries, books, souvenirs, and pharmaceutical goods and for the selling or repair of jewellery, furniture, hardware, wearing apparel, and radio, television and electrical goods;

(iii) restaurants, bars and other catering facilities ;

(iv) chambers, rooms and offices where professional services are provided including legal, accountancy and real estate offices;

(v) the premises of cobblers and seamstresses;

(vi) supermarkets;

(vii) petrol stations;

(viii) motor vehicle, motor cycle and cycle sale rooms and rental offices;

- (ix) professional premises used by doctors, dentists and other health care providers and medical laboratories.
- (x) parking facilities provided on a commercial basis; and
- (xi) recreational facilities including theatres, night clubs, miniature golf links, bowling alleys, dance halls and amusement arcades;
- (b) Neighbourhood Commercial zones are zones in which the primary use is a less intense form of development of that permitted in a General Commercial zone and which cater principally for the needs of persons resident in, or in the vicinity of, the zone (emphasis added); and
- (c) Marine Commercial zones are zones in which the primary use is that permitted in a General Commercial zone but in which, in addition, commercial uses related to marine activities are permitted, including, but not limited to-
 - (i) docks;
 - (ii) marinas and boat moorings;
 - (iii) handling and storing cargo;
 - (iv) the maintenance, repair and fuelling of maritime vessels;
 - (v) boat chartering and water sport operations; and
 - (vi) fishing and fish processing

It can therefore be gleaned from Regulation 13(b) that the authority cited by the objector relates to Development in a Neighbourhood Commercial zone as that is the only definition that makes specific reference to a so called "needs" test. The reference to this decision for the determination of an application in the Hotel/Tourism zone is irrelevant and misleading. It is disingenuous to quote the definition of a Neighbourhood Commercial Zone (without reference to the specific regulation) and then to somehow imply that that definition applies to all applications regardless of the zoning.

The CPA must be guided by Regulation 10 as it relates to development within a Hotel/Tourism zone and not to import provisions of an entirely different zone into its deliberations. It must be careful to take into consideration all relevant planning considerations. It is our submission that this objection falls far short of the standard.

(ii) Providing for the Orderly Development of the Hotel/Tourism zone

It is denied that this development is "mismatched" and I would refer you to our Architects presentation made separately for your information and consideration.

(iii) Preventing over-development of sites

It is submitted that the instant application is an under-development of the site and I would crave leave to refer the CPA to the development's architect Mr. Stroh's separate submissions for clarity of the detail of the plan and design of the instant project.

It is fully compliant with the Law and the Regulations in every respect.

It is wrong to say that this proposed development constitutes an "over-development" of the site and will adversely affect the "character of the neighbourhood" merely on the basis that the building is taller than some of the buildings in the area. In fact it will be very similar in height to that of WaterColours. It is certainly not an over-development as it is in fact less dense than what is permitted by law.

The Legislators over the past decades have taken a considered view that the heights of buildings in Hotel/Tourism zones should increase to ten storeys or one hundred and thirty feet whichever is less. Clearly the intent of the Legislative Assembly was to enable the permitting of the very type of building for which planning permission is now being sought. The CPA must have viable and reasonable grounds to refuse planning permission and the complaints made by the objectors do not give rise to, let alone substantiate, any such valid reason for refusal. The instant application is for three ten storey buildings (joined at basement level) on a property located in the Seven Mile Beach Hotel/Tourism zone, particularly where the development is well below the permitted density of the site and is compliant with every relevant provision of the Law, the Regulations and the Development Plan.

4. Provision of adequate setbacks

It is submitted that the instant application meets the setback requirements and in fact the proposed structures are designed with a staggered effect along the high water mark to ensure that it does in fact provide adequate natural light, ventilation and privacy to all buildings.

There is adequate area between this proposed development and the adjoining properties that will result in at least 40 ft. between the buildings which provides a sufficient buffer between the buildings on the neighbouring lot.

These issues have been adequately addressed by Mr. Stroh in his presentation. I would crave leave to direct the CPA's attention to Mr. Stroh's architectural submissions.

It is my respectful submission that there can be no justification for any greater setbacks to be imposed on this project than those permitted for the neighbouring WaterColours building.

The majority of the relevant representations by the Department of the Environment have been addressed and incorporated into the design however it is respectfully submitted that the DOE has overstepped its remit when it states that the instant development may block daylight and sunlight from the southernmost units at WaterColours and that there may be overshadowing of the amenity spaces. This is a matter solely for the discretion and determination by the CPA and again I would crave leave to direct the CPA's attention

to Mr. Stroh's architectural submissions and in particular the photograph of the WaterColours South facade.

In the Judgment in Grand Court Cause No. G0244/2014 - Grand View Strata Corporation v Planning Appeals Tribunal (PAT) and Bronte Development Ltd. Mr. Justice Panton stated at Paragraph 51 " This latter point on the physical feasibility of the buildings seem strange to me considering that the Department of Planning, which received the plans and which would obviously have in its fold, experts in this area, has not raised any concerns in this regard. I hardly think that this can be a proper basis for objection by the Department of Environment. As regards, the setbacks, it has already been observed that the CPA gave certain directions when it granted permission with conditions".

Justice Panton goes on to state at Paragraph 52 of the Judgement "It is therefore incorrect to put forward the idea that the concerns of the Department of Environment were not considered. The fact that the CPA did not agree with the Department of Environment does not mean that there was no consideration.

It is therefore my respectful submission that the DOE's recommendations are simply that, recommendations. The CPA must be careful not to abdicate its authority to any agency or third party by feeling obligated to follow any recommendation. The CPA must carefully consider the recommendations of the DOE however it is perfectly entitled to draw its own conclusions that may not be in accordance with those recommendations.

It is our respectful submission that the Applicant has properly and adequately addressed the concerns and issues under this head of objection and that planning permission should be granted.

5. Adverse Impact on Neighbouring Development

My client is an experienced developer and is a good corporate citizen of these Islands and these issues will be addressed at the relevant time. The objector is attempting to bring in irrelevant matters that are not required for planning consideration at this stage such as site management, demolition as these are matters to be considered when an application is made to the BCU for demolition and removal of debris and other materials.

It is my instructions that my client will uphold the highest possible standards to ensure that the development causes as little annoyance and nuisance to the neighbours as possible. Invariably in developments of this nature there will be some minimal disturbance from time to time however my client intends to work with the neighbours so that these annoyances that may occur due to the demolition and construction phases can be mitigated and ameliorated in a harmonious manner between the affected neighbours and the owners of the development. In fact, I am instructed that there were instances during the construction of WaterColours whereby owners of adjoining properties including Lacovia were impacted by concrete and building debris.

The objectors also appear to be suggesting that my client's application should be refused due to the noise and inconvenience of the construction on surrounding properties. This is not a proper and valid concern as if that approach was taken all construction in the Cayman Islands would have to be brought to a grinding halt as the process of new construction will obviously cause some level of inconvenience to surrounding properties during the construction phase.

I would state that the objection filed by R. Lila Abu-Lughod by letter dated 1st December 2020 is concerned by the possibility of large buildings being built in such close proximity. The fact is that the current Hotel/Tourism zoning permits this type of development and the applicant wishes to assure the objector that it has incorporated the Department of Environment recommendations and specifically as it relates to the Turtle nesting requirements and that it intends to develop the project in strict compliance with the Law, the Regulations, the Development Plan and the CPA's conditions that will be attached should planning permission be granted.

The fact that the objectors at page 4 and 5 of JacksonLaw's letter of 10th December 2019 implies that the development may negatively impact the market value or appeal of properties in that area "particularly because revenues from stamp duty on the sale of such properties is a crucial component of our very narrow tax base" is not a valid concern. This is a wholly misconceived notion. In fact the addition of this development to the Cayman Islands real estate portfolio augments the tax base and will generate additional stamp duty for the Cayman Islands for generations to come. My client submits that such allegations are ill-conceived and purely speculative and would appear on their own face to be merely commercially driven objection, based on competition for the sale of units/apartments rather than a valid concern as regards planning approval and control.

Further the objector refers to the Constitution however does not cite any relevant section or authorities for these bold assertions. These objections are spurious and without merit especially where the objector is clearly attempting to utilize the objection before the CPA to force the Applicant to enter into an agreement with the objector to effectively assist in the managing the construction methodology of the development. At page 12 the objector states "It is our client's position that barring some direct agreement between the relevant parties, the placement and use of such equipment would ensure that there is no oversailing of the common boundary of the subject parcel with our client's land by such equipment and all the necessary measures are put in place to ensure that such equipment is used in accordance with the highest degree of safety standards to minimize the risk of damage to property or injury to persons on our client's adjoining property".

This is not a relevant planning consideration for the CPA to address. The notion that there must be such an agreement as a condition of planning approval flies in the face of free enterprise and invites the CPA to consider extraneous matters outside of its remit.

It has been stated above that the Applicant has addressed its minds to the various logistics and the proper and efficient construction management and methodology to ensure that its equipment will be used in accordance with the highest degree of safety standards to minimize the risk of damage to property or injury to persons on the adjoining properties. It is simply prudent and rational business sense and will be addressed during the BCU approval process.

*It is only fitting that I close these submissions by reference to Justice Panton's Judgment in Grand Court Cause No. **G0244/2014** - Grand View Strata Corporation v **Planning** Appeals Tribunal (PAT) and Bronte Development Ltd at paragraph 57 where he states "Invariably in matters of this nature, there will be differences of opinion. One Grandview objector Said that the development is to take place on the last remaining piece of land left over from the development of Treasure Island and Grandview, and that a ten storey building will look ugly and completely overwhelm the views of this part of the beach. That which looks ugly to the objector will not necessarily be ugly to the CPA which is tasked with the responsibility of making the decision. As one writer puts it: Ugliness is a point of view: an ulcer may be beautiful to a pathologist." It is perhaps more conventional to quote either Lew Wallace or Margaret Wolfe Hunger-Ford and simply say: Beauty is altogether in the eye of the beholder.*

It is my respectful submission, as indicated above, it is our client's position that the applicable criteria for guiding the CPA in considering this application is found in Regulation 10(I) which sub-regulation applies specifically to the Hotel/Tourism zone and as the current application meets all of the requirements of those provisions, the CPA should approve the application as the objectors have failed to demonstrate that the development will cause actual harm to a material planning interest.

In the circumstances we would urge the CPA to approve the project, subject to such reasonable and necessary conditions it deems fit.

My client intends to fully ventilate the foregoing and to address any other relevant matters which the CPA may require at the hearing.

Letter #2

This document is an architectural presentation to the Central Planning Authority ("CPA") in respect of planning application P19-1137 referred to as Lacovia ("the Application").

The Application is presented by the applicant, Bronte Development Ltd ("the Applicant"), as the proposed developer, and Trio Architecture, as the architect.

The Applicant is seeking permission to construct a 10-storey, 96-unit apartment building with 1 large communal infinity edge pool, 12 private plunge pools, a generator, 3 (500GA) LPG buried tanks and perimeter walls on a 4.55 acre site zoned Hotel/Tourism Zone 1 ("the Site").

The purpose of this document is to outline to the CPA how the Application:

- *is fully compliant with all criteria as outlined under the Planning Law^{0F1} (“the Law”) and Regulations^{1F2} (“Regulations”), and that no variances are required nor are any variances being requested;*
- *adheres to the objectives and strategy of The Development Plan 1997 (“the Plan”); and*
- *is compliant with the requests of all government agencies.*

A set of large scale mounted computer-generated renderings will be available at the CPA hearing as part of the Exhibits to the project in order to give the CPA a realistic visual representation of the finished project. A selection of the renderings are contained within the body of this presentation document.

1. About the Project

The site consists of 4.55 acres of land where a 55-apartment complex is currently located (“the Site”). The Site is zoned Hotel/Tourism Zone 1. Consistent with its zoning, the Application provides for apartment use. The proposed development consists of:

- *96 apartments ranging from +/-3,000 SQFT and +/-12,000 SQFT;*
- *Parking & Utility areas of 81,593 SQFT*
- *Back of House and Common Hallways*
- *Total area of 520,809 SQFT*

The project consists of a single structure unified at the basement level, and divided above ground into 3 -10 story buildings, 1 -3 story lobby building, and a 1 story utility building. The 10 story buildings measure 130 ft. in height to the top of roof slab.

Amenities on the overall site include:

- *pools, deck & garden;*
- *lush tropical landscaping;*
- *158 parking spaces including electric and accessible parking;*
- *Outdoor recreation areas.*

2. Compliant with the Law and Regulations

The Application is fully compliant with the Law and Regulations that govern the planning process and requires no variances from the CPA. The CPA should also note that the

¹ Development and Planning Law (2017 Revision)

² Development and Planning Regulations (2018 Revision)

Application falls well below the various requirements and allowances as determined by the Law and the Regulations:

<i>Criterion</i>	<i>Code / Permitted</i>	<i>Provided</i>	<i>Variance to Code / Permitted</i>	<i>Adherence to Law / Regulations</i>
<i>Zoning</i>	<i>Hotel Tourism (Apartments are allowed)</i>	<i>Apartments</i>	<i>No variance</i>	Compliant
<i>Use & Occupancy</i>	<i>R-2 (Apartments)</i>	<i>R-2 (Apartments)</i>	<i>No variance</i>	Compliant
<i>Density (Units)</i>	<i>25 per acre = 114</i>	<i>96</i>	<i>15% below code</i>	Compliant
<i>Building Area</i>	<i>793,504 s.f.</i>	<i>520,809 s.f.</i>	<i>34% below code</i>	Compliant
<i>Site Coverage</i>	<i>40% (79,350 s.f.)</i>	<i>33% (66,163 s.f.)</i>	<i>17% below code</i>	Compliant
<i>Building Height (Storeys)</i>	<i>10</i>	<i>10</i>	<i>No variance</i>	Compliant
<i>Building Height (Feet AMSL)</i>	<i>130 ft</i>	<i>130 ft</i>	<i>No variance</i>	Compliant
<i>Minimum Lot Size</i>	<i>12,500 s.f.</i>	<i>198,376 s.f.</i>	<i>No variance</i>	Compliant
<i>Set Backs</i>			<i>No variance</i>	Compliant
<i>Front</i>	<i>25 ft</i>	<i>25 ft</i>		
<i>Rear</i>	<i>130 ft</i>	<i>130 ft</i>		
<i>Side (N)</i>	<i>20 ft</i>	<i>20'-10"</i>		
<i>Side (S)</i>	<i>20 ft</i>	<i>20'-7"</i>		
<i>Car Parking</i>	<i>143</i>	<i>158</i>	<i>10% in excess of code</i>	Compliant

3. Adherence to the Objectives and Strategy of The Development Plan 1997

The Application complies with the overall objectives and strategy of the Plan.

<i>Plan Reference</i>	<i>Consideration</i>	<i>Provided</i>	<i>Adherence to the Plan</i>
<i>Section 3.04 (a)</i>	<i>Provide for the orderly development, expansion and upgrading of facilities required to maintain a successful tourism industry.</i>	<i>The project provides much needed modern apartment inventory for the tourism industry. See comments from Department of Tourism which were submitted to the Planning department on 01/13/20.</i>	Compliant
<i>Section 3.04 (b)</i>	<i>Ensures that all development enhances the quality and character of the Cayman Islands' hotels and cottage colonies.</i>	<i>The project fills a need/void within the hotels and cottage colonies for modern apartments available for long- and short-term rental.</i>	Compliant
<i>Section 3.04 (c)</i>	<i>Prevent the over-development of sites and to ensure that the scale and density of development is compatible with and sensitive to the physical characteristics of the site.</i>	<i>The project building area, density and site coverage are all below the permitted requirements as set out in the Regulations. The space between the three towers breaks up the visual massing and allows for lush landscaping between each tower. The overall design of the building and in particular the staggered setback from the beach was incorporated to ensure the project's compatibility with the physical character of the site.</i>	Compliant
<i>Section 3.04 (d)</i>	<i>Ensure minimal traffic impacts on surrounding properties and existing public roads.</i>	<i>The letter received from the NRA dated November 13th, 2019, states that "Based on these estimates, the impact of the proposed development onto West Bay Road is considered to be minimal".</i>	Compliant
<i>Section 3.04 (e)</i>	<i>Ensure that waterfront developments are designed to avoid interference with natural coastal processes.</i>	<i>Project is setback 130' from the HWM, and the setbacks received support from the DoE.</i>	Compliant
<i>Section</i>	<i>Ensure adequate allowance</i>	<i>Project has a proposed 12' wide</i>	Compliant

<i>Plan Reference</i>	<i>Consideration</i>	<i>Provided</i>	<i>Adherence to the Plan</i>
3.04 (f)	<i>for public access to the sea.</i>	<i>public beach access located along the south property line.</i>	

3.1 Mass and Scale - Comparable

The following photo shows The WaterColours as seen from the Ocean side:



The following rendering (Rendering 1) shows the proposed Lacovia project as seen from the Ocean side:



In contrast to the WaterColours property, the staggered design of the Lacovia project reduces the overall visual massing and the space between buildings allows for lush landscaping and amenities areas as opposed to one large continuous structure. Furthermore, the three-building design also allows for greater visual transparency from West Bay Road through to the beach.



The Application is in line with the character of the recent developments surrounding the Site and within the general locale. The following photo shows The WaterColours' south façade.



4. Compliant with the requests of Government Agencies

Below please find the detailed responses to all requests submitted by Government Agencies. There is no objection to the Application by any government department.

The following table provides a summary of responses:

<i>Department</i>	<i>Request</i>	<i>Adherence to Requests/Response</i>
National Conservation Council	The Department is encouraged to see that the applicant is maintaining an appropriate setback (130 ft from the Mean High Water Mark), along with a cistern, a first floor slab at 15 ft	<p>Compliant</p> <p>Turtle Nesting</p> <p>1) Developer will prepare and submit a plan to the Department of Environment</p>

	<p>above mean sea level, using native species for landscaping and no fire lane on the beach side. The Landscape Plan includes native species such as Sea Grape, Native Inkberry, and Bay Cedar, particularly in the dune plantings on the beach. Native species are naturally adapted for the environs and are cost effective and attractive planting options. With the embedded mitigation measures and the implementation of the sea turtle nesting conditions outlined below, there are likely to be beneficial effects on ecology.</p> <p>Turtle Nesting: The site is a turtle nesting beach and all marine turtle species are listed in Part 1 of Schedule 1 of the National Conservation Law, 2013 as being ‘protected at all times’. Therefore, to prevent heavy machinery destroying nests and to minimize the threat of artificial lighting on nesting and hatchling sea turtles we strongly recommend the inclusion of the below conditions in any grant of planning approval:</p> <p>1) The applicant shall prepare and submit a plan to the Department of Environment for turtle friendly lighting, which minimizes the impacts on sea turtles. All lighting shall be installed in accordance with the plan, to be approved by the DoE. Guidance on developing a lighting plan can be found in the DoE’s Turtle Friendly Lighting:</p>	<p>with turtle friendly lighting specifications for the DoE’s review and approval prior to submitting for permitting.</p> <p>2) Prior to the commencement of works, the property owner will 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.</p> <p>3) No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.</p> <p>4) Construction materials shall be sited as far back from the beach as possible to maximize nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.</p> <p>5) Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.</p> <p>Visual Impact:</p> <p>The proposed development complies with the required 20’ side setback as required by the Planning Regulations, resulting in over 40’ between the project and the neighboring 10 level building, WaterColours. It’s unreasonable to argue that the proposed development will have any adverse visual or natural light impact on WaterColours given the 40’ buffer between the properties and the lack of windows on the South façade of</p>
--	---	--

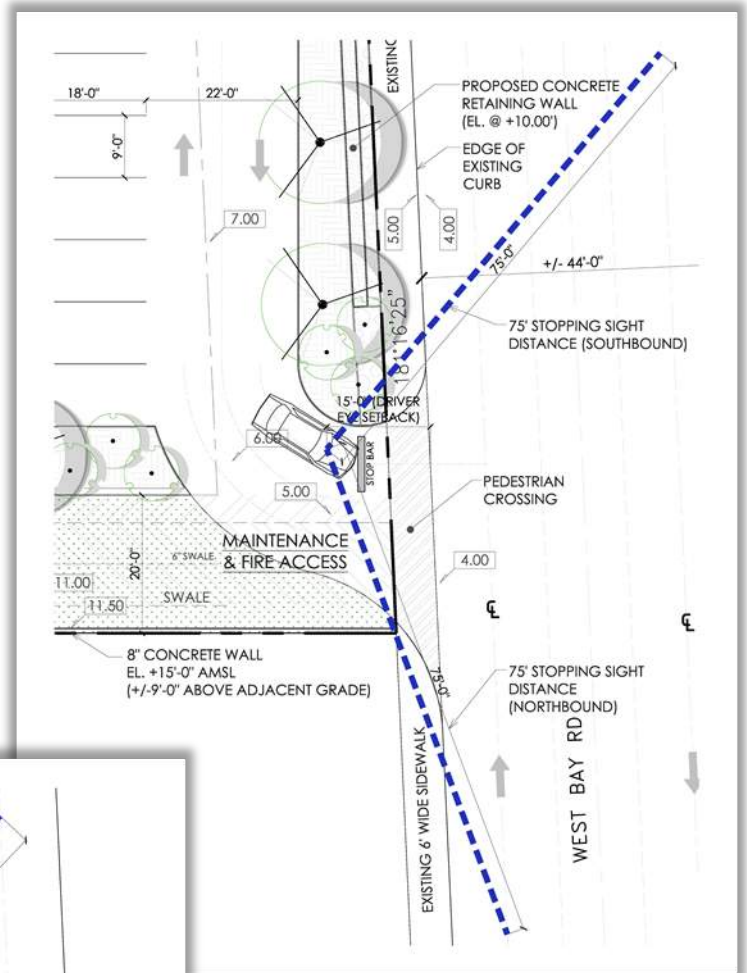
	<p><i>Technical Advice Note (September 2018).</i></p> <p><i>2) Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.</i></p> <p><i>3) No construction work, vehicle access, storage of equipment/ materials or other operations should take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.</i></p> <p><i>4) Construction materials shall be sited as far back from the beach as possible to maximize nesting habitat and any materials on the beach during turtle nesting season (May to November) shall be fully enclosed in fencing embedded at least 2 feet into the sand.</i></p> <p><i>5) Any sand excavated as part of the construction works shall remain on site and be returned to this beach system. If the volume of sand is deemed too great to retain all sand on site, any removal from site should be the subject of a separate consultation with the Council.</i></p> <p><i>Visual Impact:</i> <i>The proposed development will be set back 20 ft from the northern and southern parcel boundaries. The neighbouring property to the north (Watercolours) is also set 20 ft from their southern</i></p>	<p><i>WaterColours.</i></p> <p><i>See photo below of the south façade of WaterColours, showing the limited amount of south facing windows.</i></p>  <p><i>Regarding the impact on SeaScape which stands south of the proposed development, please note that the sun travels from east to west with an angle of +/-48 degrees towards the south during winter, and +/- 94 degrees towards the north during summer. This means that at no point will the proposed development cast a shadow on to Seascape, because Seascape is south of Lacovia. Please see illustration below:</i></p>
--	--	--

	<p>boundary but setback further from the Mean High Water Mark than the proposed development. Although the proposed development complies with the minimum required setback under the Development and Planning Regulations, it will be very visually prominent on the beach. The proposed development may block the views of units within the WaterColours. There may also be visual impacts on SeaScape, to the south of the proposed development, given the relative heights of the two developments.</p>	<div><div>Solar Angle Calculator</div><div>Select Country: Cayman Islands</div><div>Select Town/City: George Town</div><div>George Town</div><div>Optimum Tilt of Solar Panels by Month</div><div>Figures shown in degrees from vertical</div><table><tr><td>Jan</td><td>Feb</td><td>Mar</td><td>Apr</td><td>May</td><td>Jun</td></tr><tr><td>55°</td><td>63°</td><td>71°</td><td>79°</td><td>87°</td><td>94°</td></tr><tr><td>Jul</td><td>Aug</td><td>Sep</td><td>Oct</td><td>Nov</td><td>Dec</td></tr><tr><td>87°</td><td>79°</td><td>71°</td><td>63°</td><td>55°</td><td>48°</td></tr></table><div><div>Winter</div><div>Spring/Autumn</div><div>Summer</div></div><div><div>48° angle</div><div>71° angle</div><div>94° angle</div></div><div>Notes: On the 21st December, the sun will rise 82° east of due south and set 82° west of due south. On the 21st March/21st September, the sun will rise 91° east of due south and set 91° west of due south. On the 21st June, the sun will rise 100° east of due south and set 100° west of due south.</div></div>	Jan	Feb	Mar	Apr	May	Jun	55°	63°	71°	79°	87°	94°	Jul	Aug	Sep	Oct	Nov	Dec	87°	79°	71°	63°	55°	48°
Jan	Feb	Mar	Apr	May	Jun																					
55°	63°	71°	79°	87°	94°																					
Jul	Aug	Sep	Oct	Nov	Dec																					
87°	79°	71°	63°	55°	48°																					
Petroleum Inspectorate	<p>The department is requesting more information on the LPG buried tanks, which will be provided at time of BCU permit application, for their review and approval.</p>	<div>Compliant</div> <p>Full set of compliant plans and details will be provided at time of BCU permit application, for their review and approval.</p>																								
Fire Department	<p>On August 8, 2019 a meeting was held at the Fire Prevention Unit between Mike Stroh, Fire Safety Inspector Mr. James Bodden, and Mr. Kurt Tibbets to discuss the project. Mr. Bodden approved our proposal conditioned upon extending the Fire lanes along the north and south of the property by 30' west of the buildings, as well as the strategically placement of Hydrants and Deep wells along</p>	<div>Compliant</div>																								

	<i>the property. Our plans show the 30' extension, and Fire Hydrants and deep wells will be shown on our Civil Engineered drawings during the building permitting process, for the Fire Department review and approval.</i>	
<i>NRA</i>	<ol style="list-style-type: none"> <i>1. The minimum stopping sight distance, for horizontal alignment, along residential access roads shall be seventy-five feet (75') as measured between two (2) points on the centre of any lane and 3.5 feet above the carriageway. Please have applicant revise site plan.</i> <i>2. A six (6) foot sidewalk shall be constructed on West Bay Road, within the property boundary, to NRA standards to facilitate the introduction of a separate bicycle lane along West Bay Road. Please have applicant revise site plan.</i> 	<ol style="list-style-type: none"> <i>1. Site Plan complies with this requirement. Please see diagrams shown on page 12.</i> <i>2. Our Site Plan shows pictures of existing 6' wide sidewalks at the existing property, as well as in front of Watercolours (property to the north), and at the property to the south. If we were to move the sidewalk to within our property, the sidewalk along WBR would lose connectivity, creating a safety hazard.</i>
<i>Water Authority</i>	<i>Civil engineering, MEPF, Elevator & Generator/Fuel storage drawings will be provided prior to submission for permit during construction phase, and shall comply with all applicable codes, as well as the requirements from the Water Authority.</i>	Compliant
<i>Department of Tourism</i>	<i>Based on the information received, the DOT has no objections to this project. Their comments were submitted to Planning on 01.13. 2020</i>	Compliant

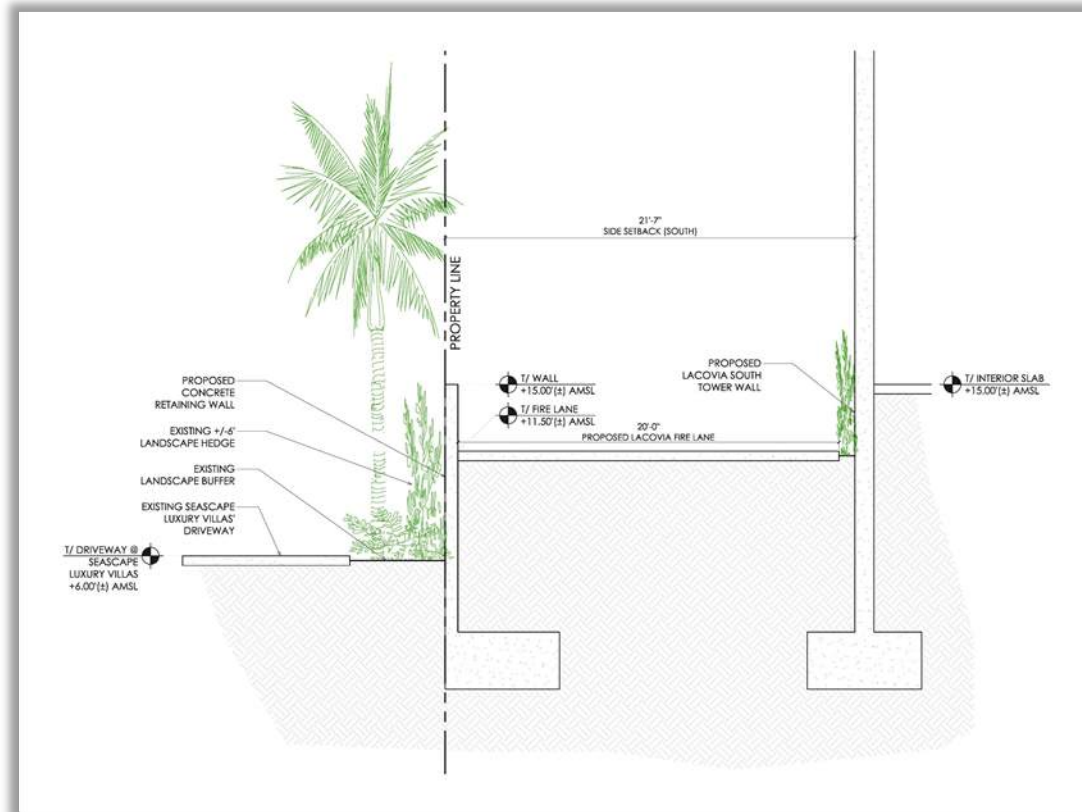
<i>CIAA</i>	<i>No objections from CIAA provided structure remains unchanged from architectural drawings and red obstruction lights are affixed to it's highest point.</i>	Compliant
<i>DEH</i>	<i>The applicant has indicated a Waste Distribution Room; more details pertaining to this room must be submitted for review. This property will require two (2) 26yd3 roll-on roll-off container with servicing at least three times per week. Swimming pool applications are required for review and approval prior to constructing the pools.</i>	<i>This property will be served by a private waste collector, and plans and details will be provided at BCU permitting stage.</i>
<i>Planning</i>	<p><u>Retaining & Side Property Wall Height</u></p> <p><i>Section 4.3.1 of the Wall and Fence guidelines states” In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches (4') in height”. The proposed side (south) boundary wall and front retaining wall would be 8'-0” as measured from the neighbouring property.</i></p>	<i>Please see the south retaining wall section & existing site conditions photo on page 12 below, which shows that the retaining wall will be 3 ½ feet above the proposed finished grade of Lacovia. It’s been agreed with the Southern neighbor that Lacovia will landscape the Southern side of the retaining wall providing a lush visual buffer.</i>

SOUTH CORNER



NORTH CORNER

South Retaining Wall Section Detail Between Lacovia & Seascape Villas



Existing Southern Boundary Site Conditions Photo



5. Response to objectors:

The response to the letters from objectors is dealt with in the written submissions by the Applicant's Attorney, Mr. Waide DaCosta dated 15 January 2020.

6. Summary

The Application complies with the Law and Regulations and adheres to the objectives and strategy of the Development Plan. No variances are required and there are no legitimate material planning considerations raised by any of the objectors.

The project density is lower than permitted by the Regulations whilst the massing and scale of the project is consistent with the immediate adjacent property to the north. The staggered three building design allows for lush landscaping in-between the buildings as well as for greater visual transparency from West Bay Road through to the beach.

The project provides much needed modern apartment inventory for both the local market and tourism market.

The Applicant respectfully requests that after carefully considering all factors the CPA approves the Application, subject to such reasonable and necessary conditions it deems fit.

PLANNING DEPARTMENT ANALYSIS

General

Application for 96 apartments contained within 3, 10 storey buildings. The application also includes 1 lobby building; 1 utility building; 13 pools; a generator; 3 - 500 gallon underground LPG tanks and boundary walls located on West Bay Rd., West Bay.

Zoning

The property is zoned Hotel Tourism.

Specific Issues

a) Project Specifics

The applicant is proposing 96 apartments and 366 bedrooms. The units range from 3 to 8 bedrooms each. The applicant's agent has stated that all development proposed will be for private use, thus the kitchen / lounge will not require a liquor license or advertising.

Presently on the parcel is the existing Lacovia condominium complex. All existing development is proposed to be demolished prior to construction of the proposed condominium project.

b) Height, scale and massing

The proposed development complies with the setbacks set out in regulation 8(10)(e) having regard to the high water mark. The regulations provide for a staggered effect of proposed structures along the high water mark in proportion to the proposed height. Through the use of landscaping and associated works such as the swimming pool the proposed scheme follows the existing curve of the current structure on site. However, this does result in a tower-like design whereby the scale and mass of the development is significant when viewed from Seven Mile Beach or West Bay Road. The aesthetics of the building will be similar to the other six-story condominiums north of the subject site; however, it will appear quite distinctive compared to the immediate adjacent properties.

The height of development 130' (10 stories), complying with Regulation 8(2)(e) which allows the development of buildings in hotel/tourism zone 1 up to 130 ft. or 10 stories, whichever is the less.

Members are invited to consider the suitability of the building's height in light of the regulations and having regard to the site's surrounding context which occupies a key prominent location on Seven Mile Beach. As members will be aware there are many existing and approved apartment and hotel developments long Seven Mile Beach ranging in height from 3 to 10 storeys. The aesthetics of the building will be similar to the other six-story condominiums north of the subject site; however, it will appear quite distinctive compared to the immediate adjacent properties.

c) Retaining & Side Property Wall Height

Section 4.3.1 of the Wall and Fence guidelines states "In the residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches (4') in height". The proposed side (south) boundary wall and front retaining wall would be 8'-0" as measured from the adjoining properties.

2.6 MELAYNEE BODDEN Block 22D Parcel 288 (F03-0241) (P19-0681) (MW)

Application for a change-of-use from cabana to nanny quarters (389 sq. ft.).

Appearance at 1:00

FACTS

<i>Location</i>	Paradise Cl, George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.3871 ac/16,862.076 sq. ft.
<i>Parcel Size Required</i>	20,000 sq. ft.
<i>Current Use</i>	Existing Residence with Pool & Cabana
<i>Proposed Use</i>	Change of Use Cabana to Nanny Quarters
<i>Building Size</i>	389 sq. ft.
<i>Building Coverage</i>	17.96%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	2

BACKGROUND

October 23, 2019 (CPA/22/19; item 2.32) – application adjourned to invite in to appear before the Authority

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

1. Canal Setback (10'-1" vs. 20'-0")
2. Lot Size (16,862.076 sq. ft. vs. 20,000 sq. ft.)

APPLICANT'S LETTER

"I write on behalf of Melaynee Bodden who recently applied to the Department of Planning for a change of use from existing cabana to a nanny quarters. The application requires a request for a variance due to the existing cabana encroach the twenty-foot rear setback.

The structure in question was constructed over 14 years ago, approximately 4 months after the main house was built. Since being there, no complaints or concerns have been received from the adjoining property owners.

Regulation 9(8)(d) of the Development and Planning Regulations (2018 Revision) states “the minimum lot size for each detached and semi-detached house is 10,000 sq. ft.” Therefore, a minimum of 20,000 square feet would be required for both dwelling units (existing residence & proposed nanny quarters). The property in question has a size of 16,862.076 sq. ft., the correct setback at the rear of property is 25’-0”, the existing cabana to nanny quarters was built at 10’-1” from the rear of property. As such we would also like that regulation to be waived.

The structure will only be used as housing for personnel hired by that family. Noting desire use and occupancy of the structure we feel the conversion will not be a hindrance to the

Public welfare of the adjacent property owners, nor residence or workers in the surrounding area; we therefore hope for a favorable consideration.

It is further noted, that the adjoining property owners have been notified of the application. Should you require further information please feel free to contact me.”

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Change or Use Cabana to Nanny Quarters, located on Paradise Cl., George Town. It should be noted that that after an extensive search through the Department’s records it could not be verified that the Cabana was ever granted planning permission.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Rear (Canal) Setback

Regulation 8(10)(ea) states “in areas where the shoreline is a canal, all structures and buildings, including ancillary buildings, walls and structures, shall be setback a minimum of twenty feet from the physical edge of the canal”. The proposed change of use would be 10’-1” from the rear (canal) boundary, a difference of 9’-11” respectively.

b) Lot Size

Regulation 9(8)(d) states “*the minimum lot size for each detached and semi-detached house is 10,000 sq. ft.*” The proposed change of use would require an additional 10,000 sq. ft. to total a minimum of 20,000 sq. ft., the proposed parcel is 16,862.076 sq. ft. a difference of 3,137.924 sq. ft.

The adjoining parcels were notified and no objections were received. The Authority should assess if there is sufficient reasons and exceptional circumstances that exist in accordance with section 8(13) to warrant granting the setback & lot size variances.

SUPPLEMENTAL COMMENTS

No changes have been made to the plans as the applicant was invited to appear before the Authority to discuss concerns regarding the lot size and the appropriateness of a dwelling unit with only a 10’ setback from the canal.

2. 7 ALLEYPOINT DEVELOPMENT (Robert Young) Block 2C Parcel 101 (F18-0333) (P18-0755) (P19-0939) (CS)

Application to modify planning permission to revise the floor plan.

Appearance at 1:30

FACTS

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.42 AC
<i>Current Use</i>	Duplex

BACKGROUND

October 3, 2018(CPA/22/18; Item 2.8) The Authority granted planning permission for a duplex, two gazebos and two pools.

December 18, 2019 (CPA/26/19; Item 2.2) The Authority resolved to accept an out-of-time objection letter.

Recommendation: Discuss the application, for the following reasons:

- 1) Merits of the application
- 2) Objector's concerns

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

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

OBJECTIONS

See Appendices B and C

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to modify planning permission to redesign the outdoor patios.

Zoning

The property is zoned Beach Resort Residential.

The applicant wishes to modify the height of the dividing wall between the two rear patios.

The immediate adjacent properties were notified of the modification request and an objection was received after the 21 day notification period. Per CPA/26/19; Item 2.2, the Authority resolved to accept the objection.

2. 8 DR.GYANDRA AND MANISH JHA Block 22D Parcel 150 (F18-0299) (P18-0771) (\$1,500,000) (EJ)

Application for four (4) apartments, one (1) duplex and a pool.

Appearance at 2:00

FACTS

<i>Location</i>	Woodstock Road in Red Bay
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	25,265 sq. ft.
<i>Parcel Size Required</i>	37,500 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	4 apartments & 1 duplex
<i>Number of Bedrooms Allowed</i>	14 for apartments, n/a for duplex)
<i>Number of Bedrooms Proposed</i>	16 (8 for apartments & 8 for duplex)
<i>Required Parking</i>	8 (6 for apartments & 2 for duplex)
<i>Parking Provided</i>	12
<i>Site Coverage</i>	31.72%
<i>Building Coverage</i>	44.98%

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

- a) Suitability
- b) Lot Size Variance
- c) Site Coverage Variance
- d) Canal Setback Variance
- e) Objector's concerns

LETTER OF OBJECTION

“We act for Dr. Stephen and Polly Pickering (“Our Clients”) who on 5 September 2019 were served with a Notice of Application for Planning Permission relating to the above-mentioned block and parcel (the “Notice”).

The Notice provides that Dr. Gvanendra and Dr. Jha (the “Applicants”) have applied for planning permission for a proposed development on Block 22D, Parcel 150 (the “Application”). It is noted that the Notice refers to Block 22D, Parcel 150 as being located “near Prospect Drive”. This is incorrect. Block 22D, Parcel 150 is located on Woodstock Road, which is not near Prospect Drive.

From Our Clients’ review of the Application, the proposed development would comprise:

- 6 apartments contained in 3 x 3 storey buildings on a 0.573-acre lot situated on Woodstock Road, Block 22D, Parcel 150 (the “Site”);
 - a pool and cabana;
 - apartments on the first and second floors, and parking on the ground floor. A recreational roof terrace would be accessible from the lower floors;
 - 1 building containing 2 x 3-bed units. The third bedroom in the 3 bed units is stated to be 14'4" x 10'9" in size; and
 - 2 buildings containing 2 x 2-bed units. In addition, the 2 bed units would have a large "den", stated to be 14' 10" x 9'11" in size (the “Proposed Development”).
- For the reasons set out below Our Clients strongly object to the Application.

Applicable Law

The Site is situated on Woodstock Road, which experiences very low volumes of traffic during the day and even less in the evenings. There are approximately 10 houses on that road. Woodstock Road is a low-density residential area.

Accordingly, Regulation 9(8) applies to the Application, which provides as follows:

"In low density areas,... and, in suitable locations, guest houses and apartments are permissible provided-(c)

the maximum number of apartments is fifteen per acre with a maximum of twenty-four bedrooms;

(I) the minimum lot size for each detached and semi-detached house is 10,000 square feet;

(g) the minimum lot width for... apartments is 100 feet;

(h) the maximum site coverage for ... apartments is thirty per cent of the lot size;

- (i) the minimum front and rear setbacks are 20 feet;
- (j) the minimum side set back is... 15 feet for a building of more than one storey..

Pursuant to Regulation 8(13)(b) variations to the specifications in Regulation 9(8) may only be granted if the Central Planning Authority is satisfied that:

"(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;
- (ii) unusual terrain characteristics limit the site's development potential; or
- (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 Objections

Objection 1: Failure to comply with Regulation 9(8) - Suitable Location

For all the reasons set out in Objections 3 to 5 below, Woodstock Road is not a suitable location for the Proposed Development.

Objection 2: Failure to comply with Regulation 8 (13b) - sufficient reason to grant a variance

Maximum number of bedrooms

The maximum number of bedrooms per acre is 24. Accordingly, the prorated maximum for the 0.573 lot is 13.75. The Proposed Development exceeds this specification with 14 bedrooms, and it is our Clients' position that unless good reason is shown (which it has not been) the limit on the number of bedrooms in low density areas should be strictly applied by the CPA.

A further reason why Our Clients believe that a variance to allow 14 bedrooms should not be granted is that even if it were, in reality, the number of bedrooms would still not be limited to 14. This is because the 4 large “dens” in the 2-bed units have almost identical square footage to the third bedrooms in the 3-bed units. In practical terms therefore the Proposed Development has 18 rooms that could easily be used as bedrooms and the use of “dens” rather than bedrooms appears to be an attempt to circumnavigate Regulation 9 (8). Our Clients are of the view that such attempts should be discouraged by the CPA by firmly refusing to grant variances where there is sufficient doubt about whether or not, on account of its size, a room is capable of being utilized as a bedroom.

Minimum Side Set Backs

The side set backs of the Proposed Development are 10 feet and therefore fall well short of the 15-foot minimum provided in Regulation 9 (8) (j). Taking into account the proposed height of each of the buildings, this is not an insignificant failing.

From an initial review of the Application, Our Clients do not know the extent to which the Proposed Development meets the other requirements of Regulation 9 (8) with regard to minimum lot size, minimum lot width and maximum site coverage. In the event that these requirements are not met, Our Clients fully support any objections raised by any other interested parties in this regard.

Objection 3: Failure to comply with Regulation 8 (13)(b) - no exceptional circumstances

The first exceptional circumstance Regulation 8(13)(b) [anticipates] which may warrant granting the variances sought is that the characteristics of the proposed development are consistent with the character of the surrounding area. Our Clients’ position is that the exact opposite is true for the following reasons:

a) 3 separate 3 story buildings intended to accommodate between at least 14 and 28 occupants and their vehicles, and in a condensed area, is not consistent with the character of Woodstock Road which is a quiet residential area consisting exclusively of a small number of independently owned family homes, which is not consist with; and

b) a multiple occupancy building, or series of adjacent buildings, is not consistent with any other property on Woodstock Road.

Objection 4: Failure to comply with Regulation 8 (T3Yh) - no unusual terrain characteristics limiting the site’s development potential

The second exceptional circumstance Regulation 8(13)(b) anticipates is that the Site has unusual terrain which limits its development potential warranting the need for the variances sought.

Our Client is not aware of any unusual terrain on the Site which would prevent the development of single unit buildings thereon in keeping with the surrounding areas.

Objection 5 - The Proposed Development will be materially detrimental to persons residing in the vicinity, to the adjacent property, to the neighbourhood, and to the public welfare

Woodstock Road is a small, narrow residential road with no vehicles parked along it. It has minimal development and no imposing buildings. It is a quiet, safe and peaceful neighbourhood, and its residents chose Woodstock Road specifically because of these characteristics. Accordingly, the Proposed Development would be wholly detrimental to residents in the vicinity, adjacent properties, the neighbourhood, and to the public welfare for the following reasons:

5.1 the Proposed Development would immediately more than double the number of residents living on Woodstock Road, and convert a quiet neighbourhood into a busy neighbourhood;

5.2 the Proposed Development would immediately more than double the number of vehicles travelling on Woodstock Road, and negatively impact upon the safety of pedestrians and other road users;

5.3 the proposed parking accommodates only 16 vehicles (including visitor parking), despite a realistic requirement being 20 to 25 vehicles plus visitor parking. Therefore, numerous vehicles parking on Woodstock Road would become commonplace and significantly increase safety concerns for pedestrians and children in the area;

5.4 Woodstock Road is narrow. Any on-road parking, particularly to a significant degree will further narrow the width of the road and is likely to prevent emergency vehicles from accessing homes located at and north of the Proposed Development;

5.5 Woodstock Road and its feeder roads are insufficiently maintained to withstand a significant increase in daily traffic;

5.6 the high vantage points of the roof terrace, accessible by all occupants of the apartments and their guests, would cause a significant loss of privacy to nearby residences;

5.7 some of the residents of Woodstock Road have made significant investments in building their own homes and in so doing ensured that they have adhered to local planning regulations which the Proposed Development in several important respects fails to do; and

5.8 the Proposed Development is intended, Our Clients understand, to be for the rental market which will create a mass market and in turn a transient existence and feel to the neighbourhood. This will negatively impact the close and stable community which residents currently enjoy.

Conclusion

It is clear from the above objections that the Proposed Development does not comply with numerous important regulations that are designed to preserve and protect the look and feel of the residential area in question, and the welfare of local residents.

Accordingly, it would be a dangerous precedent for the CPA to grant permission in these circumstances, leaving, in effect, no residential area in the Cayman Islands safe from development that is not suitable for the said location and/ or in keeping with the surrounding area.

AGENCY COMMENTS

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

Department of Environment

Under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Law, 2013), the Department of Environment confirms that we offer the following comments for the consideration of the Central Planning Authority.

- *The application site is man-modified with secondary growth including some invasive flora (Casuarinas).*
- *all construction material and debris being stockpiled away from the water's edge to prevent it from entering the marine environment*
- *From the plans submitted it is unclear whether or not a seawall will be constructed on the canal boundary. Therefore if a seawall is to be constructed, there should be no excavation seaward of the property boundary. Best management practices should be adhered to during construction, and should include but not limited to the use of silt screens, where the 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.*

National Roads Authority

As per your memo dated August 27th, 2018 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 six (6) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.63, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Woodstock Road is as follows:

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

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

Access and Traffic Management Issues

One way driveway aisles need to be a minimum of twelve (12) ft, have applicant adjust the exit aisle to accommodate.

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-two (22) ft. Have applicant indicate on the plan if this minimum is met.

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff*

produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.

- *The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
 - *Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Woodstock 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.

Fire Department

"Does not meet the fire vehicle access requirements."

Chief Environmental Health Officer

"No objections to the proposed in principle. Phase 3 & 4 of this development requires an (1) 8 cubic yard container with twice per week servicing."

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 1,950 US gallons per day (gpd), based on the following calculations.***

BUILDING	UNITS/BLDG	GPD/UNIT	GPD/BLDG	GPD
Block A	1	375	375	375
Block B	1	375	375	375
Block C	4	300	300	1,200
TOTAL				1,950 GPD

- ***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 4'4" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

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 developmentcontrol@waterauthority.ky for review and approval.***

GENERATOR AND FUEL STORAGE TANK(S) INSTALLATION

In the event underground fuel storage tanks (USTs) are used the Authority requires the developer to install monitoring wells for the USTs. The exact number and location(s) of the monitoring wells will be determined by the Authority upon receipt of a detailed site plan showing location of the UST(s), associated piping, and dispensers. The monitoring wells shall comply with the standard detail of the Water Authority. All wells shall be accessible for inspection by the Authority.

In the event above ground fuel storage tanks (ASTs) are used, monitoring wells will not be required.

Water Supply:

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking four (4) apartments and a duplex.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Suitability

Per Regulation 9(8), the Authority should determine if the site is suitable for apartments.

b) Lot Size Variance

Regulation 9(8)(d) requires a lot size of 25,000 sq ft for apartments and Regulation 9(8)(e) requires a lot size of 12,500 sq ft for a duplex for a total lot size requirement of 37,500 sq ft. The subject lot is 25,265 sq. ft. in size.

c) Site Coverage Variance

Regulation 9 (8)(h) allows a maximum site coverage of 30%, whereas the applicant is proposing 31.72%.

d) Canal Setback Variance

Regulation 8 (10)(ea) requires a canal setback of 20' and the proposed deck is setback 12.9'.

2.0 APPLICATIONS

REGULAR AGENDA (Items 2.9 to 2.26)

2.9 INVINCIBLE INVESTMENT CORPORATION (Westin Hotel) Block 11D Parcel 45 (FA94-0233) (P19-1186) (CS)

Application for a change-of-use of a Spa to banquet kitchen.

FACTS

<i>Location</i>	The Westin Hotel
<i>Zoning</i>	HT
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	08.6AC
<i>Current Use</i>	Hotel
<i>Affected Floor Area</i>	7,843 sq. ft.
<i>Parking Proposed</i>	178 (on-site)

BACKGROUND

September 21, 1994 (CPA/30/94; Item 6.1) The Authority granted planning permission for a 350 room hotel

May 3, 1995 (CPA/12/95; Item 3.2) The Authority resolved to modify planning permission for a hotel which included expanding a restaurant.

June 22, 2016 (CPA/14/16; Item 2.10) The Authority granted planning permission for a temporary tent, for 12 months only.

June 22, 2016 (CPA/14/16; Item 2.11) The Authority granted planning permission for a 2,912 s.f. hotel addition for administrative offices.

August 3, 2016 (CPA/17/16; Item 2.14) The Authority granted planning permission for a two fuel tanks, sign, pool and cabana renovations, port cochere and 203 s.f. pool bar expansion.

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

1. Location of service dock and compactor.
2. Parking

APPLICANT LETTER

"We hereby make application to the Central Planning Authority for planning consent to carry out the following works at the Westin Grand Cayman Resort, West Bay Road, Seven Mile Beach.

Scope of application for planning consent:

A Change of Use: The spa fitout and operations area in the existing Spa building situated in the north east corner of the subject parcel 11D45 are to be cleared out and a new fitout carried out for a commercial Banquet Kitchen intended to service the Westin Resort general banquet functions in the existing Galleon and Governor's Ballroom venues as well as general catering support for other 3-meal and speciality restaurants in the Resort (existing and future) in addition to providing Room Service and Pool Deck /Bar served meals and beverages etc.

B New Structure: A new Mechanical Equipment structure serving also as a roof over a new Loading Service Dock with provision for a new solid waste compaction unit and related disposal skip- related work includes a new expanded vehicle ingo off West Bay Road with reversing bay and a new bypass access lane to the existing Parking Area Zone B (serving the existing spa and conference areas including the Governor's Ballroom)."

AGENCY COMMENTS

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

National Roads Authority

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

The NRA has no objections or concerns regarding the above proposed development.

The NRA will endorse the proposed scheme for the truck collecting the compactor skip (20' x 8') to reverse off West Bay Road into the bay to load the skip since this operation will not be happening every hour of the day."

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

Water Authority

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

Wastewater Treatment:

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

- The developer shall notify the Water Authority's Engineering 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.*
- A grease interceptor with a minimum capacity of 4,000 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. To achieve the required capacity, multiple tanks may be used e.g. 2 x 2,000 gallon grease interceptors installed in-series. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the WBBSS.*

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.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a change-of-use of a spa to banquet kitchen.

Zoning

The property is zoned Hotel/Tourism

Specific Issues

a) Compactor and Service Dock Location

The application includes installation of a trash compactor and service dock that will be located along West Bay Road. Typically trash services and loading areas are located within the rear or side yards of commercial and hotel properties, not within front yards viewable to the public.

This service area will be set back 20' from the front property line and will require large trucks to manoeuvre close to a collector road, a highly trafficked sidewalk, and a general access driveway.

The Authority is asked to consider whether it is appropriate to have an open equipment room/trash compactor located along a major tourism corridor.

b) Parking

This proposal results in the further reduction of on-site parking. Reducing the number from 204 spaces (approved in 2016) to 178. The applicant is proposing an off-site solution to compensate for the loss on Parcel 37. The associated application is included in this agenda. The Planning Report includes an analysis for the hotel's parking.

2. 10 INVINCIBLE INVESTMENT CORPORATION (Westin Hotel) Block 11D Parcel 37 (FA98-0045) (P19-1187) (\$2.9M) (CS)

Application for a Commercial Laundry Facility and Storage Rooms.

FACTS

<i>Location</i>	West Bay Road, West Bay Beach North
<i>Zoning</i>	NC
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	6 AC
<i>Current Use</i>	Hotel

<i>Building Footprint</i>	14,498 sq. ft.
<i>Building Area</i>	14,498 sq. ft.
<i>Parking Proposed</i>	69
<i>Parking Required</i>	15

BACKGROUND

Recommendation: Discuss the application for the following reason:

- 1) Off-site location of hotel support services.
- 2) Parking

APPLICANT LETTER

See Appendix 'D'

AGENCY COMMENTS

Comments from the Department of Environment, DEH and Water Authority comments are noted below.

Department of Environment

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

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

Department of Environmental Health

“Provide details of arrangements for solid waste collection and disposal within and from the facility. 2) Provide details to indicate the adequacy and efficiency of ventilation control/heat extraction from the facility.”

National Roads Authority

As per your memo dated November 18th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the proposed development could not be accurately assessed. However, the impact of the proposed development onto West Bay Road is considered to be minimal.

Access and Traffic Management Issues

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

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

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

Tire stops (if used) shall be 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 Driveway. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. If catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

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

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

Water Authority

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

Wastewater Treatment:

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

- The developer shall notify the Water Authority's Engineering Department at 949-2837 ext 3000, as soon as possible to ensure that:*
- the site-specific connection requirements are relayed to the developer,*
- any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- the Authority can make necessary arrangements for connection.*
- The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site's wastewater infrastructure shall be designed and installed to the Authority's specifications. Copies of the Authority's specifications are available at the Water Authority's office on Red Gate Road, or the web:
http://www.waterauthority.ky/upimages/pagebox/Guidelines-Sewer_1425464500_1426308023.pdf*
- The developer shall submit plans for the infrastructure to the Authority for approval.*
- The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*

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

Lint Interceptor Required at commercial, institutional, coin-op laundries:

An approved lint interceptor is required for commercial, institutional and coin-operated laundries. The developer is required to submit specifications for all laundry (washer) equipment to the Water Authority for determination of the required capacity of interceptor. Specifications can be sent via email to development.control@waterauthority.ky

Generator and Fuel Storage Tank(s) Installation:

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

Best Management Practices (BMPs) for Painting:

To reduce the amount of pollutants reaching the storm drain system and local waters, painting work for commercial and residential projects shall employ the following "Best Management Practices (BMPs) for Painting". (Guidelines also attached.)

DO NOT discharge paint, paint thinner, or rinse water containing either of these substances into a street or storm drain.

Latex paint: disposal of the rinse water depends on the type of wastewater treatment at the site.

- *As the site is served by the Central Wastewater Treatment Facility, brushes can be rinsed in a sink that drains to the sanitary sewer (i.e., indoor plumbing).*

Oil-based paints: brushes and P19-0883)on-disposable rollers need to be cleaned with paint thinner. Oil-based paints and paint thinners CANNOT be discharged to the sanitary sewer and must be disposed of as hazardous waste. For more information about hazardous waste disposal, please contact the Environmental Health Department at 949-8793

Left-over Paint: Drain leftover paint in the roller pan back into the paint can. If using paint hoses and guns, spray out the paint residue into the paint can.

Leftover oil-based paint may be recycled or disposed of as hazardous waste. Paint thinners must be disposed of as hazardous waste. For more information about hazardous waste disposal, please contact the Environmental Health Department at 949-8793

Dried latex paint and empty paint cans may be disposed of in the garbage.

Non-hazardous paint chips and dust from dry stripping and sand blasting may be swept up or collected and disposed of as trash. Chemical paint stripping residue and chips and dust from marine paints or paints containing lead or tributyl tin must be disposed of as a hazardous waste.

If grinding or blasting is used to remove old paint, protect nearby storm drain inlets with a protective cover such as a heavy rubber mat. Paint dust, particles, and other debris must be completely cleaned up, preferably by sweeping, after the job is done.

Water Resource Protection:

To prevent contamination of water resources by accidental spills of hazardous materials stored / used at the facility. BMPs shall include the following:

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

Water Supply:

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.*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a commercial laundry and storage rooms.

Zoning

The property is zoned Neighborhood Commercial.

Specific Issues

a) Offsite Location of Hotel Support Services

As stated in their letter, the laundry building will be servicing the Westin hotel located on Parcel 45 which is approximately 365' from parcel to parcel or 710' driveway to driveway. Access to this facility will be through the parking area of a separate hotel, Sunshine Suites.

In their letter (see Appendix 'C'), the applicant mentions there will be a 'Parking Provision Plan' for the Westin Resort and its existing and future components. All the Department has received is presented in this agenda. The information provided does not discuss justification for the off-site lot and for whom the spaces will be designated.

b) Parking

In 2016, the Authority accepted 204 spaces as sufficient parking for the Westin Hotel (Parcel 45) after granting planning permission for a 2,912 s.f. addition for administrative offices as well as two fuel tanks, sign, pool and cabana renovations, port cochere and a 203 s.f. pool bar expansion (CPA/14/16; Item 2.11).

The applications proposed for Parcel 45 results in the loss of 34 on-site spaces, leaving 170 spaces. The Authority may wish to consider whether the proposed change-of-use of the spa to banquet kitchen would justify the loss of parking. By current regulations, the spa would require 26 spaces based on 1 space per 300 s.f. as a commercial use available to the public.

Through a series of site visits, it is evident there are on-going parking challenges for this site, especially when the hotel hosts events in which the general public attend. Given there is not a proposed reduction in restaurant or banquet space, it is questionable whether there will be a decreased demand for on-site parking.

To counter this, the applicant is proposing to provide 69 spaces on Parcel 37, associated with this application (see Appendix 'C' for the applicant's letter). As stated above, the off-site parking location is approximately 365' from parcel to parcel or 710' driveway to driveway. Regulation 8(1)(c) allows up to 25% of the require parking to be located not more than 500' from the respective building. Based on the previously approved 204 spaces required for the hotel, up to 51 spaces may be located off-site.

The laundry facility itself warrants 15 parking spaces, therefore providing 54 surplus spaces. If the Authority finds this off-site approach amenable, there will be an increase of 20 spaces to service the hotel.

Through review of the planning history for Sunshine Suites Hotel, 83 parking spaces are required for the existing hotel, while there are 85 spaces.

CPA approved parking	204
<u>Parking required per application</u>	<u>15</u>
Total Parking Required	219
Proposed one-site parking	170
<u>Parking provided off-site</u>	<u>69</u>
Total Parking Proposed	239

2. 11 JOANNE ANGLIN Block 4E Parcel 86 (F98-0313) (P19-1338) (\$5604) (JP)

Application for three lot subdivision.

FACTS

<i>Location</i>	Rev Blackman Road, West Bay
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.9 AC/39204 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

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

1. Road Width

PLANNING DEPARTMENT ANALYSIS

General

The subdivision site is located within the central West Bay area of the Island. Anglin Road forms the western boundary with Rev Blackman Road bounding a small portion of the south-west corner of the lot. Neighbouring properties are located to the north and south with a church to the east.

The application seeks planning permission for a three lot subdivision.

Zoning

The land is zoned High Density Residential.

Specific Issues

a) Road width

Anglin Road, the primary public access road, is a narrow road approximately 15' wide at its narrowest in the north-western corner of the subject site. This does not

allow for two way traffic. The NRA does not have any plans to increase the road width to 30’.

The Authority needs to determine if the road width is acceptable for further intensification.

2. 12 CLIFTON RINGROSE Block 28B Parcel 70 (FA88-0048) (P19-1068) (BES)

Application for a five (5) lot land strata subdivision.

FACTS

<i>Location</i>	Meadowlark Road, Savannah
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.5233 AC

BACKGROUND

Nov. 4, 2014, a duplex and dwelling house was granted planning permission.

July 19, 2017 (CPA/14/17; Item 2.2) - CPA granted planning permission for a duplex.

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

1. lot sizes

APPLICANT LETTER

“On behalf of our client, Mr. Clifton Ringrose, we are kindly requesting a variation on the minimum lot sizes for the proposed Raw Land Strata lots, as it relates to Planning Regulation 8(13).

This is an approved housing development which we are requesting the stratification of these proposed raw land strata lots which will allow for private land usage for each building footprint. This case scenario is more geared towards an apartment concept. We are kindly requesting a favorable review into this proposal.

Your approval for the variation would be greatly appreciated”

AGENCY COMMENTS

Comments from the Water Authority and National Roads Authority 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>.*

National Roads Authority

"As per your memo October 9th, 2019 the NRA has reviewed the above-mentioned planning proposal.

The NRA has no objections or concerns regarding the above proposed subdivision."

PLANNING DEPARTMENT ANALYSIS**General**

The application is for five (5) raw land strata subdivision. The site is located on Meadowlark Road, Savannah.

As noted above, the applicant has obtained planning permission for a dwelling house and two duplexes on the subject parcel, and the applicant is now seeking planning permission to strata land around each of the buildings.

Zoning

The property is zoned Low-Density Residential.

Specific Issues**a) Lot Size**

Per the Development & Planning Regulations, strata lots are subject to the same lot size and lot width requirements of free-hold lots. In the LDR zone, the minimum lot size required is 10,000 sq. ft. The proposed land strata lots will range in size from 1,318 to 1,870 sq ft. It should be noted that the land strata lots will not include the associated buildings, but create external yard areas for the buildings.

**2. 13 LIV DEVELOPMENT Block 15E Parcel 34 Lot 12 (F19-0636) (P19-1250)
(\$725,000) (MW)**

Application for a house and pool.

FACTS

<i>Location</i>	Off Walkers Rd., George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.1707 AC/7,435.692 sq. ft.
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	house and pool
<i>Building Size</i>	3,800 sq. ft.
<i>Building Coverage</i>	30.3%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

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

- 1) Front Setback (steps 14' vs 20')
- 2) Side Setback
 - septic tank (0' vs 10')
 - house (10' 8" vs 15')
- 3) Roadside Setback (11' 2" vs 20')
- 4) Rear Setback
 - Deck (9' 5" vs 20')
 - Pool (15'-4" vs 20'")
- 5) Site Coverage (30.3% vs 30%)

AGENCY COMMENTS

Comments from the Director of Environment are noted below.

Department of Environment

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

The application site was previously primarily dry forest and seasonally flooded mangrove forest, as showing in Figures 1 and 2. In July 2018, the Department reviewed an application for LIV Development for a 15 lot subdivision on Blocks 219 and 34 (Planning Ref: P18-0428). During the consultation for the application, the Department highlighted that parcel 15E34 was cleared without planning permission, thus reducing the ecological importance of the site. “

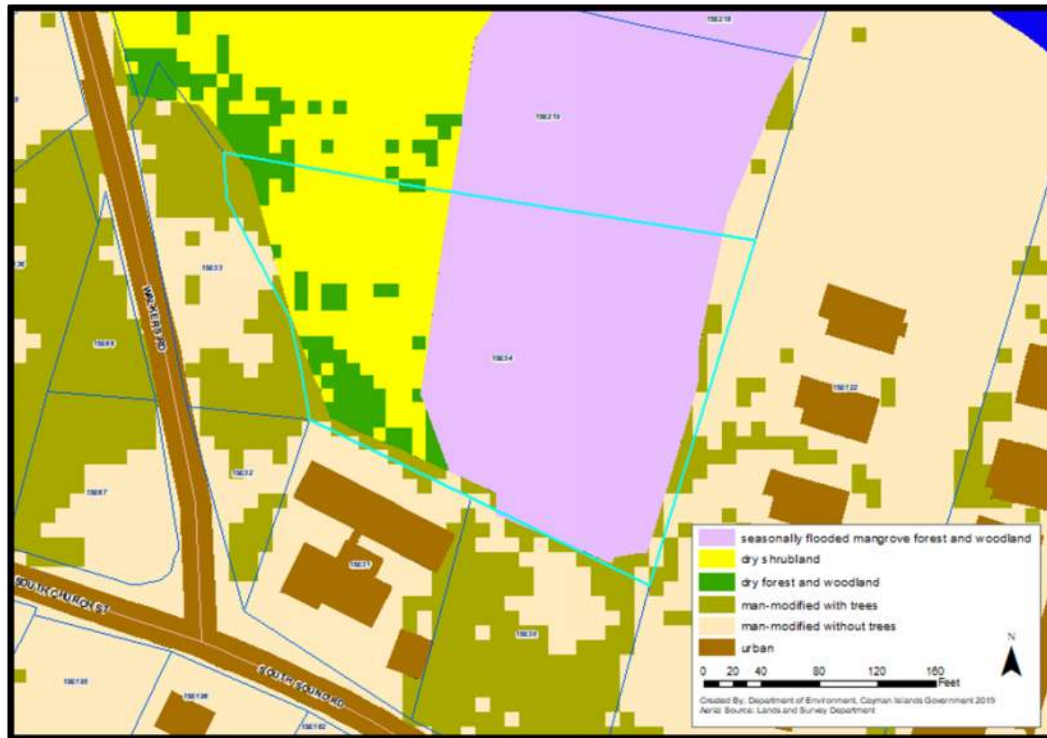


Figure 1: DoE's 2013 Habitat Map showing Application Site (outlined in light blue)



Figure 2: LIS 2013 Aerial Imagery showing Application Site (outlined in light blue)



Figure 2: LIS 2018 Aerial Imagery showing Application site (outlined in light blue)

Given that the site has already been cleared, it removes the opportunity for reviewing agencies to provide constructive comments and feedback on best management practices along with recommendations for retention of ecologically valuable flora, which ultimately may prove beneficial to the landowners and wider area. Given the application sites location in a mangrove wetland area that has now been partly filled, the site's

natural capacity to retain stormwater has been reduced, posing a risk of flooding on this site and adjacent areas. A stormwater management plan should be developed for the development to ensure that stormwater runoff is handled on site and does not impact surrounding areas.

APPLICANT'S LETTER

“Further to the application submitted to build Two (2) Storey House on Block 15E Parcel 34 Lot 12, we hereby request for a setback variance of which requires a minimum of 20 ft front and rear setback and 15 ft minimum side setback per Planning Regulation 9 (8)(i) and (j).

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

Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: While we have complied with the minimum required setback, we would like to request for a variance due to the application of the house templates to the respective lot. Only portion of the front porch, side portion of the house, pool and deck is beyond setback line and still 14'-0" away from the nearest boundary at front; 11'-2" away from the nearest boundary at left side; 10'-8" away from the nearest boundary at right side; and 9'-5" away from the nearest boundary at rear property line. Lastly, we would like to request for a variance on the proposed septic tank. There is no other suitable location we can fit this on site aside from the proposed location and we hope that the CPA board will find this acceptable.

If you require additional information or further clarification, please don't hesitate to contact us at the numbers & e-mail below. Thank you and God bless.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for a two story, four (4) bedroom house with swimming pool, located off Walkers Rd. George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Front Setback

Regulation 9(8)(i) states “*the minimum front setback is 20 feet*”. The proposed residence would be 14’-0” from the front boundary, a difference of 6’-0”.

b) Side Setback

Regulation 9(8)(j) states “*the minimum side setback is 10 feet for a building of one storey or 15 feet for a building for more than one storey*”. The proposed septic tank would be 0’-0” from the side boundary and the proposed residence 10’-8”, a difference of 10’-0” & 4’-4” respectively.

c) Roadside Setback

The proposed residence would be 11’-2” from the northern boundary which is aligned with the proposed roadway. The proposed setback should be 20’-0”, a difference of 8’-10”.

d) Rear Setback

Regulation 9(8)(i) states “*the minimum front and rear setbacks are 20’-0”*”. The proposed pool and deck would be 9’-5” (pool deck) & 15’-4” (pool) from the rear boundary, a difference of 10’-7” & 4’-8” respectively.

e) Site Coverage

Regulation 9(8)(h) states “*the maximum site coverage for detached and semi-detached houses, duplexes, guest houses and apartments is 30%*”. The proposed development has a site coverage of 30.3%, a difference of 0.3%.

2. 14 LIV DEVELOPMENT Block 15E Parcel 34 Lot 13 (F18-0182) (P19-1196) (\$725,000) (MW)

Application for a house with pool.

FACTS

Location

Off Walkers Rd., George Town

Zoning

LDR

<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.1787 AC/7,784.172 sq. ft.
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House with pool
<i>Building Size</i>	3,800 sq. ft.
<i>Building Coverage</i>	28.94%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

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

- 1) Front Setback (steps 14' vs 20')
- 2) Side Setback (septic 2' 1" vs 10')
- 3) Rear Setback
 - deck (11' vs 20')
 - pool (16'-4" vs 20')

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

The application site was previously primarily dry forest and seasonally flooded mangrove forest, as showing in Figures 1 and 2. In July 2018, the Department reviewed an application for LIV Development for a 15 lot subdivision on Blocks 219 and 34 (Planning Ref: P18-0428). During the consultation for the application, the Department highlighted that parcel 15E34 was cleared without planning permission, thus reducing the ecological importance of the site.”

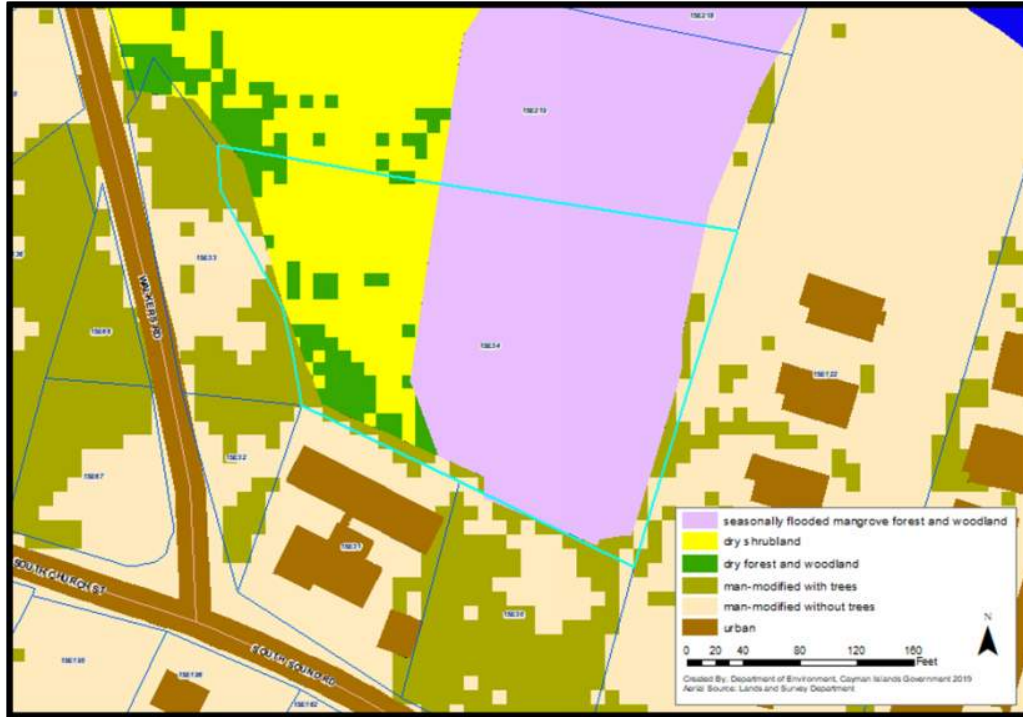


Figure 1: DoE's 2013 Habitat Map showing Application Site (outlined in light blue)



Figure 2: LIS 2013 Aerial Imagery showing Application Site (outlined in light blue)



Lastly, we would like to request for a variance on the proposed septic tank. There is no other suitable location we can fit this on site aside from the proposed location and we hope that the CPA board will find this acceptable.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Two Story Four (4) Bedroom House with Swimming Pool, located off Walkers Rd. George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Front Setback

Regulation 9(8)(i) states *“the minimum front setback is 20 feet”*. The proposed residence would be 14’-0” from the front boundary, a difference of 6’-0”.

b) Side Setback

Regulation 9(8)(j) states *“the minimum side setback is 10 feet for a building of one storey”*. The proposed septic tank would be 2’-1” from the side boundaries, a difference of 7’-11”.

c) Rear Setback

Regulation 9(8)(i) states *“the minimum front and rear setbacks are 20’-0”*. The proposed pool and deck would be 11’-0” (pool deck) & 16’-4” (pool) from the rear boundary, a difference of 9’-0” & 3’-8” respectively.

2. 15 LIV DEVELOPMENT Block 15E Parcel 34 Lot 14 (F19-0635) (P19-1247) (\$725,000) (MW)

Application for a house with pool.

FACTS

<i>Location</i>	Off Walkers Rd., George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.2306 AC/10,044.94 sq. ft.
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House with pool
<i>Building Size</i>	3,800 sq. ft.

<i>Building Coverage</i>	22.4%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

Recommendation: Discuss the application, for the following reasons:

- 1) Side Setback (septic 0' vs 10')
- 2) Rear Setback
 - deck (11' 6" vs 20')
 - pool (17' 6" vs 20')

APPLICANT'S LETTER

"Further to the application submitted to build Two (2) Storey House on Block 15E Parcel 34 Lot 14, we hereby request for a setback variance of which requires a minimum of 20 ft rear setback and 15 ft minimum side setback per Planning Regulation 9 (8)(i) and (j).

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

1. *Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: While we have complied with the minimum required setback, we would like to request for a variance due to the application of the house templates to the respective lot. Only the side portion of the house, pool and deck is beyond setback line and still 10'-8" away from the nearest boundary at left side; and 11'-6" away from the nearest boundary at rear property line. Lastly, we would like to request for a variance on the proposed septic tank. There is no other suitable location we can fit this on site aside from the proposed location and we hope that the CPA board will find this acceptable.*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Two Story Four (4) Bedroom House with Swimming Pool, located off Walkers Rd. George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Side Setback

Regulation 9(8)(j) states “*the minimum side setback is 10 feet for a building of one storey*”. The proposed septic tank would be 0’-0” from the side boundaries, a difference of 10’-0”.

b) Rear Setback

Regulation 9(8)(i) states “*the minimum front and rear setbacks are 20’-0”*”. The proposed pool and deck would be 11’-6” (pool deck) & 17’-6” (pool) from the rear boundary, a difference of 8’-6” & 2’-6” respectively.

2. 16 TUKKA RESTAURANT SEA WALL (RNL Holdings Ltd.) Block 74A Parcel 74 (175/96) (P19-0857) (JP)

Application for 4’ sea wall and retention of rock revetment.

FACTS

<i>Location</i>	East End
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.36 AC/715681.6 sq. ft.
<i>Current Use</i>	Restaurant
<i>Proposed Use</i>	Restaurant

BACKGROUND

CE17-0049 active enforcement case for the construction of a wall

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

- 1) Suitability of a sea wall and rock revetment in this location

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

“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.

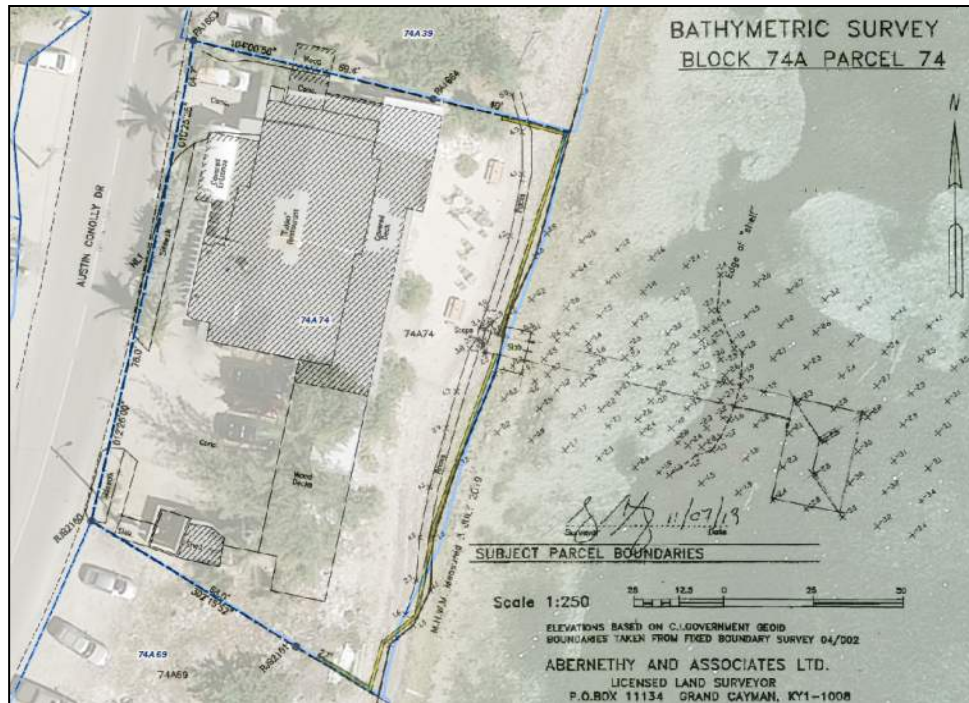


FIGURE 1: Plan extract overlaid on LIS 2013 aerial imagery to show proposed location in relation to existing rocks and the mean high water mark (source: Abernethy & Associates LTD. July

The applicant proposes the construction of a seawall at or immediately behind the Mean High Water Mark, recently surveyed in July 2019 (Figure 1). The Department of Environment (DOE) maintains its position that the placement of seawalls and other forms of hard engineering shore armoring on active beaches or close to the water's edge are usually problematic for a number of well documented reasons:

- i. The potential to increase shoreline erosion or retreat both in the immediate area, directly offshore of the property and at neighbouring properties through increased wave reflection leading to seabed scour and undercutting; wave refraction causing altered wave climates and its influence on sediment depositional and erosional cycles; the interruption of longshore sediment transport processes impacting upstream sources of sand;*
- ii. Loss of natural shoreline recovery following storm events and the need for constant maintenance, repair and placement of sand;*
- iii. Impacts to and loss of nearshore habitat, ecological diversity and the processes they provide;*
- iv. Impacts to public access along the shore line;*

- v. *Loss of aesthetic coastal features and resulting proliferation of seawalls in the immediate area to address the issues caused by the installation of the first wall.*

The applicant's site is no exception and the Department would offer the following additional comments:

- i. *The applicant's site is a well-established local restaurant and attraction built on a narrow parcel of land that, at the time of planning approval, did not allow for the required coastal setbacks. The variances and relaxing of the setback requirements have resulted in the need for further engineering solutions to address the predictable and inevitable coastal erosion problems.*
- ii. *The Department has conducted a number of site visits to the location and undertaken a pre application meeting with the applicant and the architect to better determine the circumstances for the application. During the site visit it was evident that efforts had already been undertaken to armour the shoreline through the construction of a low, boulder and cement, rip rap style sea wall (Figure 2). Behind this wall local beach sand had been placed on site to make a usable beach on which additional tables and seating for the restaurant were situated. The applicant indicated that the current low stone wall was not sufficient to keep larger less frequent storm waves from overtopping the wall and washing away the sand, leading to an ongoing maintenance issue. A higher concrete wall would reduce the overtopping for milder storm events but could not eliminate this risk in its entirety. A periodic placement of beach sand would still be required, albeit less frequently. The source of local beach sand is an additional off-site impact.*



FIGURE 2: The existing rock wall on Block 74A Parcel 74 in relation to the sea (Source: DOE 22 August, 2019).

- iii. *The design of the seawall, as provided by the applicant, did not appear to make any attempt to reduce the resulting impacts of waves interacting with the sea wall. A long straight and flat wall maximizes the potential for wave reflection,*

refraction, overtopping and salt spray. Coastal engineering solutions such as curves, rakes and overtopping sills exist to reduce these potential nuisances, all of which increase the walls ability to avoid damage.

- iv. The seawall as designed would not likely offer any additional or long term protection to the existing property. The site is a rubble and sand beach situated over an outcropping of hard limestone (small bluff) most of the building structure is built on the hard rock such that any loss of the beach under normal circumstances would not likely threaten the integrity of the building structure. Obviously extreme storms with exceptionally large wave events do represent a risk, but the wall as proposed would not offer additional protection during such circumstances.*
- v. The seawall, as proposed and as indicated by the applicant, serves primarily to replace the existing rock revetment and secure an additional upland filled beach area for additional dining area and recreational use by the restaurant's clientele.*
- vi. The applicant indicated that, while the placement of the seawall would impact the ability of pedestrians to traverse the shoreline access would be permitted and maintained through the property behind the seawall.*

Taking the above into consideration, and given the Department's consistent and long standing position on seawall placement on active coastlines, the Department would recommend against approving the application as submitted. If the CPA is minded to approve the application then the DoE strongly recommends that the seawall is located landward of the existing rock revetment and preferably as close as possible to the structure that it is designed to protect."

AGENTS LETTER

"I am writing to the Board to approve this application for a sea wall out front of my Restaurant in East End.

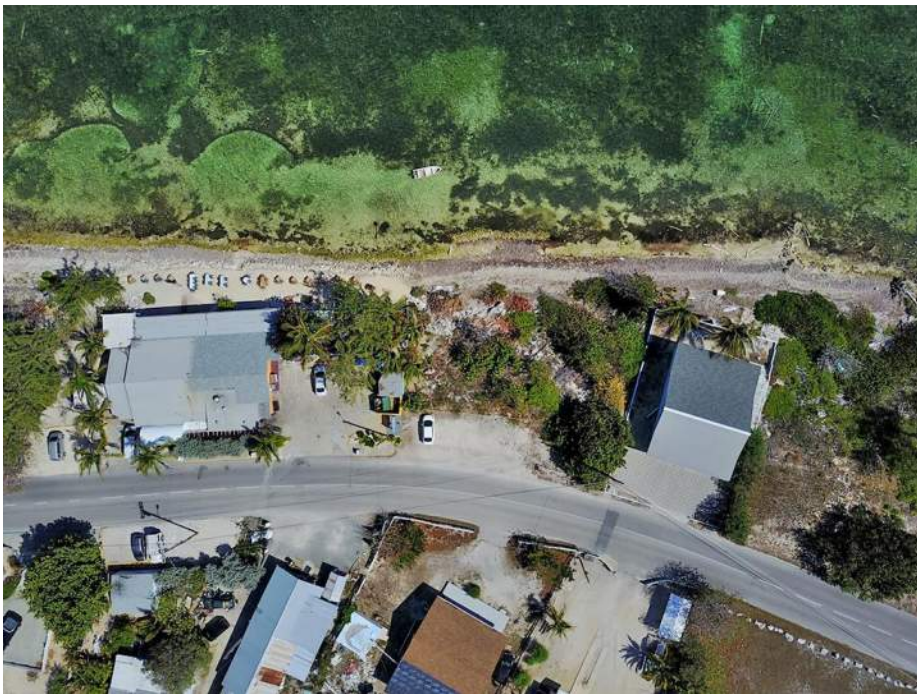
Over the last 10 years we have noticed rather harsh weather conditions that only continue to grow stronger. With this application and detailed drawings supplied we are looking to accomplish the following.

- Protect the structural integrity of the building from minor hurricanes and storm surge.*
- Prevent the loss of right away access along the waterfront.*
- Help the tides move freely the constant accumulation of sargassum weed we experience.*

Should you require and further information please does not hesitate to contact me."



Shoreline at 74A 69



Aerial 1



Aerial 2



Shoreline facing north



Shoreline facing south.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the East End area of the Island and consists of a restaurant and associated parking. The Caribbean Sea bounds the site to the east with vacant lots to the north and south and Austin Conolly Drive forming the western boundary.

The application seeks planning permission for the erection of a 4 foot high sea wall to be sited seaward of an unauthorised rock revetment which permission is also sought for its retention.

Zoning

The land is zoned Low Density Residential.

Specific Issues

a) Suitability of installing wall and retention of rock revetment

Members are invited to consider the suitability of installing a 4' high wall along the High Water Mark together while retaining an un-authorised rock revetment. Department of Environment have raised concerns maintaining its 'position that the placement of seawalls and other forms of hard engineering shore armouring on active beaches or close to the water's edge are usually problematic for a number of well documented reasons'.

Members are invited to consider whether adequate justification has been submitted to overcome the Department of Environment's longstanding concerns regarding shoreline engineering.

2. 17 SHARON KAREN SMITH Block 72C Parcel 329 (F98-0339) (P19-1067) (\$3,000) (MW)

Application for a two lot subdivision.

FACTS

<i>Location</i>	Sea View Rd., East End
<i>Zoning</i>	MDR/Public Open Space
<i>Notice Requirements</i>	No Objector
<i>Parcel Size Proposed</i>	0.26AC/11,325.6 sq. ft.
<i>Parcel Size Required</i>	0.17 AC/7,500 sq. ft.
<i>Current Use</i>	Existing Residence
<i>Proposed Use</i>	(2) Lot Strata Subdivision

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

1. Lot Width (18.7' vs. 60')

AGENCY COMMENTS

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

Department of Environment

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

Water Authority

"Please be advised that the water authority's requirements for this development are as follows:

Water supply:

"The proposed development site is located within the water authority's piped water supply area.

- *the developer shall contact water authority's engineering services department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the piped water supply.*

- *the developer shall submit plans for the water supply infrastructure for the development to the water authority for review and approval.*
- *the developer shall install the water supply infrastructure within the site, under the water authority's supervision, and in strict compliance with the approved plans and water authority guidelines for constructing potable water mains. the guidelines and standard detail drawings for meter installations are available via the following link to the water authority's web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

Wastewater treatment:

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for a (2) two lot subdivision.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

a) Lot Width

Section 9(7)(g) states the minimum lot width shall be 60'. Lot A would be 18.7' a difference of 41.3'. Lot B which is zoned Public Open Space is currently divided from Lot A by the existing main road "Sea View Road".

The parcels within a 150' radius were notified and no objections were received.

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

2. 18 MCRUSS Block 25B Parcels 113 and 305 (FA88-0092) (P19-0893) (\$850,000) (BES)

Application for a mixed-use development (commercial and warehouse storage), a free-standing sign, 7 building signs, generator, LPG tank and 4' concrete wall.

FACTS

<i>Location</i>	Marina Dr.
<i>Zoning</i>	NC and LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	27,087 sq. ft.

<i>Building Size</i>	9,921 sq. ft.
<i>Buildings Footprint</i>	9,834 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Commercial & Warehouse
<i>Site Coverage</i>	36.3%
<i>Required Parking</i>	26
<i>Proposed Parking</i>	29

Recommendation: Discuss the application, for the following reasons:

- 1) Rear setback (8'-3" vs. 20')
- 2) Side boundary wall setbacks from the public roads
- 3) Aesthetics of the rear building elevation
- 4) Number of signs on the building
- 5) DEH comments

APPLICANT'S COMMENTS

"We write on behalf of our client Mr. Charles Russell Jr for the above application to redevelop there existing prospect two parcel site and McRuss building.

With the ongoing development and growth of the prospect area the McRuss group sees that this is now the right time to redevelop their flagship store location to meet the growing demands of the area and community.

The proposed development includes larger premises, more parking, green spaces and improved pedestrian areas. The largest unit will be occupied by the owner McRuss for its improved grocery store layout. We are seeking approval from the Central planning Authority for a mix used development and rear setback variance on the LDR zone parcel 113.

Rear setback variance

The development sites shares zoning between neighbourhood commercial and Low Density Residential, with the improved roadside setbacks, parking layout, vehicular flow management and pedestrian ways has led the design of the proposed development to have a lesser rear setback on the LDR zoned section of the development.

We are seeking a rear setback variance for block & parcel 25B / 113 under regulation 8(13) (b) & (d) of 6' vs 20', under the following conditions

1. The characteristics of the proposed development are consistent with the character of the surrounding area.

2. 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. Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, the Authority shall in addition be satisfied that the adjoining property owners have been notified of the application.

4. No objection received from the adjacent property owner affected by the lesser setback condition during the notification period.

5. We have allowed for a four (4) feet high boundary wall along the north and eastern side of the development to provide privacy screening between the development and the adjacent properties.

In general the overall development meets or exceeds the required setback conditions, given that this is the only variance being requested of the CPA.

We are proposing that the parcel in question is viewed by the CPA members in line with neighbourhood commercial development requirements as opposed to Low Density Residential zoning of the site.

We thank you for your consideration of this matter and look forward to the decision on this application.”

AGENCY COMMENTS

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

National Roads Authority

“As per your memo dated September 25th, 2019 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 10,775 sq. ft. has been assessed in accordance with ITE Code 850 - Supermarket. The anticipated traffic to be added onto Marina Drive, Party Lane and Shamrock Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>Pass By</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>	<i>Pass By</i>
---------------------------------------	--	----------------------------------	-----------------------------------	---------------------------	--	----------------------------------	-----------------------------------	---------------------------

1,094	36	14	9	13	101	33	32	37
--------------	-----------	-----------	----------	-----------	------------	-----------	-----------	-----------

Based on these estimates, the impact of the proposed development onto Marina Drive, Party Lane and Shamrock Road is considered to be minimal.

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) ft. wide.

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 Party Lane and Shamrock Road, within the property boundary, to NRA standards.

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

Stormwater Management Issues

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

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

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

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

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

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

Water Authority (Cayman)

"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 3,364 US gallons per day (gpd), based on the following calculations.***
- 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.***

Required Grease Interceptor:

A grease interceptor with a minimum capacity of 600 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the septic tank

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."

Fire Services

"Fire access Party Ln 30 ft main road. Deep well and hydrant required as noted."

Department of Environmental Health

"Please see the Department's comments on the above application:

- 1. A complete assessment of this application could not be carried because critical information was not provided. It could not be determined if the environmental health requirements have been met.*
- 2. The location of the garbage enclosure is unsatisfactory and does not meet the requirements of DEH.*
- 3. Revised drawings must be submitted for review and approval."*

It should be noted that the applicant assigned a plan review to the DEH regarding a revised site plan on December 16th and as of January 10th no comments were uploaded.

PLANNING DEPARTMENT ANALYSIS

General

The application is for mixed-use development (retail units, supermarket, and warehouse storage), free-standing sign, generator, LGP tank, 4' concrete fence and 7-signs located at the above captioned-application. The site is located on Marina Drive and Party Lane, Prospect.

Zoning

The property is zoned Neighborhood Commercial and Low Density Residential.

Specific Issues

a) Rear Setbacks

The proposed side setback is 8'-3", whereas the minimum required side setback is 20' in accordance with Regulation 9(8)(i) of the Development and Planning Regulations (2018 Revision). Additionally, the generator is setback 10' from the rear boundary. The adjoining owners were notified and the application advertised, and no objections were received. The Authority should ascertain whether or not there is sufficient reason and an exceptional circumstance in accordance with Regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) to warrant granting rear setback variances. As noted above, the applicant has submitted an explanation for the variances in their letter, which is included in this report.

b) Side Boundary Wall

The proposed 4' high concrete wall located on the boundaries near Shamrock Road and Party Lane should be set back from the public roads to allow for proper visibility for motorist entering onto the public roads.

c) Rear Building Elevation

The Authority should assess if the aesthetics of the rear building elevation are acceptable.

d) Signs

The applicant is proposing 7 signs on the building façade and the Authority should determine if this is acceptable.

2. 19 JESSICA THOMAS (Pallet America) Block 14BH Parcel 92 (F05-0071) (P19-1303) (JP)

Application for four (4) signs installed on an existing gazebo.

FACTS

<i>Location</i>	South Church Street
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.07AC/3049.2 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Commercial

BACKGROUND

CPA/08/12; Item 2.1 Application for a gazebo selling food – approved, 28.03.2012

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

1. Suitability of the signs

APPLICANT LETTER

“PalettAmerica is an artisanal popsicle franchise from Panama City, Panama that offers premium popsicles, or Palettas as we like to call them, with locally sourced ingredients. With hours of operation running Monday thru Saturday, 9:30am to 5:30pm, we aim to satisfy Grand Cayman’s cruise ship tourists with a refreshing, high quality and healthy snack on a to-go basis.”

PLANNING DEPARTMENT ANALYSIS

General

The site is located in central George Town. To the north the Caribbean sea bounds the site and South Church Street forms the southern boundary. A carpark is located to the west and a vacant lot sited to the east.

The application seeks planning permission for 4 signs installed on an existing gazebo, one sign per elevation.

Zoning

The land is zoned General Commercial.

Specific Issues

Suitability of signs

Section 5.2 of the 2014 Sign Guidelines is relevant in determining this application. However, the Guidelines do not clearly apply to the application submitted. In particular, point ‘b’ provides criteria for single tenant commercial buildings, such as the application before the members. However, the guidelines go on to state the total area of signs applied to any façade must not exceed 10% including window and door area. Given the gazebo nature of the building, significant openings form the design. Therefore, potentially the proposal does not comply with the guidelines.

However, members are invited to reflect on the applicant’s submission and consider the commercial nature of the business located in central George Town.

2. 20 MERCITA DUNKLEY Block 72B Parcel 45 (FA91-0137) (P19-1323) (JP)

Application for a two lot subdivision.

FACTS

<i>Location</i>	John McLean Drive, East End
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.7 AC/30792 sq. ft.

<i>Current Use</i>	Residential
<i>Proposed Use</i>	Residential

BACKGROUND

CPA/24/07; Item 2.34 – Planning permission granted for 2 lot subdivision

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

1. Lot width variances 54' v 60'
2. Setback variance 3' 7" v 20'

AGENCY COMMENTS

Comments from Department of Environment and Water Authority are noted below.

Department of Environment

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

Water Authority

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

WATER SUPPLY:

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

- *The developer shall contact Water Authority’s engineering services department at 949-2837, without delay to be advised of the site-specific requirements for connection to the piped water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*
- *The developer shall install the water supply infrastructure within the site, under the Water Authority’s supervision, and in strict compliance with the approved plans and Water Authority guidelines for constructing potable water mains. The guidelines and standard detail drawings for meter installations are available via the following link to the Water Authority’s web page: <http://www.waterauthority.ky/water-infrastructure>.*

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

WASTEWATER TREATMENT:

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

AGENTS LETTER

“Please find attached our application to subdivide 72B 45 into 2 lots so that the proprietor of adjacent parcel 72B 48 can purchased lot C.

Due to the existing buildings on 72B 48, access will be onto by a 16’ ROW over lot A from John McLean Drive.

This parcel is zoned as ‘Medium Density Residential’ and the proposed lots by far exceed the area requirement of 7500 sq ft, but lot C is less than the 60’ minimum width, which cannot be avoided dye to the shape of the parent parcel.

We understand that building on ‘A’ closest to the proposed new boundary could be demolished, but currently would encroach into the rear set back, but both the vendor and the purchaser are aware of this noting that the proposed new boundary is a natural dividing line.

We also note that the 2 buildings either side of the common boundary between 72B 45 and 48 have been in existence since at least 2008, as shown on the historic Aerial Photography.

We therefore request a variance in these matters from the CPA and refer specifically to Regulations 8(13)(b)(iii) and 8(13)(d), as we do not believe this will be detrimental to the neighbourhood, because of similar narrow, but long adjacent parcels”.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting permission to subdivide Block 72B Parcel 45 into two (2) lots as noted above which is located Off John Mclean Drive, East End. The Department would like to point out that Lot A and Lot B has two (2) existing single-family dwelling units each on their parcels. The structures have been in existence since 1970's and 1980's.

Zoning

The land is zoned Medium Density Residential.

Specific Issues

a) Lot width variances 54’ v 60’

Regulation 9(7)(g) requires a minimum lot width of 60’. The proposed southern boundary to lot C is 54’.

Members are invited to reflect upon the submitted justification to determine whether the variance is acceptable.

b) Setback variance 3' 7" v 20'

Regulation 9(7)(i) stipulates criteria relating to front and rear setbacks. Development currently exists on the site. The proposed subdivision would result in a rear setback from the southern boundary on lot A of 3' 7".

Members are invited to reflect upon the submitted justification to determine whether the variance is acceptable.

2. 21 MICHELLE & NEIL PURTON Block 17A Parcel 293 (FB86-0044) (P19-1290) (CS)

Application for an 858 sq. ft. pool house.

FACTS

<i>Location</i>	Daum Quay, Crystal Harbour
<i>Zoning</i>	LDR
<i>Parcel Size</i>	14,082 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	House Addition
<i>Proposed Floor Area</i>	858 s.f.
<i>Site Coverage</i>	27%

BACKGROUND

July 4, 2014 – A house and pool were administratively approved.

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

- 1) Rear Setback Variance (10' vs. 20')

APPLICANT LETTER

We write to the Central Planning Authority to request a 10'-0" canal setback variance to construct a one storey "ancillary" pool house. All other setbacks comply with current Planning regulations. See site plan submitted with our application.

As per Planning Regulations 8(10)(ea) "all buildings, walls, and structures shall be set back 20 feet from the physical edge of the canal including the inlet walls on the boat dock"

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

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

Should you require additional information please contact us for further details.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

Any stockpiled materials should be stored away from the canal edge in order to reduce the risk of surface water runoff washing material into the canal causing turbidity and reduced water quality.

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for an 858 s.f. pool house.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Canal Setback

The minimum canal setback is 20'. The applicant is proposing to locate the addition 10' from the canal edge for the reasons stated in their letter.

The Authority is asked to consider the merits of the applicant's request.

2. 22 DOWNING RESIDENCE Block 33E Parcel 108 (F19-0432) (P19-1385) (\$870,000) (JP)

Application to modify planning permission to increase the floor area, revise the roof height and add a septic tank.

FACTS

<i>Location</i>	Camp Drive, Cayman Kai
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.31 AC/13503.6 sq. ft.
<i>Current Use</i>	Residential

BACKGROUND

CPA/21/19; Item 2.13 – Application for a house, pool with hot tub, LPG tank and 5' wall approved 9th October 2019.

Recommendation: Discuss the application for the following reason:

- 1) Front setback variance for the septic tank (10' v 20')

AGENT's LETTER

"We would be grateful for your consideration in respect to the following planning variances, in accordance with the Development and Planning Regulations Clause 8(11), which relates to our client's proposed Residence. Please note the below variance request.

1. West Boundary Line Setback Variance for Residence, underground septic tank. (The geology of the property 8(11)(b))

We ask for a road setback variance to allow our client to place the septic tank 10'-0" from the road setback. The nature of the site's form and size restrict the client immensely with regards to buildable areas. Our clients have made efforts to keep the majority of the residence within the 75' setback (which has already approved by CPA board).

Unfortunately, while coordinating the project in preparation for BCU application, it has become apparent that a septic tank was not added to the original variance application.

- The septic tank would be sited in the front setback rather than the sides. This reduces any possible impact to the neighbouring properties;*
- The septic tank's position will allow easy connection to public sewage system, if long-term such a plan comes, forward;*
- Septic tanks are subterranean with little or no visual impact.*

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

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

Approval for this variance application would allow our clients to keep the original design previously approved by the CPA board.

Please also note that our client has asked for your consideration when making your decision on the above noted variance.

Your understanding and approval will be greatly appreciate”

PLANNING DEPARTMENT ANALYSIS

General

The application site occupies a lot sited in the Cayman Kai area of Grand Cayman with the sea forming the eastern boundary and Camp Drive, which serves the property, bounding to the west. To the north and south vacant lots exist.

The application seeks planning permission for installation of a septic tank and modification to planning permission for increase in internal floor area and increase in roof height.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Front setback variance 10’ v 20’

Regulation 9(8)(i) requires all structures and buildings to be setback a minimum of 20’ from the front boundary. The proposed septic would be sited 10’.

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

2. 23 AURA CONDOMINIUMS Block 23B Parcel 114 (F97-0108) (P19-1216) (MW)

Application to modify planning permission to revise the site to relocate the waste water treatment plant.

FACTS

<i>Location</i>	Shamrock Road., George Town
<i>Zoning</i>	Beach Resort Residential
<i>Notice Requirements</i>	No Objectors (Adjoining)
<i>Parcel Size Proposed</i>	2.41 ac (104,979.6 sq. ft.)
<i>Parcel Size Required</i>	21,780 sq. ft. (1/2 Acre)
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Modification to Site Plan:- Shift WWTP to side boundaries.

BACKGROUND

October 18, 2018 (CPA/22/18; item 2.4) – approval granted for apartments

Recommendation: Discuss the application for the following reason:

- 1) Side Setback (7' 5"/3' 4" vs 20')

AGENCY COMMENTS

Department of Environment (NCC)

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

APPLICANT LETTER

“Further to the approved application for construction of a 39 unit condo on Block 23B Parcel 114, AURA Ltd. requests a variance allowing the underground installation of two Sewage Treatment Plants (STP #1 and #2) which, as shown on our updated site plan (Drawing G1 Rev E, October 2019) encroach into the 20'-0" West property line boundary by 12'-7" (STP#1) and East property line boundary by 16'-5" (STP#2) respectively.

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

Regulation 13 (b) sets forth the conditions under which variances such as that proposed in this letter may be given planning permission to carry out development. AURA Ltd. is confident that the proposed Variance falls within these guidelines, notably;

“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 variance does no harm to either public or private interests and is not injurious to any property or interest. The proposed tanks that this Variance is being requested for are to be installed underground and will not be visible. They will not encroach or infringe on any neighbouring property, impose any hardship on any neighbours, or create a situation where any neighbour's quality of life, property value, or peaceful co-existence would be negatively affected. The characteristics of the development will be unchanged from the planning approval.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for the Modification to the site plan, to shift the Wastewater Treatment Plants closer to the side boundaries located on Shamrock Rd., George Town.

Zoning

The property is zoned Beach Resort Residential.

Specific Issue

a) Side Setback

Regulation 15(4)(b)(i) states the minimum side setback shall be 20'-0". The proposed WWTP (Wastewater Treatment Plants) would be 7'-5 1/4" (WWTP #1) & 3'-4 3/8" (WWTP #2) from the side boundary, a difference of 12'-6 3/4" & 16'-7 5/8" respectively.

The adjoining parcels were notified and no objections were received. The Authority should assess if there is sufficient reasons and an exceptional circumstances that exist in accordance with section 8(13) to warrant granting setback variances.

2. 24 CAYMAN BUSINESS PARK Block 14D Parcel 405 (F00-0337) (P19-1275) (CS)

Application to renovate the building façade and add 24 signs.

FACTS

<i>Location</i>	Huldah Avenue, George Town
<i>Zoning</i>	General Commercial
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	1.31AC
<i>Current Use</i>	Commercial

BACKGROUND

A commercial centre is located on this site.

Recommendation: Grant Planning Permission.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to renovate the building façade and add 24 signs

Zoning

The property is zoned General Commercial.

Specific Issues

a) Compliance to Sign Guidelines

Section 5.2 of the Sign Guidelines allows one fascia sign per tenant building frontage, not to exceed 50% of the tenant's linear frontage. Signs for multi-businesses on the same premise shall be uniform.

Each tenant will have a uniformly sized 20 s.f. signs for their frontages.

One 50 s.f. fascia sign is proposed to promote the name of the commercial centre. Up to 10% of a building façade can be dedicated for signage. The proposed sign area comprises 5% of the elevation.

2. 25 BRANDEE ELISE ROMANICA Block 8A Parcel 129 (F19-0221) (P19-1128) (\$11,044) (MW)

Application to modify planning permission for a 9 lot land strata subdivision.

FACTS

<i>Location</i>	Powery Rd., West Bay
<i>Zoning</i>	Hotel Tourism
<i>Notice Requirements</i>	No Objectors
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Modification to (9) Raw Land Strata Subdivision

BACKGROUND

June 19, 2019 - 9 Apartments approved

September 11, 2019 - 9 lot land strata subdivision approved

Recommendation: Modify planning permission.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a modification to (9) lot land strata subdivision located on Powery Rd., West Bay.

Zoning

The property is zoned Hotel Tourism.

Specific Issues

a) Lot Size & Width

The modification application will increase the size of the land strata lots as follows:

- Lot 1 – 3,496 sq. ft. (Approved) to 3,536 sq. ft. = **+40 sq. ft.**
- Lot 2 – 4093 sq. ft. (Approved) to 4,133 sq. ft. = **+40 sq. ft.**
- Lot 8 – 4094 sq. ft. (Approval) to 4,134 sq. ft. = **+40 sq. ft.**
- Lot 9 – 4,113 sq. ft. (Approved) to 8,044 sq. ft. = **+3,931 sq. ft.**

2. 26 SIMMONS ESTATE Block 22D Parcels 244, 294, 297 & 319 (F98-0127) (P19-1263) (P19-1272) (\$362,500) (MW)

Application for a boat launch ramp and 30 docks with canal revetment system.

FACTS

<i>Location</i>	Spinnaker Rd., George Town
<i>Zoning</i>	Low Density Residential
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	15.2716 Ac. (665,230.89 sq. ft.)
<i>Parcel Size Required</i>	-
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Boat launch ramp & 30 Docks with Canal Revetment System.

Recommendation: Grant planning permission.

AGENCY COMMENTS

Department of Environment

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

The site is man-modified and of limited ecological value. However, the canal often has poor water quality and therefore additional care should be taken to prevent impacts to the canal during the construction of the boat launching ramp. Best management practices should be adhered to during construction to prevent any impacts to the canal; 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 launching ramp 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 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.*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a boat launch ramp and 30 docks with canal revetment system to be located on Spinnaker Rd., George Town.

Zoning

The property is zoned Low Density Residential and is part of an approved residential subdivision. The launch ramp and docks will be for private use by the parcel owners within the subdivision.

The adjoining parcels were notified and no objections were received. The Department has no concerns regarding the proposal.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

Appendix ‘A’



13th of October 2019

Ms. Colleen Stoetzel
Planning Officer
Dept. of Planning
Cayman Islands Government

RE: CONDOMINIUM PROJECT FOR ELVIS, LTD. P19-1029, 2C/198

Dear Colleen,

Further to your recent email and queries, please see our responses in kind below;

- 1) *Provide a variance letter explaining the reasons for the various HWM setback encroachments. And....*
- 2) *Provide details on how the barcadere will be filled. Provide justification as to why this is required for this proposal versus redesigning or relocating the pool.*

With regards to the placement of the buildings and the ancillary facilities we, as per your request, submit this letter requesting variance for the following reasons: -

- a) We are taking into consideration the adjacent properties, i.e., the sea walls and swimming pool already in place on the adjacent properties – see attached; “google earth” screen shot, and the site plan A.001A showing the existing sea walls on Block 2C 172, Block 2C Parcel 185, Block 2C Parcel 88, and the swimming pool on Block 2C 85.
Also
- b) Our intent to comply with the planning regulations i.e., the Cayman Islands DEVELOPMENT AND PLANNING LAW (2017 Revision) and the DEVELOPMENT AND PLANNING REGULATIONS (2018 Revision) States under Section 15 (Beach Resort/Residential) Subsection (5), states

Where an application for planning permission is made for development in a Beach Resort/Residential zone the Authority shall ensure that the development will provide - (a) a high standard of accommodation, amenity and open space; and (b) outdoor facilities, including swimming pools, gardens and sun decks/patios/terraces with a substantial amount of landscaping, and incorporate sufficient screening to provide privacy from adjacent properties.

With this in mind, we have designed a building with minimum footprint and maximum setbacks. Please note the setbacks on our application from both: oceanfront, and road front property boundaries is on average over 75 feet. This is an additional 25 and 50 feet more than the minimum setback allowed.

This design decision was made in order to provide as much; landscaping *open space, outdoor facilities, swimming pools, gardens and sun decks* to the project as outlined in the regulations.

vista development co ltd

project management & architectural design

box 30164 grand cayman ky1-1201 cayman islands t 345 949 3728 m 345 916 1040 e jwburco@vista.ky



With regards to the barcadere;

For historic reference, the existing man-made barcadere was excavated by a previous owner to a length of 54 feet beyond the HWM (edge of iron shore) and a width of approximately 16 feet. Due to this excavation and the placement of a now defunct septic tank, the ongoing wave action has undermined the land side of barcadere. The extent of which is shown on the attached drawing A. 001A. This undermining, if left unchecked – will eventually extend well into the site and to the adjacent properties. Obviously, this will place any future development in structural jeopardy.

We have discussed this situation with a marine engineer, and it is our proposal to halt the undermining in this area with the utilization of; pre-cast reinforced interlocking concrete blocks approx. 3ft wide x 4ft long x 3ft high weighing 1.33 tons ea. After these blocks have been placed a, reinforced concrete barrier / wall will be built on the land side of the blocks and then the barcadere back filled. The precast sections of concrete will be lowered by crane into the water, and “keyed” together. This method will not cause any turbidity or introduce any silt into the sea. This will not only protect our parcel from further undermining, but also protect the neighboring parcels as well. The location of the swimming pool is to take advantage of both the economics of the undermined area and the associated engineering works required. The proposed solution will be; 1) more aesthetically pleasing, 2) serve to absorb the wave energy, 3) stop further undermining of the property, and 4) provide public access along the iron-shore which is otherwise blocked by the barcadere.

With regards to the positioning of the ancillary facilities (pool, seawall)....We respectfully request a variance on this phase of the development for the following reasons - as per the Cayman Islands DEVELOPMENT AND PLANNING LAW (2017 Revision) and the DEVELOPMENT AND PLANNING REGULATIONS (2018 Revision) - Section 8, Sub-regulation (11), *the Authority may grant permission for a setback to be located at a lesser distance than that prescribed, having regard to:*

Paragraph (a) the elevation of the property and its environs.

In this case the pool and pool deck will be between 12ft and 13 ft above sea level.

Paragraph (d) – The existence of a protective reef adjacent to the proposed development.

There is indeed an existing protective reef directly to the oceanfront of the parcel, please refer to the “Google Earth Screen Shot”.

Paragraph (e) – The location of adjacent development

The setback from the HWM to the Seawall on the adjacent property to the East is 26’-5” and the setback from the HWM to the Seawall on the adjacent property to the West is far less. Therefore, the position of the Seawall – although further inland than that of the neighboring parcels - will be consistent with the

vista development co ltd

project management & architectural design

box 30164 grand cayman ky1-1201 cayman islands t 345 949 3728 m 345 916 1040 e jwburco@vista.ky



location of the adjacent Seawalls. In addition, the proposed position of this swimming pool in comparison with the swimming pool on Block 2C Parcel 85.

Paragraph (f) – Other material consideration.

Our proposal will enhance the fore shore, prevent continued undermining of our property and the eventual undermining of adjacent parcels, and provide public access along the iron shore

Also, in support of this variance, we ask the board to refer to Section 8, Sub-regulation (13), Paragraph (b), Sub-paragraph (ii) – Unusual Terrain characteristics which limit the site's development potential (i.e. the current undermining at the landside of the Barcadere)

And, Sub-paragraph (iii) - The proposed Seawall and Pool will not be materially detrimental to persons residing in the vicinity, to the adjacent properties, or to the neighboring public welfare. In fact, we will be improving public access along the iron shore.

3) Provide dimensions for the compact parking spaces.

The dimensions for (2#) compact parking spaces are – 8 feet wide x 15 feet 4 inches long – please note, there is additional “clear -door swing area” to the left and right of these parking spaces of 3’-5” and 1’-9” respectfully.

4) It appears this proposal is designed from both long and short-term stays given there are lock-out suites. Please confirm.

The project is designed for long term stays – there are no “lock-out” suites. Please refer to our email correspondence sent to you on Friday, September 27, 2019 12:13 PM with revised drawings attached and the words “Lock-out Suites” removed.

5) The maximum number of bedrooms allowed for this site is 38. Provide a variance letter justifying why 48 rooms are necessary.

In accordance with The Cayman Islands DEVELOPMENT AND PLANNING LAW (2017 Revision) and the DEVELOPMENT AND PLANNING REGULATIONS (2018 Revision).

As per Section 15 subsection 2 (d) we request the Authority consider this location to be suitable for apartments as set by the precedent of numerous oceanfront apartment developments in this area.

Assuming this site is recognized as being suitable for apartments, as per Subsection (3), item (c) the maximum density for apartments is twenty per acre with a maximum of sixty bedrooms. Therefore, as this site is in a Beach Resort/Residential Zone and the site comprises of 1.29 acres, the allowable number of apartments on the site is 25.8 with a maximum of 77.4 bedrooms. This project is well under these

vista development co ltd

project management & architectural design

box 30164 grand cayman ky1-1201 cayman islands t 345 949 3728 m 345 916 1040 e jwburco@vista.ky



density requirements with 18 apartments and 52 bedrooms. In which case a variance letter is not required.

6) The maximum building height permitted is 4 stories/55'. Provide a variance letter justifying the 60'+ height (measured from finished site grade to top of roof). The Department is of the view this is a 5-story building (above-grade). I understand, based on our pre-application meeting, you wish to argue this should be considered 4-storeys. Provide your justification in writing for the CPA to consider.

Further to our pre-application meeting with the Planning Department, we respectfully submit this project as three FOUR STOREY buildings. In support of this we present the following;

The Cayman Islands DEVELOPMENT AND PLANNING LAW (2017 Revision) and the DEVELOPMENT AND PLANNING REGULATIONS (2018 Revision) do not contain a definition for “building separation or separate buildings” – Therefore, we ask the board to refer to the Cayman Islands Building Code for definition of “building separation or separate buildings”....

Under Section 503, the Cayman Islands Building Code states 503.1 General.... Each portion of a building separated by one or more fire walls complying with Section 706 shall be considered to be a separate building.

And...

706.1 General
Each portion of a building separated by one or more fire walls that comply with the provisions of this section shall be considered a separate building.

Therefore, we propose the application can be classified as separate buildings - as it is obviously not a single dwelling unit. These buildings are identified as such in our Planning submission drawings.

To address your concerns with regards to the number of stories;

With regards to Building One and Building Three - The submission shows 4 stories above grade in accordance with the definition of a story in the current Cayman Islands Development and Planning Regulations.

With regards to Building Two - The submission shows 4 stories above grade in accordance with the definition of a story in the current Cayman Islands Development and Planning Regulations as well as section 505 of the Cayman Islands Building code which defines mezzanines as NOT being counted as a story in a sprinklered building (which this will be). Recent Planning Approval precedent in this regard would be the Tides development on South Sound, the Fin Development on South Church Street, and the recently approved Dolphin Point Club - which bases its number of stories on the same premise.

With regards to the height of Building Two - We respectfully request the board to grant a ‘minimal’ height variance of 68 inches. The reasons are as follows:

vista development co ltd

project management & architectural design

box 30164 grand cayman ky1-1201 cayman islands t 345 949 3728 m 345 916 1040 e jwburco@vista.ky



- 1) The project is designed for market trends demanding higher ceilings.
- 2) The interior ceiling heights of the units are to be 9'-8", however; structural demands, required ceiling voids for mechanical ductwork, combined with floor finishes, ceiling framework, and ceiling finishes etc. – results with the requirement for 12 ft floor to floor height.
- 3) Also, kindly note that the 68-inch height variance is only requested for the center building – building 2, not the two side buildings. The center building is setback 60 and 65 feet from the side boundaries, not 20 feet as required.
- 4) Reducing the height of the center building will result in design issues both with fire egress and the elevator system – which is designed to service all floors and all residences.

In the event there are any minor adjustments to be made to the plans following your and the CPA review, we will be grateful if these can be made a condition of Planning Approval rather than adjourning the application for “further discussion”.

Please do not hesitate to contact me with any queries

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

Faithfully yours,

Joyce Burcombe
(acting on behalf of Elvis, Ltd.)

vista development co ltd

project management & architectural design

box 30164 grand cayman ky1-1201 cayman islands **t** 345 949 3728 **m** 345 916 1040 **e** jwburco@vista.ky

Appendix ‘B’



Attorneys-at-Law

31 The Strand
P.O. Box 2075
Grand Cayman KY1-1105
CAYMAN ISLANDS
T: (345) 949-9710
F: (345) 945-2188
E: info@nellaw.com
W: www.nellaw.com

Our Ref: 7561-01

Writer's email: acarver@nellaw.com

6 November 2019

Director of Planning
Government Administration Building
PO Box 113
113 Elgin Avenue
Grand Cayman
KY1-9000

To: planning.dept@gov.ky

BY EMAIL AND HAND

Dear Sir,

RE: Objection to Application for Modification of Block 2C, Parcel 101, West Bay South

We act for Mercado Holdings Ltd., owner of Block 2C, Parcel 100, West Bay South. We write to object to the application for modification dated 14 October 2019 (the “**Application**”) for a modification to the development at Block 2C, Parcel 101 (the “**Development**”).

Preliminary Issues

Before dealing with the substance of the Application, we note that a copy of the notice of the Application (enclosed) was received by our client on 23 October 2019. In accordance with section 53 of the Interpretation Law (1995 Revision) service must be deemed to have been effected as of 23 October and the 21 days to submit objections should commence from that date, not the date of posting.

We also submitted a Freedom of Information (“**FOI**”) request to your department on 26 September to obtain necessary information to deal with this Application, in anticipation of its submission. In accordance with section 7(4) of the Freedom of Information Law (2018 Revision) we should have received a full response by 26 October. We have not. On 4 November 2019 we were informed that the documents requested had been obtained but needed to be reviewed to consider any appropriate

overcome redactions. Further, the information includes third party information and the third parties need to be informed that an FOI request in relation to their information has been processed. We have been informed that the time-frame for notification to the third parties is 14 days and the response from the third party and that the third party has 28 days to reply. We have been informed that “approximately an additional thirty days” is therefore required prior to providing a response. This amounts to a further breach of the law.

The Freedom of Information (General) Regulations, 2008 requires that an information manager shall send the third party written notice of the application within 14 calendar days of receipt of the application. This would have been 10 October at the latest and, in fact, it was apparent from the outset that this was an application for third party information and such notice should have been sent immediately. It appears to us that after 39 days, such notice has still yet to be sent.

As a result of this failures our client is hindered in fully responding to this Application and we request that no decision is made with regard to the Application until our client’s FOI request has been complied with and our client has had time to properly consider any information or documentation received. A failure to do so will amount to procedural impropriety giving rise to both a judicial review and for an action for breach of section 19 of the Constitution of the Cayman Islands. Whilst we have no doubt that your department will provide a for a fair and proper process and permit our client this time, we consider it only right to bring these circumstances to your attention at the outset.

Background to the Application

Our client has owned Block 2C Parcel 100 and enjoyed it peaceably since 1999. Our client purchased land in this location, largely due to the beautiful view of the ocean and of Seven Mile. Mr Robert Young, the owner of the Development site, opted to build a duplex on his land, commencing construction in 2018. Our client recognises that Mr Young has every right to develop his land and therefore, despite having not received notice of the initial planning application, our client made no complaint. The first notice received by our client was an application for a variance dated 10 July 2018 and received on 23 July 2018. This was followed by a notice received on 22 August, dated 16 August 2018, informing our client of an application for a further variance. This variance application included an application for Mr Young to build a deck, which would extend onto the ironshore. This was less than ideal for our client as it would mean the residents of the new Development would be in close proximity to our client’s garden and have a clear view into that space. However, in an attempt to be neighbourly, our client did not object to this construction.

Our client's property is often, but not always, occupied. The residents at our client's property were in residence from 15 December 2018 through to March 2019 and witnessed some of the construction of the Development. However, at the time of departure, the wall dividing the two units at the Development had not been constructed. Upon their return in August 2019 they noted a large and unsightly concrete wall, dividing the two duplexes and obstructing our client's view of Seven Mile (see photos enclosed). Our client was understandably concerned by this development and sought advice from the department of planning on 12 August 2019, instructing us very shortly thereafter.

The Identified Breaches

On 16 August 2019 we wrote to Ms Colleen Stoetzel, the Planning Officer we understand to have oversight of the Development. She had already spoken to our client and acted very promptly, undertaking to inspect the site which she did the following week. In our letter of 16 August 2019 (enclosed) we raised our client's concerns about the wall dividing the two gazebos (the "**First Wall**") and the lower wall which extended out beyond that towards the sea (the "**Second Wall**"). This Second Wall, where it does appear on plans, is marked as a "planter" which, as it is presently constructed, it is clearly not. The photographs enclosed, taken from our client's property, clearly show the obstruction of our client's view resulting from the unauthorised extension of the First Wall and the Second Wall.

On 19 August Ms Stoetzel wrote to us (see enclosed) advising that she had conducted her site investigation and confirmed "there are discrepancies between what was approved and what has been constructed in regards to the planter box and separation wall." She noted that she had advised the developer of her findings and advised that they make physical adjustments to make the walls match the approved plans, or apply to the Department of Planning for a modification to planning permission.

On 20 August 2019, in response to our query, Ms Stoetzel clarified as follows:

"The developer has been advised to do the following:

- 1) Reduce the planter wall height to be 24"¹ and cut back the 8'6" dividing wall to extend past the cabana as shown on the approved plans; or*

¹ Although from some of the plans it appears this may be 32 inches.

- 2) *Submit a Modification to Planning Permission application with drawings that reflect what has been constructed or to whatever is agreed upon with the complainant. ”*

Our client, not being an expert in this field, instructed a surveyor to assist in understanding the grant of Planning Permission to date, and the scope of any breaches.

It is apparent that the Development is in breach of the plans by building the First Wall to extend beyond the length of the gazebos, by building the Second Wall, in place of a planter and by building it above the height permitted. The Second Wall has now been reduced in height. However, without being permitted on to the premises we have been unable to measure the precise height of the First Wall or Second Wall and have concerns, as such that both may still be in breach of the permitted height.

Objections to the Current Application

The photos we have enclosed show that the concrete wall dividing the two gazebos is large, unsightly, and restricts our client's view of Seven Mile. This developer has a number of similar developments across island and must be familiar with the planning process and the need to comply with planning permission. We can therefore only conclude that the First Wall and Second Wall were knowingly built in breach of planning permission. Our client offered, through Ms Stoetzel and in a letter to the developer, to discuss modifications which may resolve the matter to the benefit of both parties and avoid the need for this Application and these objections but this was ignored.

Our client has shown significant generosity in permitting the construction without objection to date, however, the departure from the grant of planning permission significantly impacts on our client's enjoyment of its property and appears to be a deliberate flouting of the grant of permission. The Second Wall has since been reduced in height but to comply with the plans this should be removed in its entirety and replaced with a planter, in accordance with the planning permission as granted. The reduction in height of this wall shows the ease with which modifications can be made and as such there is no prejudice to the developer by amending either wall to accord with the planning permission. Nor can there be said to be any prejudice with regard to the ability to sell the property or with regard to any contracts of sale already agreed as any such agreements must have been predicated on the planning permission as already granted.

There is, however, significant prejudice to our client should this modification be allowed as it restricts our clients view, potentially reduces the value of our client's property and limits our client's



- 5 -

enjoyment of the property.

Conclusion

For the reasons above the modifications sought in the Application are stringently opposed. Our client asks to be present at any meeting during which this Application is considered to make further oral representations and reserves its right to make further representations once the FOI request has been complied with.

Yours faithfully,

Nelson & Co

NELSON & COMPANY

Appendix C

BEFORE THE CENTRAL PLANNING AUTHORITY

**IN THE MATTER OF AN APPLICATION MADE BY ROBERT YOUNG TO MODIFY
PLANNING PERMISSION TO REVISE THE FLOOR PLAN OF A DUPLEX AT
BLOCK 2C PARCEL 101 (“*THE APPLICATION*”)**

FOR HEARING: 22 JANUARY 2020

**OBJECTION TO APPLICATION
FROM ADJACENT NEIGHBOUR**

Introduction

1. These submissions are made on behalf of Mercado Holdings Ltd. (“**Mercado**”), owner of block 2C Parcel 100 and immediate neighbor of Block 2C Parcel 101 (the “**Development Site**”). Mercado objects to the breaches by Mr Robert Young (the “**Applicant**”) of the present grant of his planning permission by virtue of extending the height and length of the wall dividing the two duplex units (the “**Dividing Wall**”) and his application to modify planning permission to accommodate those breaches (the “**Application**”).
2. Tab numbers referred to, also in square brackets, are to the bundle filed on behalf of Mercado together with these submissions. Page numbers in these submission, refer to Exhibit WS-1 [**Tab-3**] to the First Affidavit of Dr Wadi Suki (“**Suki 1**”) [**Tab-2**].

Background

3. The background to this Application and how it came to the attention of the Central Planning Authority (“**CPA**”) is set out in detail at paragraphs 6 to 22 of Suki 1. In summary form, whilst Mercado fully welcomed the development of the duplex being built by the Applicant at the Development Site, they returned from a period away to find a very large concrete wall dividing the two units at the Development Site which obstructed their view. This was on top of a very high deck already constructed which it has now come to Mercado’s

attention is also in breach of planning permission and the two combined lead to a very and imposing structure at the Development Site.

The Law

The General Aesthetics

4. The current Development Plan for the Cayman Islands [Tab-4] was drawn up with the general aim of maintaining and enhancing the quality of life in the Cayman Islands by directing development so as to safeguard the economic, cultural, social and general welfare of the people, and subject thereto the environment. The primary objective of the Development Plan is to maintain and enhance the Cayman Islands and the well-being and prosperity of its people subject thereto its environmental character. This document was created following extensive consultation with the public, a recognition of the public's right to be involved with how the development of the Cayman Islands progresses.
5. The Development Plan deals with each of the relevant zones in turn and at 3.03 deals with beach resort/residential development which is what the Development Site is zoned as. At 3.03 the Development Plan states:

“The intent of this zone is to provide a transition zone between the Hotels/Tourism Zones and the Low Density Residential Zone. Development within this zone will generally have the appearance of residential development in scale and massing.

The Authority shall apply the Beach Resort/Residential Zone provisions and other relevant provisions of the Statement in a manner best calculated to ensure –

- a. *That decent, safe and sanitary projects are built to the appropriate standards;*
- b. *That harmonious and compatible land use with adjacent properties and their zones are achieved;*

- c. *That sites and areas do not become overly dense by ensuring that the densities established by the zones is respected;*
- d. *That aesthetically pleasing development, designed with sensitivity towards heritage results from the grant of the planning permission.*

Allowable development in this zone shall include detached and semi-detached houses, beach resorts and in suitable locations, guest houses, apartments, cottage colonies and other tourist related development.

- 6. In similar terms, regulation 20 of the Development and Planning Regulations (2018 Revision) (the “**Regulations**”) states:

“It is the duty of the Authority to ensure that the open character of scenic shoreline land is preserved, in particular that of the beaches, and also to safeguard the public’s right to use the beaches and to gain access to them through public rights of way.”

- 7. It is apparent from all of the above that a primary consideration in granting planning permission, or approving modifications, includes the aesthetics of the development and that it is compatible with adjacent properties. It is submitted that the present construction of the Dividing Wall does not represent harmonious and compatible land use with adjacent properties (3.03(b)) because it restricts the view and the light to both adjacent properties and is out of character with them both due to its excessive height. Likewise it does not make for an aesthetically pleasing development (3.03(d)).
- 8. The wall also detracts from the open character of scenic shoreline (regulation 20), particularly when taking into account the variation to the setback allowing a closer construction to the sea, and the excessive height of the deck, in breach of the grant of planning permission.
- 9. Regulation 31 also deals with the aesthetics as it states “[s]uitable landscaping shall be carried out and shade trees planted where practicable.” Regard must be had to this

provision and it is submitted that the planter being the only apparent facilitation of any landscaping at the Development Site, the Applicant should not be allowed to substitute it for a large concrete wall.

Setbacks

10. Whilst the variance to the setback at the Development Site is not a part of this Application, and is not challenged by Mercado, it has relevance to the present Application by virtue of the cumulative effect of the variances and modifications at the Development Site, including the Dividing Wall.
11. At 3.03 of the Development Plan it states “[t]he Authority shall determine the setback in accordance with the relevant provisions of the Development and Planning Law and Regulations and shall take into consideration – the elevation of the property and its environs; the geology of the property; the storm and beach ridge; the existence of a protective reef adjacent to the proposed development; the location of the adjacent development; and any other material consideration which the Authority considers will affect the proposal.”
12. In accordance with Regulation 8(10)(c) of the Regulations, the minimum setback from the high water mark shall be fifty feet. The variance to the setback of this property was permitted on the basis that the deck would be constructed to 8 feet 4 inches above MSL, not 8 feet 4 inches above the existing ironshore. Likewise the grant of planning permission for the height of the wall was based on that elevation of the deck. In determining this setback the CPA must also have regard to the location of the adjacent developments. The impact of this variance has now changed due to the elevation of the deck.
13. In accordance with 2.6 of the Development Plan, the provisions for development setbacks are for achieving the following purposes:
 - a. To provide adequate natural light, ventilation and privacy to all buildings;
 - b. To provide amenity space and to facilitate landscaping around buildings;

- c. To maintain and enhance the quality and character of development fronting a road;
 - d. To provide a buffer between buildings on neighbouring lots; and
 - e. To avoid or minimize negative impact the development or use of one lot may have on the occupants of a neighbouring lot.
14. Without the setback variance the dividing wall would have a minimal effect on the adjacent neighbours. Without the excessive elevation of the deck, in breach of the grant of planning permission, the wall would also have a reduced impact. All of these must be considered as a whole, therefore when considering this Application.
15. The provisions for the development setbacks specifically states that they are to achieve adequate natural light, ventilation and privacy to all buildings. Whilst the grant of planning permission does encroach of Mercado's privacy, which was not objected to, subsequently permitting the modification of the wall, after the variance to the setback erodes the light to both adjacent properties, as noted by Mr Owens [**Tab-3, pages 31-32**]. Combined with the present Application it also fails to facilitate landscaping and, taking all the variances and modifications together, negatively impact on the use and enjoyment of the neighbouring lots.

Personal Impact

16. Section 15 of the Development and Planning Law (2017 Revision) (the "**Law**") [**Tab-6**] specifically requires that notice of any application for a grant or modification of planning permission be served on neighbouring land owners. Whilst the radius for the such service varies, depending on the type and nature of the application, it always includes directly adjacent neighbours. No permission will be granted for any application or modification unless this requirement is complied with.
17. This is a clear acknowledgement that the opinions of neighbouring residents are a vitally important consideration for the CPA in considering any applications. Such opinions cannot simply be limited to expressing a view on whether or not the relevant application is

compliant with the Law and Regulations because the CPA is perfectly capable of making those decisions without consulting public opinion. The very fact that there is a mandatory requirement for adjacent neighbours to an express a view, therefore, must mean that the CPA has to have due regard to the personal opinions of such neighbours and to the impact the application will have on them, whether or not that impact is of a nature specifically prohibited by law.

18. It is a powerful statement that both adjacent neighbours object to the dividing wall due to its unsightly nature, the restriction of their view and therefore the enjoyment of their properties. This is hugely exacerbated by the height of the deck which has not been objected to, despite the breach, and will not be providing the wall is reduced in accordance with the plans.
19. The concerns and the prejudice that the adjacent neighbours will experience if the Application is to be allowed must be balanced, of course, against prejudice to the Applicant. However, given that the Applicant specifically designed the apartments with a lower, shorter wall and with a planter and kept that design throughout several applications for modification, it cannot be seen why or how they can now plead any prejudice by adhering to that design. It is therefore submitted that the only proper conclusion that can be reached through this balancing exercise is that the Application be refused.

Conclusion

20. For all of the reasons above, in particular having regard to the strong views expressed by both adjacent neighbours, it is submitted that the Application should be refused.

Nelson & Company

10 January 2020

Appendix 'D'



ANDREW GIBB FCIQB RIBA MAPM LEED AP
CHARTERED ARCHITECT | CHARTERED BUILDER

P O Box 899 Grand Cayman KY1-1103 Cayman Islands
+ (3 4 5) 5 2 6 8 8 8 8 | andrew.gibb@gibbarchitect.com

16 December 2019

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

Sir

**BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN
APPLICATIONS FOR PLANNING CONSENT
P19-0882, P19-0883, P19-0884, P19-1186 & P19-0887:
RELOCATION OF DISPLACED AND ADDITIONAL PARKING BAYS TO PARCEL
11D37: MOTIVATION (AMENDED)**

We act for owner Invincible Investment Corporation as applicant.

Application has been made to the Central Planning Authority for planning consent to carry out these improvements to the premises of the Westin Grand Cayman Resort:

PHASE I (*Application made 19 August 2019*)

P19-0882 (11D45) Relocation of LPG tanks to new location:
OMIT 9 parking bays (lost)

P19-0883 (11D45) New 29 sq ft external equipment closet to serve new Sushi Restaurant
ADD 1 parking bay ?

P19-0884 (11D45) Fitout of existing public spaces in Lobby area

- Extend existing 680 sq ft coffee bar by 915 sq ft to provide a total of 1,830 sq ft refitted Coffee Bar
ADD 1 parking bay¹
- Convert existing 793 sq ft retail space to a new Sushi Restaurant with prep kitchenette
ADD 1 parking bay

¹ Derived as the difference between retail's 1 bay/300 sq ft and restaurant's 1 bay/200 sq ft

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN
APPLICATIONS FOR PLANNING CONSENT
P19-0882, P19-0883, P19-0884, P19-1186 & P19-0887:
RELOCATION OF DISPLACED AND ADDITIONAL PARKING BAYS TO PARCEL
11D37: MOTIVATION (AMENDED)

PHASE II (*Application made 25 October 2019*)

P19-1186 (11D45) Refit and renovation of existing 6,723 sq ft spa building and adding 1,120 sq ft new accommodation for a new Banquet Kitchen facility
OMIT 21 parking bays (lost) ADD 12 parking bays

P19-1187 (11D37) New Laundry & Workshop facility (parcel 11D37), total area 10,687 sq ft
REQUIRES 36 parking bays

Summary Reconciliation Parcel 11D45:

EXISTING approved parking provision:			198 bays
LOSS	lost to LPG Tanks	9 bays	
	lost to Banquet Kitchen	21 bays	-30 bays
Adjusted parking provision:			<u>168 bays</u>
REQUIRED parking provision:			
Existing approved			198 bays
Additional required	Sushi/Coffee	3 bays	
	Banquet Kitchen	12 bays	15 bays
Total required 11D45 parking provision:			<u>213 bays</u>
Total parking provision after LOSS			168 bays
TOTAL parking to be relocated to parcel 11D37:			<u>45 bays</u>
s.8(1)(c) 25% 11D45 total parking allowable on 11D37:			54 bays

RESOLUTION:

1. *Satisfying parking requirements of planning consent applications*
P19-0883/P19-0884 Sushi Restaurant /Coffee Bar
P19-1186 Banquet Kitchen

It is proposed that the **15** total parking bays required by the new Sushi Restaurant /Coffee Bar (3 bays) and Banquet Kitchen (12 bays) fitout planning consent applications, be met by *existing* spare parking bays on parcel 11D37 (Sunshine Suites Resort) owned by the same proprietor as parcel 11D45

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN
APPLICATIONS FOR PLANNING CONSENT
P19-0882, P19-0883, P19-0884, P19-1186 & P19-0887:
RELOCATION OF DISPLACED AND ADDITIONAL PARKING BAYS TO PARCEL
11D37: MOTIVATION (AMENDED)

(Invincible Investment Corporation) as provided for in terms of s.8(1)(c) of the Development & Planning Law Regulations 2017 as follows:

Total existing and required parking provision on parcel 11D45²: 213 bays

s.8(1)(c) 25% of parking provision allowed on land within 500': 54 bays
Parking required for P19-0884 and P19-1186 planning consents: 15 bays
Balance of s.8(1)(c) available for use for displaced parking: 39 bays

Total existing parking provision on parcel **11D37**: **85 bays**
 Total parking allocated to Sunshine Suites (132 keys): **66 bays**
 Surplus parking available for additional s.8(1)(c) parking: **19 bays**
 Parking required for P19-0884 and P19-1186 planning consents: **15 bays**

2. *Satisfying displaced parking from 11D45 by provision on 11D37 i.t.o. s.8(1)(c) Planning Regulations parking requirements of planning consent application P19-1187 Laundry & Workshop Facility*

It is proposed that the **30** total displaced parking bays caused by the new LPG Tank farm³ (9 bays) and Banquet Kitchen (21 bays) planning consent applications, be relocated to parcel 11D37 (Sunshine Suites Resort) owned by the same proprietor as parcel 11D45 (Invincible Investment Corporation) as part of the total 54 parking bays allowed for displacement in terms of s.8(1)(c) of the Development & Planning Law Regulations 2017 as follows:

Total existing and required parking provision on parcel 11D45⁴: 213 bays

s.8(1)(c) 25% of parking provision allowed on land within 500': 54 bays
Parking required for P19-0884 and P19-1186 planning consents: 15 bays
Balance of s.8(1)(c) available for use for displaced parking: 39 bays

Parking required for P19-1187 planning consent: **36 bays**
 Parking displaced from 11D45 by P19-0884 and P19-1186 planning consents **30 bays**

² i.e. before loss and displacement of existing parking bays by LPG tank farm and additional areas required as part of the Banquet Kitchen applications

³ planning consent application P19-0883 submitted with Sushi Restaurant /Coffee Bar planning applications

⁴ i.e. before loss and displacement of existing parking bays by LPG tank farm and additional areas required as part of the Banquet Kitchen applications

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN

APPLICATIONS FOR PLANNING CONSENT

P19-0882, P19-0883, P19-0884, P19-1186 & P19-0887:

RELOCATION OF DISPLACED AND ADDITIONAL PARKING BAYS TO PARCEL 11D37: MOTIVATION (AMENDED)

Total parking required:	66 bays
Total parking provided:	69 bays
Surplus parking remaining for Laundry & Workshops use:	3 bays

3. *Long Term*

Owner has directed us to notify the Central Planning Authority that the entire parking provision to the Westin Resort and its existing and future components will be subject to a **comprehensive Parking Provision Plan**. This Parking Provision Plan is to be motivated and presented to Central Planning Authority as part of an overall application for planning consent for the future expansion phase of the Resort, due to be submitted to the Department of Planning in the 1st Quarter of 2020 (deferred from an original intention to submit it in 4th Quarter 2019).

DIAGRAM: s.8(1)(c) D&P
Law Regulations 2017:
REMOTE PARKING



Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke.