

## **Central Planning Authority**

**Minutes** of a meeting of the Central Planning Authority held on November 11, 2020 at **10:00am, in Conference Room 1038, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue and via Zoom e-meeting.**

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

**CPA/19/20**

**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. Ray Hydes**

**Mr. Trent McCoy**

**Mr. Jaron Leslie (arrived 11:20) (left 2:50)**

**Ms. Christina McTaggart-Pineda (absent)**

**Mr. Selvin Richardson**

**Mr. Fred Whittaker**

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

**Mr. Ron Sanderson (Acting Executive Secretary)**

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

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**APPLICANTS ATTENDING THE AUTHORITY'S MEETING VIA E-CONFERENCE**

<b>APPLICANT NAME</b>	<b>TIME</b>	<b>ITEM</b>	<b>PAGE</b>
Invincible (Westin)	11:00	2.1	7
Darrell Player	12:30	2.2	51
Harry Lalli	1:45	2.3	53
Frank Schilling	2:15	2.4	58
Alvaro Armenian	2:45	2.5	75
Jean & Patricia Karmitz	3:00	2.6	78

**1. 1 Confirmation of Minutes of CPA/18/20 held on October 28, 2020.**

**Moved:** Selvin Richardson

**Seconded:** Kris Bergstrom

**Confirmed**

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

None were declared.

## **2.0 APPLICATIONS** **APPEARANCES (Items 2.1 to 2.6)**

### **2.1 INVINCIBLE INVESTMENT CORPORATION (Andrew Gibb Chartered Architect) Block 11D Parcel 45 (P20-0196) (\$122,547,200) (MW)**

Application for a hotel (10 storeys), conference facility and modifications to an existing hotel. The application includes the following elements:

- 234 guest rooms
- Two restaurants
- Conference rooms
- Ground level pool
- Rooftop pool
- Off-site Parking
- Floor plan modifications to existing hotel.

**Appearance at 11:00**

#### **FACTS**

<i>Location</i>	West Bay Road, West Bay Beach North
<i>Zoning</i>	<b>Hotel/Tourism</b>
<i>Notice requirements</i>	Objectors
<i>Parcel size</i>	8.6AC/374,616 sq. ft.
<i>Current use</i>	Hotel
<i>Proposed use</i>	Hotel
<i>Building area</i>	255,913 sq. ft. (new floor area)
<i>Building footprint</i>	138,090 sq. ft. (total site)
<i>Site coverage allowed</i>	40%
<i>Site coverage proposed</i>	37%
<i>Hotel rooms allowed</i>	559
<i>Hotel rooms proposed</i>	559
<i>Parking required</i>	454
<i>Parking proposed</i>	393

## **BACKGROUND**

February 19, 2020 (CPA/04/20; Item 2.5) The Authority granted planning permission for a laundry facility and storage rooms on Block 11D Parcel 37 to support the hotel use on Block 11D Parcel 45.

February 19, 2020 (CPA/04/20; Item 2.4) The Authority resolved to adjourn an application for a change of use of a spa to a banquet kitchen pending the submission of additional information for the application regarding the proposed parking allocation for the development.

September 16, 2020 (CPA/15/20; Item 2.6) – the current application was adjourned in order for the applicant to notify the leasehold owners that fall within the required notification radius.

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

- 1) Regulation 8(1) of the Development and Planning Regulations (2020 Revision) provides the required parking ratios for proposed developments. In considering this matter the Authority took guidance from the Department of Planning's report contained in the Agenda wherein it is noted that the total number of required parking spaces is 454. The applicant provided documentation which set out a parking calculation that differed from the Department's. In reviewing both calculations, the Authority determined as follows:
  - The Department noted a requirement of 10 parking spaces for the retail uses whereas the applicant contends that there is no new retail space and therefore no parking spaces are required. The Authority's position is that the retail referred to by the Department is existing retail space within the existing hotel and therefore 10 spaces are required.
  - The Authority notes that the Department indicates that the size of the off-site laundry facility is 14,498 sq. ft. and requires 15 parking spaces. The applicant's calculation indicates that the laundry is 10,687 sq. ft and that 11 spaces are required. In reviewing the matter, the Authority determined that the Department based the square footage on what was submitted in OPS with the application for the laundry, but in actuality, the plans clearly indicate that the laundry is 10,687 sq. ft. As such, the Authority agrees with the applicant's calculation in this regard and 11 parking spaces are required for the laundry.
  - The applicant indicates that there should be a credit for areas being demolished, but the Authority cannot determine on the plans where those areas are located. The applicant's Area Schedule on the site plan lists several areas that are being demolished, but some of these areas appear to be included on the floor plan as remaining. In the absence of a clear demonstration by the applicant where these demolished areas are located,

the Authority is of the view that the associated parking requirements cannot be discounted.

- The Authority does not consider the ground floor restaurant, the lobby bar or the new spa and salon to be for the exclusive use of the guests of the hotel and will be open to the public. As such, these floor areas are subject to the required parking requirement.

Given this analysis, the Authority is of the view that 450 parking spaces are required for the development whereas the applicant is providing 393 spaces. In this regard, the Authority is of the view that pursuant to Regulation 8(13)(b) of the Development and Planning Regulations (2020 Revision), the applicant failed to demonstrate that there was sufficient reason and exceptional circumstance to warrant allowing lesser parking spaces than what is required by Regulation 8(1).

- 2) Regulation 8(1)(c) of the Development and Planning Regulations (2002 Revision) states that in a Hotel/Tourism zone, twenty-five percent of the parking space may be located not more than five hundred feet from the respective building. The Department's report indicates a distance measurement from the off-site parking area to the parcel boundary and driveway, but that is not what the Regulation requires. In this instance, the Authority has determined that the distance from the off-site parking area to the closest respective buildings on site ranges from 400' to 480' and this does comply with the stated Regulation. However, given that 450 parking spaces are required, the provision to allow 25% of the spaces off-site means only 113 spaces can be off-site. The applicant is proposing 358 off-site spaces or 80% of the required parking. Clearly, this parking ratio does not comply with the requirements of Regulation 8(1)(c) and the Authority is of the view that the applicant failed to demonstrate that there was sufficient reason and exceptional circumstance to warrant allowing the percentage of off-site parking to exceed 25%.
- 3) Additionally, the Authority raises other concerns with the proposed off-site parking:
  - a) The Authority is of the view that guests of and visitors to the hotel development will park in these spaces and will then have to negotiate crossing West Bay Road and as there is no clear pedestrian access to the site, this will place the safety of those persons in jeopardy.
  - b) As noted above, 80% of the required parking is off-site. While the applicant has indicated that valet parking will be utilized, at times of high occupancy or special events held in the ballrooms, a significant number of vehicles will be attending the hotel and if valet parking is to occur for all of the vehicles, there will be a high level of vehicles stacking in the driveway and out onto West Bay Road causing traffic congestion and safety problems.

- c) The Authority understands that the National Roads Authority has plans to eliminate the centre turning lane in the vicinity of the subject site and replace it with a landscaped median. The Authority is of the view that this proposal together with the amount of proposed off-site parking will only lead to further traffic congestion and safety issues with traffic movements in the area.
- 4) The applicant is proposing two service dock areas that will require service vehicles to reverse directly onto West Bay Road. The Authority recognizes that the National Roads Authority has not raised a concern with this proposal, but the Authority does have a concern as West Bay Road remains a busy road and the design of the service docks will lead to traffic congestion and traffic safety problems.
- 5) The applicant is proposing various hardscape features and a portion of the fire lane to be situated within the required 130' high water mark setback per Regulation 8(10)(e) of the Development and Planning Regulations (2002 Revision). The Authority is of the view that the applicant failed to demonstrate that the deficient setbacks should be allowed per the provisions of Regulation 8(11).

### **AGENCY COMMENTS**

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

#### **Water Authority**

PLEASE BE ADVISED THAT THE WATER AUTHORITY'S REQUIREMENTS FOR THIS DEVELOPMENT ARE AS FOLLOWS:

WASTEWATER TREATMENT:

THE DEVELOPMENT 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](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.

EXISTING WATER AUTHORITY INFRASTRUCTURE:

THE DEVELOPER IS ADVISED THAT THE PROPOSED PROMENADE INTERSECTS WITH EXISTING WATER AUTHORITY WEST BAY BEACH SEWERAGE SYSTEM INFRASTRUCTURE. THE WATER AUTHORITY REQUIRES THE DEVELOPER TO INCLUDE A PROVISION FOR THE EXISTING INFRASTRUCTURE ON THE PLANS. ACCESS TO THE WASTEWATER INFRASTRUCTURE MUST BE MAINTAINED FOR REGULAR SERVICING AND THEREFORE MUST NOT BE BUILT UPON. THE DEVELOPER SHALL IMMEDIATELY CONTACT THE WATER AUTHORITY'S ENGINEERING SERVICES DEPARTMENT ON 949-2837, (EXT 3000) TO ESTABLISH THE LOCATION OF THE WASTEWATER INFRASTRUCTURE, SITE SPECIFIC REQUIREMENTS OR PIPE RELOCATION.

UNTIL THE INFRASTRUCTURE HAS BEEN LOCATED, MARKED OUT AND ARRANGEMENTS HAVE BEEN MADE FOR THE PROVISIONS OR RELOCATION OF THE INFRASTRUCTURE TO THE WATER AUTHORITY'S REQUIREMENTS, NO CONSTRUCTION/SITE CLEARING OR EXCAVATION SHALL COMMENCE.

REQUIRE GREASE INTERCEPTOR:

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. THE OUTLET OF THE GREASE INTERCEPTOR SHALL BE PLUMBED TO THE SANITARY SEWAGE LINE LEADING TO THE WBBSS. WHERE 2 TANKS ARE USED TO ACHIEVE THE REQUIRED CAPACITY, THEY SHALL BE INSTALLED IN SERIES WITH THE LARGER TANK FIRST.

HAIR INTERCEPTOR REQUIRED:

AN APPROVED HAIR INTERCEPTOR IS REQUIRED FOR THE PROPOSED SALON. THE DEVELOPER IS REQUIRED TO SUBMIT A PLAN OF THE SALON THAT INCLUDES THE NUMBER OF SERVICE CHAIRS AND WASH BASINS TO DETERMINE THE CAPACITY OF INTERCEPTOR REQUIRED. DETAILS CAN BE SENT VIA EMAIL TO DEVELOPMENT.CONTROL@WATERAUTHORITY.KY

**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.

**National Roads Authority**

As per your memo dated June 17<sup>th</sup> 2020 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

### **Road Capacity Issues**

The impact of a proposed ten storey hotel addition of 255,912 sq.ft. and 19,048 sq.ft. of conference space onto both West Bay Road and the Esterley Tibbetts Highway (ETH) could be considered significant at this location. Based on this the CPA may wish to consider asking the applicant to do a simple Traffic Impact Assessment (TIA) to clearly ascertain how these proposed upgrades will affect the surrounding road system.

The applicant has proposed to work in conjunction with the NRA to upgrade West Bay Road using the accepted Complete Street concept. This is a good basis in which to handle the increase in traffic that will occur with this proposed project.

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

The Complete Streets concept in theory and as proposed along West Bay Road by the applicant is acceptable to the NRA. We will work closely with the applicant to advise and provide any necessary input on what we feel is best suited for West Bay Road. The applicant will also need to propose and present this idea to the NRA Board.

The proposed pedestrian crossing location on West Bay Road does raise some concerns as it is proposed to be constructed between two existing driveways, which will create multiple conflict points. A solution could be the installation of two pedestrian crossings on either end. The crossing(s) will need to go to the Traffic Management Panel for ultimate approval.

The applicant has met with the NRA in regards to these two points and in theory the NRA is ok with them, however, the design of both will need to be refined and the NRA will work closely with the applicant to do so.

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 twenty-four (24) ft.

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

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

### **Stormwater Management Issues**

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

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

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

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

### **Department of Environmental Health**

DEH has no objections to the proposed in principle. The applicant must submit the following for review and approval:

1. Detailed floor plans for the Bulk Cooking area, Bulk Prep area, Sky Bar, pool bar and restaurant; **all kitchens within this proposal.**
2. Detailed floor plans for the Salon.

3. Each treatment room shall have a hand wash sink installed.
4. Approved BCU mechanical drawings for the kitchen hoods.
5. Mechanical drawings for the laundry

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

#### **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.*

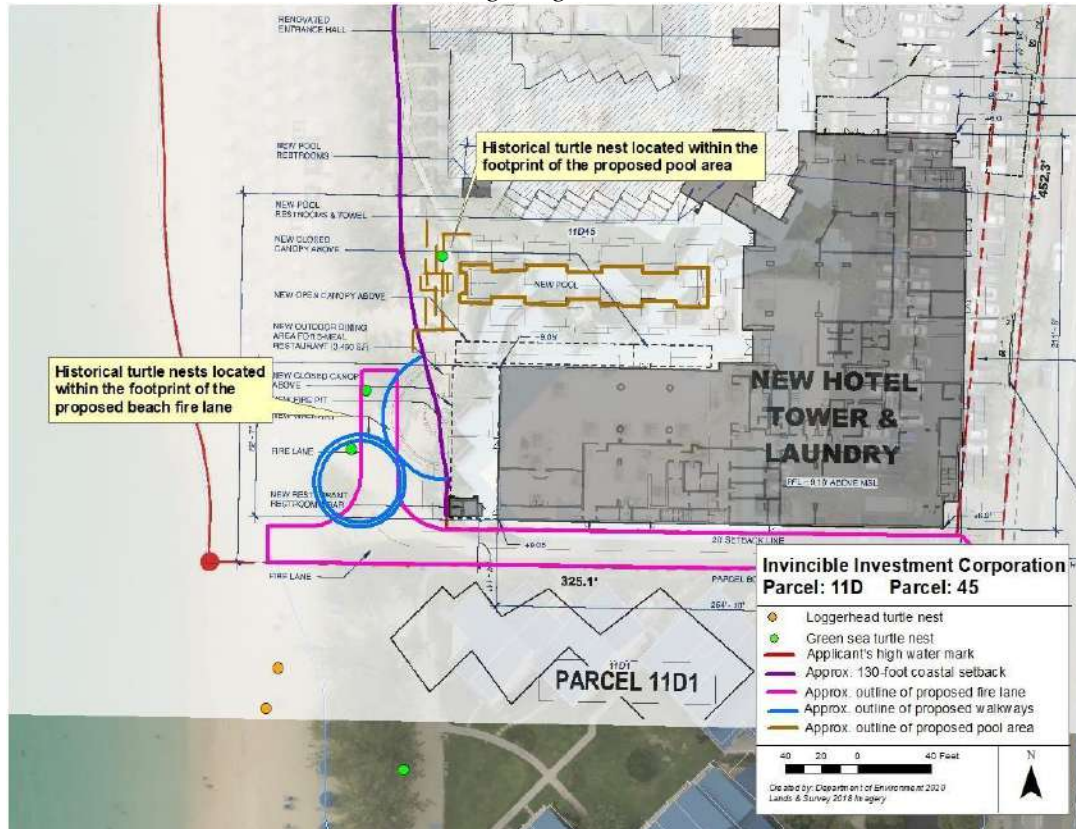
*The application site is man-modified and is the current location of the Westin Grand Cayman Seven Mile Beach Resort and Spa (Westin). The site is adjacent to a Marine Protected Area (Seven Mile Beach Marine Park) and is located on a turtle nesting beach; approximately 253 feet from proposed Critical Turtle Nesting Habitat under the Draft Conservation Plan for Sea Turtles (2019).*

*Given the scale and the location of the project (i.e. hotel and resort 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.** This conclusion was endorsed by the National Conservation Council, as outlined in the enclosed letter, dated 13 July 2020. Possible adverse impacts of the proposal have been highlighted in the sections below and conditions have been recommended to minimize those adverse effects.*

#### **Impacts to Turtle Nesting**

*The beach of the subject parcel is a turtle nesting beach. All marine turtle species are listed in Part 1 of Schedule 1 to the National Conservation Law, 2013, as being 'protected at all times'. Based on the DoE's 20 years of monitoring sea turtle populations, the site has experienced nesting from green (*Chelonia mydas*) sea turtles in the past however there is still the potential for loggerhead (*Caretta caretta*) sea turtles to also nest on the beach. There are currently adverse impacts to nesting and hatchling sea turtles from the artificial lighting which directly illuminates the nesting beach from the existing resort. The Applicant has not indicated the use of turtle friendly lighting in the proposed development. Historical nesting on the site has been concentrated to the south (see Figure 1). Currently, a low-level restaurant building occupies the southern section of the resort. With the construction of the proposed 10-storey hotel tower, the impacts of artificial*

lighting on the historical nesting area of the beach is likely to be amplified due to the cumulative increase in lighting.



**Figure 1: LIS 2018 aerial imagery with the Applicant's site plan overlaid. The approximate minimum coastal setback of 130 feet is shown in purple. Green sea turtle nests are shown in green and Loggerhead turtle nests are shown in orange. Note that all historical nests on the site are within the proposed development's footprint.**

The Applicant has not requested any variances to the Development and Planning Regulations coastal setbacks, however, as shown in Figure 1, portions of the proposed pool deck, the proposed outdoor seating area, walkways and the proposed fire lane are all located within the 130-foot setback from the Mean High Water Mark. These areas of the proposed development also have historical turtle nests located within their footprints. Hard structures located within the 130-foot setback i.e. the fire lane on the beach, decrease the size of the potential turtle nesting habitat.

The DoE strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Planning Regulations) as setbacks seek to protect properties against the inevitable effects of climate change such as coastal flooding and erosion by ensuring that hard structures are not located in an area susceptible to these hazards.

*The maintenance of coastal setbacks is imperative for the long-term health of beaches. Given climate change predictions for the region, including sea-level rise and increased intensity of storm events (including storm surge) inappropriately sited development (either on the active beach or too close to the Mean High Water Mark) reduces a beach's potential to recover after major events. This "squeezing" of the beach caused by inappropriately sited development and climate-change induced storms and inundation may reduce the potential area that serves as turtle nesting habitat. For this reason, the Department **does not** support a coastal setback variance and recommends that all hard structures including pool deck, walkways and the fire lane are redesigned to meet the minimum 130-foot coastal setback rather than encroaching on the nesting beach.*

*We have also found that large structures left on the beach overnight act as an impediment to turtle nesting. We have experienced less nesting in areas where structures such as rows of beach chairs are left out overnight suggesting it may deter nesting females. We recommend removing as many beach chairs as possible from the beach or stacking them to one side overnight during the turtle nesting season (May- November) to allow the turtles room to nest.*

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

*The Department has been working with properties along Seven Mile Beach in areas of critical turtle nesting habitat to retrofit to turtle friendly lighting. We have also reviewed and approved numerous turtle friendly lighting plans. Turtle friendly lighting has been well received and there are now several retrofitted properties the applicants could view (see Figures 2-4).*



**Figures 2-4: Local condos on Seven Mile Beach Grand Cayman which have been retrofitted to turtle friendly lighting.**

*In addition, turtle friendly lighting has been a legal requirement in areas of the United States for over 20 years, shown below (Figures 5-10) are Westin Resorts in the U.S. with turtle friendly lighting. We recommend that any exterior lighting which may be visible from the beach and forms a part of this proposal is turtle friendly.*



*Turtles are a part of the Cayman Islands' history and its culture. Turtle friendly properties present a unique opportunity for low season ecotourism. Beaches with safer turtle nesting conditions such as those free from artificial lighting and large structures have allowed many residents and guests to see turtle nests and turtle hatchlings in their natural habitat for the first time. Should the applicant wish to learn more about creating a turtle friendly property, we encourage the applicant to reach out to the DoE for more information.*



**Figures 5-7: Turtle friendly lighting at the Westin Fort Lauderdale Beach Resort, USA**



**Figures 8-10: Turtle friendly lighting at Salty's Oceanside Bar & Grill, a restaurant at the Westin Jekyll Island in Georgia, USA.**

### **Climate Change**

*The proposed development is likely to both contribute to climate change and be affected by climate change; this has been discussed in the attached Screening Opinion. The effects of climate change on the proposed development are most likely to be related to an increase in the intensity of storm events, sea- level rise and more intense but fewer rain events.<sup>1</sup>*

*We are not aware of any climate-resilient design features or alternative forms of energy being proposed with this application. However, the Department recommends that, wherever possible, sustainable design features are included in large scale development projects such as this. For example:*

- *The incorporation of renewable energy, especially given the target that 70% of energy generation be renewably sourced by the year 2037 within the*



*National Energy Policy 2017-2037, i.e. the installation of solar carports at on/off-site parking locations to introduce opportunities for renewable energy integration and reduce solar heat gain of asphalt surfaces through shading.*

- *The incorporation of high reflectivity and high emissivity hardscape materials (pavers, etc.) into the design, and the minimization of asphalt parking or provide alternate surfacing to reduce the heat island effect.*
- *The use of greywater systems for irrigation.*
- *The use of native vegetation and drought-tolerant vegetation in the landscaping scheme.*
  - *Native coastal vegetation is best suited for the habitat conditions of the site and requires less maintenance (i.e. minimizes the demand for potable water for irrigation) which makes it a very cost-effective choice.*

### **Construction Debris Impacts on Marine Protected Area**

*We have experienced other developments along the coast inadvertently polluting the marine environment from wind-borne debris. For example, the Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island (Figures 11-13).*

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



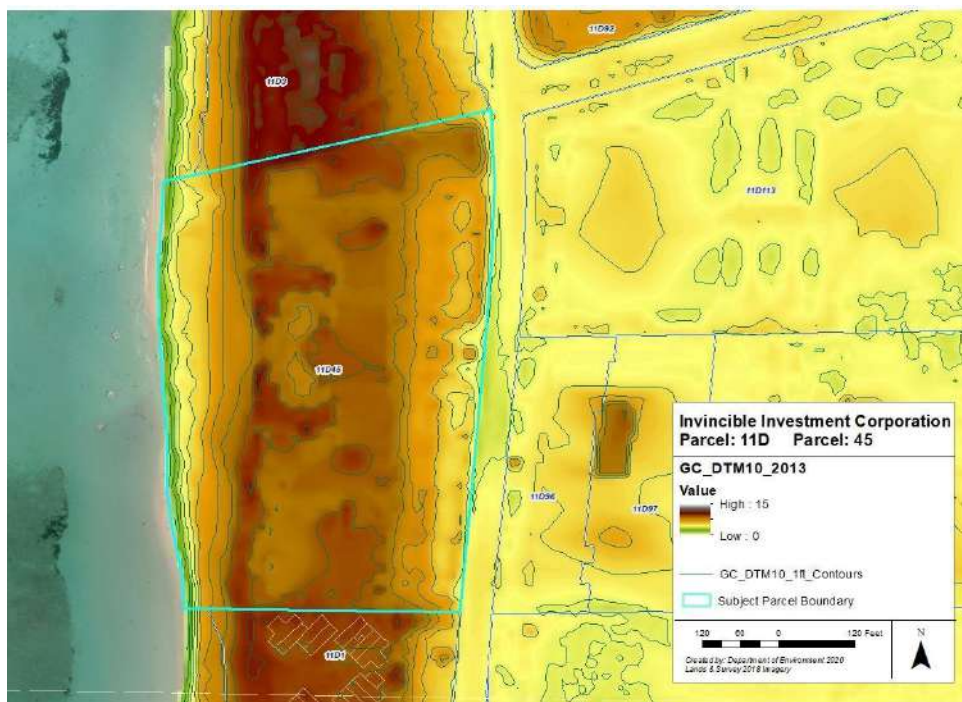
***Figures 11-13: Bits of white polystyrene material littering a local development site. These beads made their way into the adjacent Marine Park and neighbouring properties. Neighbours complained to the DoE about the pollution. Developers attempted to remedy the situation by cleaning***

neighbouring pools and yards daily but it was impossible to collect all of the beads, especially once they entered the marine environment. A screen was then fastened around the building to contain the beads.

*We strongly recommend that Best Management Practices are adopted during the construction process to ensure that construction-related debris does not enter the marine environment. This may include using alternative materials to expanded polystyrene, containing any debris that could be air-borne with the use of screens and stockpiling all construction materials landward of the 130-foot minimum coastal setback.*

### **Impacts Regarding the Removal of Sand Reserves**

*Although the subject parcel is predominately man-modified, it still consists of massive sand reserves as shown in Figure 14 and the removal of these reserves is a concern. The reserves are important to the resilience of the beach system and are a natural source of sand which replenishes the beach profile after major storms. A significant amount of sand may result from the excavation for the foundations and pool. Once excavated and removed from the beach system, these sand reserves can never be recovered, making the beach system increasingly more vulnerable to erosion, which is exacerbated by the impacts of climate change, especially sea-level rise. We recommend that any excavated sand is kept on-site and placed landward of the High-Water Mark to retain sand reserves and create depth in the beach profile.*



**Figure 14: Digital Terrain Model (DTM) for the application site. The higher areas of the site are indicated in red and orange and show the beach ridge and sand reserves**

**within the site.**

### **Visual Impacts**

*With the demolition of the southern single-storey building and the construction of a 10-storey hotel tower in its place, even if repositioned to comply with the minimum required setback under the Development and Planning Regulations, it will be visually prominent on the beach. When the proposed 10-storey hotel tower is constructed it may block daylight, sunlight and views from the northern units of the neighbouring residential property to the south (Villas of the Galleon) (see Figure 15).*



**Figure 15:** *The proposed 10-storey hotel tower will predominantly be set within the existing footprint of the southern building (see red arrow) which may block daylight, sunlight and views from the units within northern units of the neighbouring residential property, Villas of the Galleon (bright blue roofs).*

*Visual impact falls under the remit of the Planning Department, however, we recommend that prior to the application being considered for planning approval, the Central Planning Authority (CPA) require a discrete study which addresses visual impact and daylight, sunlight and overshadowing.*

### **Cumulative Development Impacts**

*As detailed in the enclosed Screening Opinion, there have been several sites which have been redeveloped along Seven Mile Beach over the years. Full-scale redevelopments and major renovations to sites along Seven Mile Beach are likely to continue with the increased 10-storey building height allowance in Hotel/Tourism zone 2.*

*The Draft National Planning Framework for Public Consultation (November 2018) lists a goal of Hotel/Tourism zones as “The prevention of 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.”*

*As building heights increase, the character of Seven Mile Beach will change. More people will be introduced onto the beach and the demolition of low-rise structures to be replaced with high-rise buildings like the proposed hotel tower will cause visual amenity effects as the view of Seven Mile Beach from the beach, from the water and from West Bay Road changes from low-rise to high-rise.*

*Consideration should be given to the land uses of the surrounding areas. The Department notes that the Applicant is proposing that 35 parking spots will remain at the application site (Block 11D Parcel 45) and that they will provide 344 off-site parking spots located at Block 11D Parcel 37. Block 11D Parcel 37 currently houses the Sunshine Suites Resort. Neighbouring parcels between the application site (Block 11D Parcel 45) and the proposed off-site parking site (Block 11D Parcels 96 & 97) consist of The Falls Shopping Centre and the Residences at the Falls. Adjacent to these 3 parcels (Block 11D Parcels 37, 96 & 97) is the Regatta Business Park (Block 11D Parcel 113).*

*Should the proposed off-site parking parcel (Block 11D Parcel 37) be redeveloped in future, the over- development of the application site (Block 11D Parcel 45) could mean that the Applicant may be unable to accommodate parking on the application site. In the absence of a Seven Mile Beach Tourism Corridor Area Plan, this matter should be considered by the CPA.*

## **CONCLUSION & RECOMMENDATIONS**

*This application has been screened for an EIA under section 43(2)(c) of the National Conservation Law. The Screening Opinion (enclosed) concluded that **the proposed development does not require an EIA.** This conclusion was endorsed by the National Conservation Council, as outlined in the enclosed letter, dated 13 July 2020.*

*Although the application does not require an EIA, several potential adverse impacts were identified and have been discussed in this review.*

***As the application site is adjacent to a Marine Protected Area, should the CPA be minded to grant planning permission, under Section 41(5)(a) of the National Conservation Law, the National Conservation Council respectfully directs the CPA to include the following as a condition of approval to prevent construction debris from polluting the Seven Mile Beach Marine Park:***

- 1. All construction material shall be stockpiled landward of the 130-foot minimum coastal setback.*

***In addition, to prevent heavy machinery destroying nests and to minimize the threat of artificial lighting on nesting and hatchling sea turtles the DoE recommends the following conditions of approval:***

- 2. Any additional exterior lighting which forms a part of this proposal shall be turtle*



*friendly.*

3. *The applicant shall prepare and submit a plan for review to the Department of Environment for turtle friendly lighting, which minimises the impacts on sea turtles for new exterior lighting being proposed. Guidance on developing a lighting plan can be found in the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.*
4. *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.*
5. *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.*
6. *Beachside construction fencing associated with the works shall be positioned as far landward as possible (to maximise turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.*
7. ***Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior beach lighting for compliance with the approved turtle friendly lighting plan once construction is complete.***

**To improve climate resiliency and retain historical turtle nesting habitat we recommend the inclusion of the following conditions:**

8. *Any sand that is to be excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*
9. *A revised plan shall be submitted showing all hard structures including the fire lane and ancillary features setback a minimum of 130 feet from the High-Water Mark as per Planning Regulations.*

**We also strongly recommend:**

- *A high-level assessment of visual impact, daylight and sunlight on the receptors in the units of the Villas of the Galleon.*
- *The inclusion of climate-resilient features and/or renewable energy sources to increase climate change resiliency.*

- *The use of Best Management Practices during the construction process, i.e. the use of alternative materials to expanded polystyrene and containing any debris that could be air-borne with the use of appropriate screens and containment methods; and*
- *The removal of large structures such as beach chairs from the nesting beach overnight during the turtle nesting season (May-November) to allow the turtles room to nest.*

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

### **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.*

*A Screening Opinion was issued on 22 April 2020 for a similar development on this site. However, the planning application that was the subject of this Screening Opinion was subsequently withdrawn by the applicant. A revised submission has been made and this Screening Opinion has been updated to reflect the revised proposals. The updated proposal includes the following:*

- *The change of use of 18 existing guestrooms in the Westin Resort to be variously retrofitted as retail/hotel back-of-house and meeting spaces.*
- *The change of use of existing retail space in Westin Resort (Spa) to be retrofitted as a banquet kitchen for general resort catering requirements as well as specific catering for banquets to be hosted in the conference facility.*
- *Change of use of existing retail space in Westin Resort (Spa) to be retrofitted as a temporary laundry/back-of-house operation. The application's submission states that the laundry facility is to serve existing 343 key Westin Resort during demolition of existing restaurants, laundry and other back-of-house facilities. Post-demolition this laundry facility will be dismantled and relocated to new premises within the Annex. This space will then revert to back-of-house functions (hotel administration offices etc.).*
- *The demolition of the existing restaurant block south of the existing guestroom block (restaurants, kitchen, back-of-house and staff facilities, administration and laundry facilities), existing covered walkways adjacent to the restaurant block and the pump room adjacent to the existing Governor's Ballroom.*
- *The construction of a new 10-storey hotel tower with 234 guestrooms,*

*restaurant, lounge bar, fitness*

*/wellness facilities and a spa- including a rooftop bar and lounge with landscaped pool and deck. This brings the total room stock (existing and proposed) to 559 guest rooms. This building will be constructed on the site of the above-mentioned demolished infrastructure.*

- *The construction of a new subdivisible conference facility and ballroom with pre-conference areas, and related facilities. The proposed conference facility is 19,048 sq. ft. (and replaces the existing 10,000 sq. ft. facility).*
- *The construction of a second outdoor pool.*
- *The construction of a fire lane on a section of beach along the southern parcel boundary.*

*The site is located at Block 11D Parcel 45 and is the current location of the Westin Grand Cayman Seven Mile Beach Resort and Spa (Westin). The beach of the subject parcel is a turtle nesting beach, located approximately 253ft from proposed Critical Habitat under the Draft Conservation Plan for Sea Turtles (2019).*

*The planning application was considered against the screening criteria outlined in the EIA Directive.*

*There are moderate adverse impacts on ecology due to increased artificial lighting and loss of turtle nesting habitat due to hard structure encroachment on the nesting beach. There may be minor beneficial effects to socioeconomics regarding increased room stock which has the potential to increase local expenditure. There may be minor adverse impacts for noise and vibration during construction and a range of adverse impacts regarding the cumulative over-development of Seven Mile Beach. These effects should be considered by the Central Planning Authority. There could also be adverse impacts involving driver delay and pedestrian amenity. These effects should be considered by both the Central Planning Authority and the National Roads Authority. Compared to the existing development on-site, the effects of climate change are considered to be negligible. There may also be adverse effects to visual impact, daylight, sunlight and overshadowing that should be considered further due to the prominence of the proposed southern hotel tower 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. Conditions have been recommended to minimize those adverse effects which have been identified.***

## 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. hotel and resort development adjacent to a Marine Protected Area.*



**Figure 1: Aerial imagery showing the site location and the distance of the application site (circled yellow) to habitat identified as critical for nesting in the Draft Conservation Plan for Sea Turtles (2019) shown as a red line.**



## **Proposed Development**

### *Description of the Proposed Development*

*The updated proposal for development includes the following:*

- *The change of use of 18 existing guestrooms in the Westin Resort to be variously retrofitted as retail/hotel back-of-house and meeting spaces.*
- *The change of use of existing retail space in Westin Resort (Spa) to be retrofitted as a banquet kitchen for general resort catering requirements as well as specific catering for banquets to be hosted in the conference facility.*
- *Change of use of existing retail space in Westin Resort (Spa) to be retrofitted as a temporary laundry/back- of-house operation. The application's submission states that the laundry facility is to serve existing 343 key Westin Resort during demolition off existing restaurants, laundry and other back-of-house facilities. Post-demolition this laundry facility will be dismantled and relocated to new premises within the Annex. This space will then revert to back-of-house functions (hotel administration offices etc.).*
- *The demolition of the existing restaurant block south of the existing guestroom block (restaurants, kitchen, back-of-house and staff facilities, administration and laundry facilities), existing covered walkways adjacent to the restaurant block and the pump room adjacent to the existing Governor's Ballroom.*
- *The construction of a new 10-storey hotel tower with 234 guestrooms, restaurant, lounge bar, fitness*
- */wellness facilities and a spa- including a rooftop bar and lounge with landscaped pool and deck. This brings the total room stock (existing and proposed) to 559 guest rooms. This building will be constructed on the site of the above-mentioned demolished infrastructure.*
- *The construction of a new subdivisible conference facility and ballroom with pre-conference areas, and related facilities. The proposed conference facility is 19,048 sq. ft. (and replaces the existing 10,000 sq. ft. facility).*
- *The construction of a second outdoor pool.*
- *The construction of a fire lane on a section of beach along the southern parcel boundary.*

*The applicant has also included a concept for a proposed pedestrian pathway linking Block 11D Parcel 45 with Block 11D Parcel 37, however, this pedestrian path does not appear to form a part of this proposal and may come under a separate application (if planning permission is required at all).*

*A previous proposal for a banquet kitchen fit-out under Planning Ref: P19-1186 has been withdrawn and combined with the current proposal under Planning Ref: P20-*

0196. Also, associated with this proposal but under a separate and previous application is a proposed 9,970 sq. ft. laundry and administration facility (Planning Ref: P19-1187 for the original application and P20-0053 for the modification) located on a separate parcel (Block 11D Parcel 37). The building on Block 11D Parcel 37 is intended to house a dedicated in-house laundry facility with the capacity of handling up to 600 guest keys equivalent laundry processing including washing, drying and pressing all linen and cotton goods required to serve those keys daily. The facility also includes electrical and mechanical equipment rooms and service workshops for servicing and maintaining general Westin furniture, equipment, fixtures and fittings.

A concept for an enhanced pedestrian pathway has been discussed briefly in the Transport section of this Screening Opinion. The laundry and administration facility has not been considered.

### **Planning History**

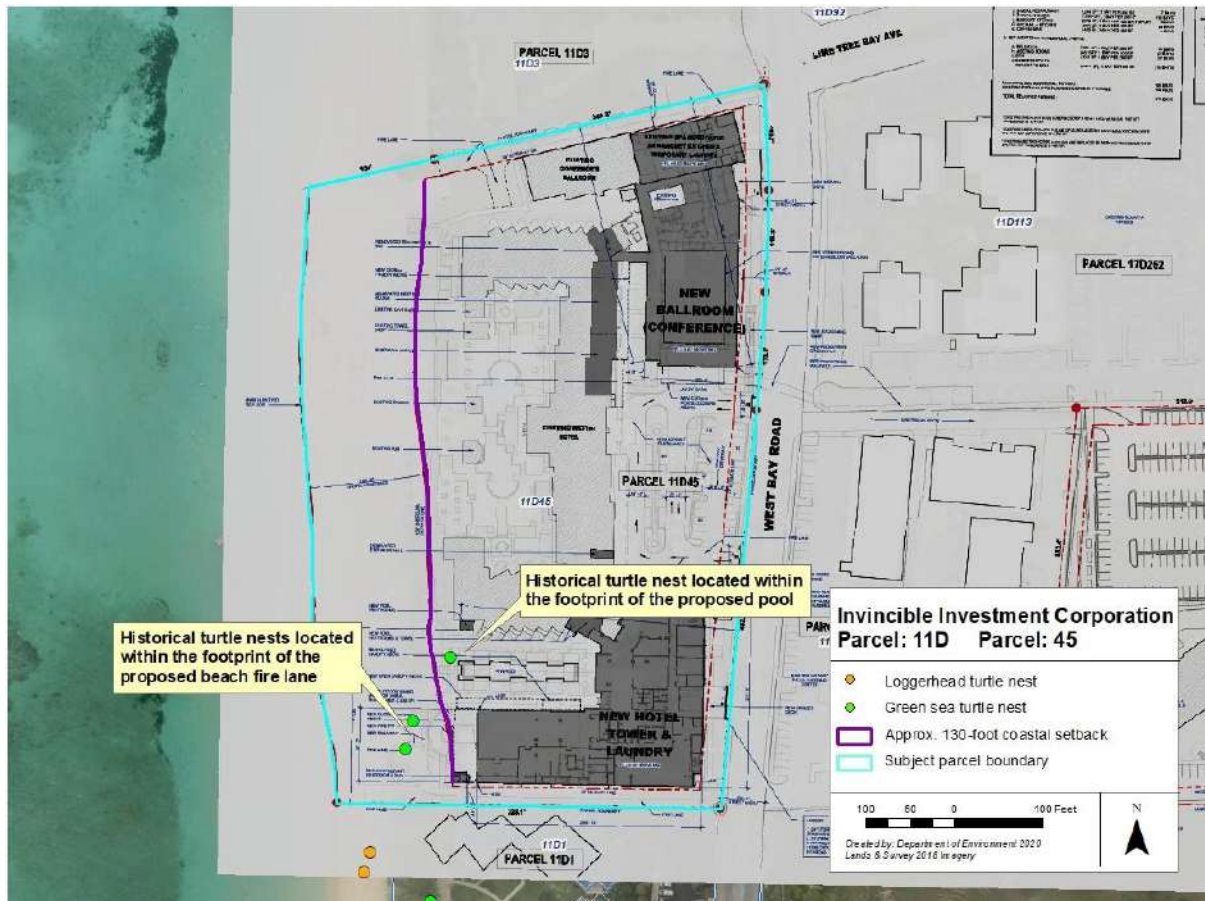
The site was the previous location of the Galleon Beach Resort. The Galleon Beach Resort closed, and the building was demolished between 1971 and 1994. The new hotel building was constructed between 1994 and 1999 and is the current location of the Westin Grand Cayman Seven Mile Beach Resort and Spa.

### **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 and ground conditions, there are not considered to be adverse environmental impacts in these areas.

### **Ecology**

The site is located on a sea turtle nesting beach, located approximately 253 feet from proposed Critical Habitat under the Draft Conservation Plan for Sea Turtles (2019), see Figure 1. Based on the DoE's 20 years of monitoring sea turtle populations, the site has experienced nesting from green (*Chelonia mydas*) sea turtles in the past however there is still the potential for loggerhead (*Caretta caretta*) sea turtles to also nest on the beach. There are currently adverse impacts to nesting and hatchling sea turtles from the artificial lighting which directly illuminates the nesting beach from the existing resort. The Applicant has not indicated the use of turtle friendly lighting in the proposed development. Historical nesting on the site has been concentrated to the south (see Figure 2). Currently, a low-level restaurant building occupies the southern section of the resort. With the construction of the proposed 10-storey hotel tower, the impacts of artificial lighting on the historical nesting area of the beach is likely to be amplified due to the cumulative increase in lighting.



**Figure 2: LIS 2018 aerial imagery with the Applicant's site plan overlaid. The approximate minimum coastal setback of 130 feet is shown in purple. Green sea turtle nests are shown in green and Loggerhead turtle nests are shown in orange. Note that all historic nests on the site are within the proposed development's footprint.**

The Applicant has not requested any variances to the Development and Planning Regulations coastal setbacks, however, as shown in Figure 2, portions of the proposed pool deck, the proposed outdoor seating area and the proposed fire lane are all located within the 130-foot setback from the Mean High Water Mark. These areas of the proposed development also have historical turtle nests located within their footprints. Hard structures located within the 130-foot setback e.g. the fire lane on the beach, decrease the size of the potential turtle nesting habitat.

The Applicant has not provided a Landscaping Plan with this proposal. Current landscaping on-site consists of non- native landscaping plants and invasive casuarina trees. The Applicant could include the use of native vegetation in new landscaping associated with the proposed development.

*Overall, the proposed development is likely to have moderate adverse impacts on ecology through increased artificial lighting and hard structure encroachment on the turtle nesting beach. However, we do not believe these impacts require an EIA. There is the potential to minimize these impacts through the inclusion of the following conditions:*

- All hard structures shall be set back a minimum of 130 feet from the Mean High-Water Mark and there shall be no fire-lane construction on the active beach or within the 130-foot setback.*
- 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.*
- No construction materials shall be sited within the 130-foot setback and shall be placed as far back from the beach as possible to maximise nesting habitat. 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 the site shall 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. While the proposed development is not likely to generate additional noise during operation, it has the potential to temporarily generate noise through demolition, clearing, filling and construction. There are adjacent residential receptors to the north and south, and commercial and residential receptors to the east. The effect is not considered to be significant and therefore it is the role of the Central Planning Authority to consider ways to minimise or mitigate the effects of the temporary noise associated with the construction of the proposed development.*

### **Socioeconomics**

*From the time of its development, the land use of the application site has been Hotel/Tourism-related.*

*The application site currently consists of a hotel with 343 guest rooms, a pool, a spa facility, 10,000 sq. ft. of meeting and conference space and 2 restaurants. The Applicant is proposing a change of use for 18 of the existing guest rooms to retail, meeting spaces, back-of-house facilities, and the addition of 234 guest rooms. This brings the total room stock (existing and proposed) to 559 guest rooms.*

*Also being proposed within the new 10-storey hotel tower is a multi-functional 3-meal restaurant, lounge bar, fitness /wellness facilities, a spa and a rooftop bar and lounge with landscaped pool and deck. The proposed conference facility is 19,048 sq. ft.*

*The increased room stock of 234 rooms and doubling of the conference facility square footage may increase local expenditure and create additional jobs therefore there may be negligible to minor beneficial socioeconomic effects*

### **Transport**

*The Applicant has requested a variance to allow for an off-site parking allowance of 90.77% compared with the current allowance under the Development & Planning Law Regulations s.8(1)(c) which states in a Hotel/Tourism zone 25% of the parking spaces may be located not more than 500 feet from the respective building. The identified off-site parking area on Block 11D Parcel 37 is located approximately 516 feet away from the Westin resort building. Block 11D Parcel 37 is another Crown-owned parcel being leased to the Applicant. This parcel also houses the Sunshine Suites Resort.*

*The Applicant currently provides 198 parking spots to accommodate the Westin facility. The Applicant also provides Sunshine Suites guests (who share the Westin Resort's amenities) access to two 10-person electric shuttle carts which run continuously between the two resorts. There is also an existing crosswalk over West Bay Road to the south of the Westin for pedestrians to cross the street.*

*The applicant is proposing 35 parking spots to remain for the application site (Block 11D Parcel 45) and the provision of 344 off-site parking spots located at Block 11D Parcel 37. The Applicant has also included a concept for a pedestrian pathway in their submissions. Although the pedestrian pathway does not form a part of the current Planning Proposal, the Applicant offers to create an enhanced pedestrian and non-vehicular experience along West Bay Road to encourage guests and residents to explore local shopping and restaurant destinations located along the proposed landscaped roadway. The enhanced pedestrian pathway concept will need to be reviewed and approved by the National Roads Authority at a later date. The Applicant states in their Parking Operational Plan that concept is part of the "West Bay Road beautification initiative – the initial pioneer project based on the National Roads Authority's 'Complete Street' principles and concepts*

*to create a more amenable West Bay Road pedestrian experience through the use of landscape, traffic calming and incorporating a safe pedestrian and shuttle crossing point with user request and scheduled crossing control systems”.*

*With the increased room-stock and the proposed doubling of the size of the conference facility, there may be potential trip generation impacts as well as a steady flow of guests crossing West Bay Road via the pedestrian crossing which could potentially slow vehicular flow or cause driver delay.*

*Should the enhanced pedestrian pathway concept be implemented, there may be minor beneficial impacts on pedestrian amenity. However, as it stands, allocating over 90% of the facility’s parking to an off-site facility with the existing pedestrian crossing could have adverse impacts on pedestrians and possibly vehicular flow. The enhanced pedestrian pathway does not form a part of this proposal and current congestion at the resort is not considered significant, however, the accommodation of off-site parking and its impacts on pedestrians and the surrounding area should be considered by the National Roads Authority and Central Planning Authority.*

### **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 economy<sup>1</sup>.*

*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.*

*The effects of climate change on the proposed development are most likely to be related to an increase in the intensity of storm events, sea-level rise and more intense but fewer rain events.<sup>2</sup>*

*The existing landscaping and hard structures are set back approximately 120 to 160 feet from the Mean High- Water Mark. The existing development to remain and proposed development are predominantly set back 130 feet from the Mean High-Water Mark except for portions of the proposed pool deck, the proposed outdoor seating area and the proposed fire lane. Regardless of the setback, the risk of the effects of climate change remain and structures located within the 130-foot coastal setback are at a greater risk of wave inundation.*

*No climate-resilient design features or solar /alternative form of energy has been included in the proposal. The proposal should incorporate renewable energy to*



*provide climate change resilience and mitigation, particularly considering the prediction for an increased number of warmer days and nights.*

*Compared to the existing development on-site, there are negligible effects concerning climate change. However, we strongly recommend that all structures including walkways and fire lanes are located landward of the 130-foot coastal setback and the inclusion of renewable energy and other climate-resilience features to adapt for and minimize the effects of climate change.*

### **Visual Impact; Daylight, Sunlight and Overshadowing**

*The proposed development will be set back 20 feet from the northern and southern parcel boundaries. The neighbouring property to the north (The Governor's House) is located a little over 20 feet from their southern boundary. The southern neighbouring property's (Villas of the Galleon) northern side setback ranges from 8 feet to 14 feet. The application site and the neighbouring properties to the north and south all have a similar setback from the Mean High-Water Mark ranging from 120-160 feet (see Figure 3).*



**Figure 3: Location of the application site and neighbours. The image illustrates the similar coastal setbacks of the application site (circled in red) and the properties to the north and south.**

*With the demolition of the southern single-storey building and the construction of a 10-storey hotel tower in its place, even if repositioned to comply with the minimum required setback under the Development and Planning Regulations, it will be very visually prominent on the beach. When the proposed 10-storey hotel tower is constructed it may block daylight, sunlight and views from the northern units of the*

*neighbouring residential property to the south (Villas of the Galleon) (see Figure 4).*



***Figure 4. The proposed 10-storey hotel tower will predominantly be set within the existing footprint of the southern building (see red arrow) which may block daylight, sunlight and views from the units within northern units of the neighbouring residential property, Villas of the Galleon (bright blue roofs).***

*We do not believe an EIA is required to assess these effects; however, we strongly recommend that the Planning Department/CPA require the following:*

- *A high-level assessment of the visual impact on the receptors from the Villas of the Galleon and the Governor's House; and*
- *An assessment of daylight, sunlight and overshadowing for Villas of the Galleon.*

### **Cumulative Effects**

*There have been several sites which have been redeveloped along Seven Mile Beach over the years (i.e. the Kimpton site previously the Courtyard Marriott, the Ritz Carlton Grand Cayman site, previously Holiday Inn and the current application site, previously the Galleon Beach Resort). Full-scale redevelopments and major renovations to sites along Seven Mile Beach are likely to continue with the increased 10-storey building height allowance in Hotel/Tourism zone 2.*

*Draft National Planning Framework for Public Consultation (November 2018) lists a goal of Hotel/Tourism zones as “The prevention of 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.”*

*As building heights increase, the character of Seven Mile Beach will change. More people will be introduced onto the beach and the demolition of low-rise structures to be replaced with high-rise buildings like the proposed hotel tower will cause visual amenity effects as the view of Seven Mile Beach from the beach, from the water and West Bay Road changes from low-rise to high-rise.*

*Consideration should also be given to the land uses of the surrounding areas. The applicant is proposing that 35 parking spots will remain at the application site (Block 11D Parcel 45) and that they will provide 344 off-site parking spots located at Block 11D Parcel 37. Block 11D Parcel 37 currently houses the Sunshine Suites Resort.*

*Neighbouring parcels between the Application site (Block 11D Parcel 45) and the proposed off-site parking site (Block 11D Parcels 96 & 97) consist of The Falls Shopping Centre and the Residences at the Falls. Adjacent to these 3 parcels (Block 11D Parcels 37, 96 & 97) is the Regatta Business Park (Block 11D Parcel 113).*

*Should the proposed off-site parking parcel (Block 11D Parcel 37) be redeveloped in future, the over-development of the application site (Block 11D Parcel 45) could mean that the Applicant may be unable to accommodate parking on the application site. 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 Department of Environment is of the opinion that the proposed development does not require an EIA. There are moderate adverse impacts on ecology due to increased artificial lighting and loss of turtle nesting habitat due to hard structure encroachment on the nesting beach; we have recommended conditions to minimize these impacts below. There could be minor impacts for noise and vibration during construction and impacts regarding the cumulative over-development of Seven Mile Beach. These effects should be considered by the Central Planning Authority. There may be minor beneficial effects to socioeconomics regarding increased room stock and the doubling of the size of the conference facility which has the potential to increase local expenditure. There are impacts to transport and pedestrian amenity, which should be considered by both the Central Planning Authority and the National Roads Authority. Whilst the effects of climate change in comparison to the existing development on-site are negligible, the proposed development should be required to meet minimum coastal setbacks and incorporate the use of renewable energy and other climate-resilient features to minimize its effects. There may also be adverse effects to visual impact, daylight, sunlight and overshadowing*

*that should be considered further due to the prominence of the proposed southern hotel tower on the beach and we have recommended additional studies to assess these effects.*

*The moderate adverse impacts on ecology can be minimized through the inclusion of the below conditions as part of the planning permission:*

- All hard structures shall be set back a minimum of 130 feet from the Mean High-Water Mark and there shall be no fire-lane construction on the active beach or within the 130-foot setback.*
- 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.*
- No construction materials shall be sited within the 130-foot setback and shall be placed as far back from the beach as possible to maximise nesting habitat. 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 the site shall be the subject of a separate consultation with the Council.*

We also strongly recommend:

- A high-level assessment of visual impact, daylight and sunlight on the receptors in the units of the Villas of the Galleon; and*
- The inclusion of climate-resilient features and/or renewable energy sources to increase climate change resiliency.*

**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).**

**Approval of Screening Opinion for Invincible Investment Corporation**  
**Proposed Westin Stage III Hotel Annex & Conference Facilities**

- 1) *Invincible Investment Corporation applied for Planning Permission to conduct works on and in the vicinity of Block 11D Parcel 45, the Westin Grand Cayman Seven Mile Beach Resort and Spa. The application was received and reviewed by the Department of Environment under delegated authority of the National Conservation Council.*
- 2) *The application was submitted and reviewed and a Screening Opinion issued on 22 April 2020, after a decision by correspondence by the National Conservation Council to approve the Screening Opinion. (To be ratified at the next suitable General Meeting of the Council.)*
- 3) *The planning application that was the subject of the 22 April 2020 Screening Opinion was subsequently withdrawn by the applicant. A revised submission has been made and a revised Screening Opinion has been made, updating the 22 April 2020 Opinion to reflect the revised proposals.*
- 4) *The updated proposal includes the following:*
  - a. *The change of use of 18 existing guestrooms in the Westin Resort to be variously retrofitted as retail/hotel back-of-house and meeting spaces.*
  - b. *The change of use of existing retail space in Westin Resort (Spa) to be retrofitted as a banquet kitchen for general resort catering requirements as well as specific catering for banquets to be hosted in the conference facility.*
  - c. *Change of use of existing retail space in Westin Resort (Spa) to be retrofitted as a temporary laundry/back-of-house operation. The application submission states that the Laundry facility is to serve existing Westin Resort during demolition of existing restaurants, laundry and other back-of-house facilities. Post-demolition this temporary laundry facility will be dismantled and relocated to new premises within the Annex. The temporary laundry space will then revert to back-of-house functions (hotel administration offices etc.)*
  - d. *The demolition of the existing restaurant block south of the existing guestroom block (restaurants, kitchen, back-of-house and staff facilities, administration and laundry facilities), existing covered walkways adjacent to the restaurant block and the pump room adjacent to the existing Governor's Ballroom.*
  - e. *The construction of a new 10-storey hotel tower with 234 guestrooms, restaurant, lounge bar, fitness /wellness facilities and a spa- including a rooftop bar and lounge with landscaped pool and deck. This brings the total room stock (existing and proposed) to 559 guest rooms. This building will be constructed on the site of the above-mentioned demolished infrastructure.*
  - f. *The construction of a new subdivisible conference facility and ballroom with pre- conference areas, and related facilities. The proposed conference facility*

- is 19,048 sq. ft. (and replaces the existing 10,000 sq. ft. facility).*
- g. The construction of a second outdoor pool.*
  - h. The construction of a fire lane on a section of beach along the southern parcel boundary.*
- 5) *As the Council could not meet due to the national COVID-19 curfew, and in order to render a decision in a timely fashion, the Council undertook a decision by correspondence.*
- 6) *By receipt of email the Council considered the Department of Environment's review of the application.*
- a. There are moderate adverse impacts on ecology due to increased artificial lighting and loss of turtle nesting habitat due to hard structure encroachment on the nesting beach.*
  - b. There may be minor beneficial effects to socioeconomics regarding increased room stock which has the potential to increase local expenditure.*
  - c. There may be minor adverse impacts for noise and vibration during construction and a range of adverse impacts regarding the cumulative over-development of Seven Mile Beach. These effects should be considered by the Central Planning Authority.*
  - d. There could also be adverse impacts involving driver delay and pedestrian amenity. These effects should be considered by both the Central Planning Authority and the National Roads Authority.*
  - e. Compared to the existing development on-site, the effects of climate change are considered to be negligible.*
  - f. There may also be adverse effects to visual impact, daylight, sunlight and overshadowing that should be considered further due to the prominence of the proposed southern hotel tower on the beach and DoE have recommended additional studies to assess these effects.*
  - g. The Department of Environment is of the opinion that the proposed development does not require an EIA. Conditions have been recommended to minimize those adverse effects which have been identified.*
- 7) *Council agreed that an EIA was not required for this proposal. This agreement will need to be ratified at the next suitable General Meeting.*

#### ***Fire Department***

*Please depict on Existing or new proposed Fire well / fire hydrant. (18-6-20)*

#### ***Department of Tourism***

*None received at this time.*

## ***Of Reg***

*After reviewing the above captioned proposed NEW HOTEL ANNEX & RELATED FACILITIES, NEW CONFERENCE FACILITY plans, OfReg have the concerns with the proposed planning application in terms of the existing underground fuel storage tank and containers. The Westin Hotel property current have the following dangerous substances and equipment's stored onsite: 2- 500 US Gallons (USG) underground propane containers; and 1 - 3,500 Imperial Gallons (IG) underground diesel storage tanks in the proposed vicinity of the new hotel tower, and to the South of the property there is a 350 IG (Generator Base Tank) and to the North of the property there is a 2,500 IG (Generator Base Tank). The proposed plan does indicate whether these fuel storage tanks will be removed from the property. It is the policy position of the Office pursuant to the Dangerous Substances Law and NFPA 30 (which is adopted by reference under our Law), that all tanks which are permanently taken out of service must be properly decommissioned, demolished and/or removed, then properly disposed of. The Office request that the applicant or the applicant agent provide more detail information on these dangerous substances and their EQUIPMENTS.*

## **CIAA**

*CIAA have no objections to the plans provided they remain unchanged from the drawings submitted. 28-Oct-20*

## **APPLICANT LETTER**

### **Letter #1**

Overview of application (See Appendix A)

### **Letter #2**

Response to objectors (See Appendix B)

### **Letter #3**

Discussion regarding duplicate laundry facilities (Appendix C)

### **Letter #4**

See Appendix D

## **OBJECTIONS**

### **Objection #1**

*I am writing to express my opposition to the planned improvements by the Invincible Corporation. The 10 story building will be very, very close to the north boundary of the Villas of the Galleon and will negatively impact the view shed and values of many units along the north boundary. A 10 story building that close to the boundary will also impact the value of the other units within the Villas of the Galleon. Approval of the planned improvements is not fair to the Villas of the Galleon and will cause a negative impact environmentally, financially and on our quality of life.*

## Objection #2

*We represent the Proprietors of Strata Plan No. 12 (“Villas of the Galleon”) in respect of an application for planning permission by Invincible Investment (“The Applicant”) to develop a new hotel annex, associated facilities and new conference facility on Block and Parcel 11D45 (“The Site”).*

*Please accept this correspondence as the Villas of the Galleon’s formal objection to the application.*

### *Proposed Development*

*The Applicant has submitted a proposal for a \$150 million development for a 10 storey tower block adjacent to the Villas of the Galleon property.*

### *Legal Framework*

*Any proposed development within Grand Cayman is required to meet the prescribed criteria set out in the Development and Planning Law (2017 Revision) (‘Law’), The Development and Planning Regulations (as revised) and also conform with The Development Plan 1997, Planning statement (“Statement”).*

*Section 4.1 of the Statement provides “The requirements of the Law, Regulations, and this statement will be applied in considering applications to develop land”.*

*Section 1.2 of the Statement sets out “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 and subject thereto the environment”.*

*The proposed site is within the Hotel/Tourism Zone. Section 3.04 of the Statement prescribes the requirements for a proposed development within the hotel/tourism zone as follows:*

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

*The Authority shall apply the Hotel/Tourism Zone 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 required 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.”*



### *Grounds for objection to proposed development*

#### *Negative impact on economic welfare of Villas of the Galleon*

*In view of the scale and height of the proposed development and the location of the site being adjacent to the Villas of the Galleon there are concerns in respect to the effect this will have on the quality and character of the Villas of the Galleon.*

*The proposed 10 storey development will be visually prominent and incompatible with the surrounding area whilst also having potential to impact the views and sunlight of the adjacent property.*

*It is evident that the proposed development is designed to maximise the full development potential of the Site. With reference to the considerations at paragraphs a), b) and c) above we are concerned that the over-development of the Site will have a negative impact on Villas of the Galleon.*

*Guests who choose to vacation at Villas of the Galleon to enjoy the luxury and relaxation along with the attractive surroundings will be discouraged by the proposed development. We have concerns in respect to the consequences and loss of rental income for Villas of the Galleon.*

*Furthermore we have concerns that the scale and height of the proposed development will have a detrimental impact on the value of the property at Villas of the Galleon.*

#### *Noise pollution*

*Villas of the Galleon is presently marketed as a vacation destination which offers luxury accommodation for guests to come and relax. There are concerns in respect to the noise pollution which will inevitably be generated by the proposed development and the effect that this will have both on the residents at Villas of the Galleon and also on the vacationing guests.*

#### *Effect of construction work*

*In view of the scale of the proposed development there is a potential need for the use of a tower crane and we have concerns in respect to the impact of this on the properties at Villas of the Galleon and the potential to oversail our client's property.*

*Further to this we have concerns regarding the disruption and noise which will be generated during the construction of the development and the effect that this will have both on the residents of the Villas of the Galleon and also on the guests vacationing at the property.*

#### *Conclusion*

*For the aforementioned reasons, Villas of the Galleon vigorously objects to the application.*

#### *Objection #3*

*We act on behalf of Meow Limited, the Lessee of West Bay Beach North 1 1 D 96/1 and 97/1 . Our client is also the Owner of 1 1 D 37/1/1 but no notice of the application has been served on them in respect of that property.*

*This letter of objection is in respect of the notices served on our client by Invincible Investment Group/Invincible Investment Corporation*

*seeking planning permission for, inter alia, a new hotel Annex, associated facilities and Conference facilities on Block 11D Parcel 45 of the West Bay Beach North registration section of Grand Cayman (the Westin).*

*Our client having now reviewed the proposed plans of the applicant, we are writing to set out our client's objections to the grant of planning permission sought on the following grounds. Kindly note that the comments below are without prejudice to our client's position as to what right, if any, the Westin has to cross their properties to use the proposed remote parking. We will comment on this issue further on.*

***Adverse impact upon the tenants of 96/1 and 97/1***

*Historically, and over a period of several years, the unauthorised use of the parking provided on parcel 96/1 and 97/1 for the tenants and customers of the Falls shopping centre, and Residences apartments, by persons who are either not tenants, or employees or customers of tenants at our client's development has been a continuous and unresolved problem. Our instructions are that the majority of these persons have been connected or related to the Westin and include Taxis staging while waiting for a call to make a pick up at the hotel, persons engaged in construction work at the hotel, Westin employees and persons attending special events/meetings at the hotel.*

*This unauthorised use of our client's property has had an adverse impact upon the ability of their tenants to carry on their business as well as for customers of their tenants to be able to find parking in order to patronise businesses in the Falls. Tenants continue to complain about this which raises the risk of tenantable units being vacated and becoming unattractive to prospective tenants and this ongoing problem has, we are instructed, become a nuisance of material proportions.*

*Attempts by our clients to limit and control their parking area for the use of their tenants, residents, guests and others has had very limited success. In a few instances, persons who have no business being parked at the Falls have complied and driven away but many have simply ignored requests to move and some have been abusive when asked to move. We are advised that past discussions with Westin officials about this problem has largely met with failure, leaving the burden and cost of "policing" the property upon our client.*

*The proposed significant expansion of the bedroom count at the Westin as well as facilities which will allow for larger meetings and special events will likely only serve to exacerbate the parking problems at the Falls. The reduction of on-site parking at the hotel to a mere 35 spaces will inevitably force guests, taxis, local persons attending conferences or special events to find parking elsewhere. The natural inclination of those persons will be to park as close to the hotel as possible, particularly in inclement weather.*

*Parking on IID 37 and then walking to the hotel and back to that parking lot will not be nearly as attractive an option as simply using our client's property for parking and then crossing the road.*

*It should be noted also that the remote parking site could theoretically generate several hundred individual traffic movements across our client's property daily depending upon the time of year and activities at the hotel. A large wedding, for example, would easily be capable of generating that level of traffic which, if it occurred, could lead to potential safety issues in the interaction between vehicular and pedestrian traffic on our client's property.*

#### **Parcel 97/1**

*This parcel houses residential accommodation for tenants of apartments constructed for rent. The significant increase of traffic which the use of the right of way would create is likely to disturb the peace and quiet of the tenants and could lead to a loss of tenants who may then choose to vacate the units. In particular, a large event at the hotel at night could see dozens of vehicles using the right of way adjacent to the apartments to access the West Bay Road late at night after the residential tenants have turned in for the evening.*

#### **Planning Department Analysis and Parking Regulations**

*While we do not propose to repeat the non-compliance issues identified by the Department in its own analysis of the application, it is worth noting in summary that the Department has raised the following:*

- a) The new proposed scale of the Westin project requires 454 spaces of which only 393 are to be provided (35 on site and 358 remote on IID 37/1/2);*
- b) Even if 26 spaces were to be treated as not available to the public in respect the lobby bar, ground floor restaurant and new spa and salon there would still be a deficit. Of course, so treating those spaces as not available to the public would ignore the fact that persons resident on or visiting the island routinely patronise these facilities. In fact, the existing spa by way of example, offers gift certificates*

*which are routinely used by residents and others particularly at Christmas time but residents do use the spa year round. It also bears mentioning that liquor licence premises, such as restaurants and the lobby bar, are open to public access to those premises during specified hours;*

*c) The regulations require 75% of the parking spaces (341) to be on site. That is clearly impossible given the plans submitted; and*

*d) We are instructed that during a sample period of 174 days in 2017/2018 our client recorded 300 cars related to the Westin hotel that parked on our client's parking lots 1067 times. Once demolition and construction commences on the Westin site it is only reasonable to assume that employees who work for contractors and typically start work around 7 a.m. will find our client's early morning empty parking lot attractive for their use.*

### **Right of Way Matters**

**1.** *The application depicts a 30 foot vehicular right of way across the Northern end of our client's properties. The actual width of that right of way is a "varying" width.*

**2.** *The Westin has submitted the application on the basis that it is entitled to use*

*the easement for its employees, guests and others to travel to and from a part of 11D 37. It should be noted that parcel 11D 45 has no easement rights over our client's properties. The leaseholder of the remote parking site is not the leaseholder of 11D 45 and, even if it were, the proposed use of the right of way is not by the leaseholder of the remote lot parcel. The easement to that parcel is for the benefit of that parcel, not the benefit of a parcel that has no right to cross our client's property. The proposed remote parking on that property is not related to that property at all save for the fact that the parcel is to be turned into a parking lot for the benefit of the Lessee of 11D 45.*

### **The February 19<sup>th</sup> CPA Meeting.**

*One final but important point requires mentioning. Our client has instructed us that it only recently came to their attention that there was a meeting of the CPA on the 19<sup>th</sup> February at which, inter alia, a site plan setting out the 358 remote parking spaces was approved. It is also clear that this layout was part and parcel of the intended expansion works at the Westin, the subject matter of the current application.*

*Our clients were entitled to service of notice of the application dealt with by the CPA at its February meeting. Our client has also instructed us that had it been served, it would have raised objections to that application, it being the setting of the stage for the current*

*application to which they now object.*

*The failure of the applicant in the 19th February meeting to serve notice upon our client was a breach of the provisions of section 15 (4) of the Development and Planning Law (2017 Revision) also of Regulation 8 (12A) of the Development and Planning Regulations (2020 Revision). Such failure meant as a consequence thereof that the CPA was prohibited from considering the February 19<sup>th</sup> application (see section 15 (4) above.*

*Our client is considering its position in relation thereto and reserves its rights and legal position in connection therewith.*

*For the reasons set out above, our client objects to the grant of planning permission for the proposed expanded development on 11D 45. In fact, if planning permission were to be granted on the basis of the remote parking, parcel 11D 37/1/2 would forever have to be used exclusively for parking for the development on 11 D 45. It would follow from that, that 11D 37/ 1 /2 could never be used for anything else for so long as the Westin development existed, resulting in the usage of the easement to 11D 37/ 1 /2 being exercised permanently by a parcel that has no concurrent registration of the easement in its favour. Finally, our client would forever have to live with whatever adverse consequences may flow from that user and our client is concerned that ultimately the value of their properties could be adversely impacted by what they have reason to believe will become an excessive user of the easement that was never contemplated by anyone when it was put in place.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is requesting planning permission for a hotel, conference facility and modifications to an existing hotel. The application includes the following elements:

- 234 guest rooms
- Two restaurants
- Conference rooms
- Ground level pool
- Rooftop pool
- Off-site parking
- Off-site laundry facility
- Floor plan modifications to existing hotel.

## **Zoning**

The property is zoned Hotel Tourism

## **Specific Issue**

### **1) Suitability**

The proposed annex complies with the maximum building height as it will have 10 stories and measures at 114'8". The site is located within the Seven Mile Beach corridor, where there are a few 10 storey developments in various stages of construction.

The immediate adjacent properties are relatively low-density development within the main tourism corridor. To the north is the Governor's residence and a public beach. To the south is Villas of the Galleon, a three-storey multi-family development. Across West Bay Road is a two-storey commercial centre and Regatta Office Park.

### **2) Off-Site Parking**

A breakdown of the required number of spaces per use is provided below.

Hotel Rooms (existing & proposed)	559 beds	279.5 spaces
Restaurants	18,541 sq. ft.	62 spaces
Conference Facility	18,410 sq. ft.	61.5 spaces
Retail	2,937 sq. ft.	10 spaces
Spa & Salon	7,810 sq. ft.	26 spaces
<u>Off-site Laundry Facility</u>	<u>14,498 sq.f.t.</u>	<u>15 spaces</u>
Total Spaces Required		454 spaces

The proposed hotel annex and conference facility reduces the number of on-site parking spaces from the existing 204 spaces to 35.

At their February 19th meeting, the Authority approved an application for an off-site laundry and storage facility to support the existing hotel. Despite the facility only requiring 15 parking spaces, the Authority approved a site plan that provided 358 spaces (P20-0053).

Based on the information provided by the applicant, the overall development required 454 spaces, however only 393 are provided, a deficit of 61 spaces. The 454 spaces includes outdoor dining for the ground floor restaurant (17 spaces), the lobby bar (7 spaces) and the new spa & salon (26 spaces). The Authority could determine if these areas should be considered only available to hotel guests and not the public, therefore being excluded from the overall parking requirements.

The off-site parking location is approximately 365' from parcel to parcel or 383' driveway to driveway. Regulation 8(1)(c) allows up to 25% of the required parking to be located not more than 500' from the respective building. Based on the proposed



expansion, up to 113 spaces may be located off-site, however that means 75% of the required spaces (341) should be on-site.

Proposed access to the off-site site is through an existing driveway that supports the Cayman Falls commercial centre and apartments. The photographs below show that parking for the apartments back directly onto the easement and there are repeated occurrences of customers and tenants parking in the easement, thus reducing the ability for two-directional traffic and safe pedestrian passage.



View from West Bay Road, looking east.

The applicant has not provided any details as to how this access way will be improved, if at all.

The Authority is recommended to discuss whether the off-site scheme, lack of on-site parking, and shared access is functional for two hotels along a major and busy tourism corridor.

### **3) On-Site Laundry Facilities**

The expansion includes an on-site laundry facility to support both the existing and proposed hotel. Per their letter, the recently approved off-site facility will be temporary and demolished once hotel construction is complete.

It could be argued if the off-site laundry facility remained, the proposed on-site facility could be removed and make space for more on-site parking.

### **4) High Watermark Setback**

The proposed buildings and associated hardscape all comply with the High

Watermark Setback for the Hotel/Tourism Zone 1. The developer is proposing to construct hardscape features within this setback. No construction or illustrative details have been provided regarding the purpose of these features.

Department of Environment has recommended that all hardscape features and fire lanes be compliant to the 130' HWM setback as the beach does have history of turtle nesting.

The parcels within 300' radius were notified and several objections were received.

### **SUPPLEMENTARY ANALYSIS**

The Authority is reminded the above mentioned application was seen on September 16, 2020 (CPA/15/20; Item 2.6) and it was resolved to adjourn the application in order for the applicant to notify the leasehold owners that fall within the required notification radius.

At 11:00am, Andrew Gibb and Ian Jamieson appeared in person on behalf of the applicant. Joe Gould, Ray Maybry, Alexander Chen and Derek Crowe joined the meeting via Zoom on behalf of the applicant. Malcolm Davies appeared as an objector and David Ritch appeared as his Attorney. Nickolai Ugland and Guy Dilliway-Parry (Attorney) appeared on behalf of another objector, Villas of the Galleon. Summary notes are provided as follows:

- Mr. Gould explained the proposal:
  - Includes a 10 storey tower and grand ballroom
  - 18,000 total square feet of meeting space
  - 4 star full service hotel
  - New pool
  - Relocate parking north of Sunshine Suites
  - 100% valet parking will give better traffic flow through the site
  - They need a slight variance to the parking requirement
  - Currently, their feasibility study shows a small percentage of rental cars on site with 20 rental cars per day based on typical occupancy
  - Employees require up to 80 spaces and with restaurants and such they need 100 spaces per day
  - They currently have 198 spaces so they have 98 spaces for other uses
  - They took the opportunity to increase parking to 373
  - The off-site parking has access to the Esterley Tibbetts Highway which will decrease traffic on West Bay Road
- In response to a query from the Authority, Mr. Gould explained that they have 3 work shifts: 7am-3pm, 3pm-7pm and 7pm to 7am and they have about 125 to 150 staff during the busier day shift and the numbers drop off from there for the other shifts.

- The Authority noted that the Ritz Carlton hotel didn't anticipate the number of staff that would be driving and they ended up with vehicles parked all over the roads. Mr. Gould noted that the Ritz has a higher staff to guest ratio than the Westin brand. He noted that they have looked at staff levels and the peak parking demand and believe that their proposed parking plan will adequately park staff without them being on streets or on other lots.
- The Authority noted that the main issue is the amount of off-site parking.
- Mr. Gould explained the end goal for the laundry facilities and that they would ultimately be in the tower and they would not need the off-site laundry facility.
- The Authority noted that the ballroom takes up a lot of existing parking and asked if it could not be in one of the storeys in the tower. Mr. Gould explained that they would need a height variance to do that as the ballroom height is much greater than a typical floor in the tower. The Authority advised that an alternative would be to lose a floor of rooms to accommodate the ballroom.
- The Authority asked if parking could be put underground below the tower and Mr. Gould replied that there is only so much you can do below ground before you run into water issues.
- Mr. Gould explained where the garbage collection areas are located and they are not observable from the Governor's House.
- Mr. Gibb indicated he had a handout and after a brief discussion, the Authority agreed to accept it. Mr. Gibb handed out copies to the members and the objectors (see Appendix 'F'). He proceeded to summarize his notes regarding the parking calculation and the differences between the Department's and his.
- Mr. Gibb noted that in regard to the Department's comments regarding safe pedestrian passage, he did address this issue and prepared a concept plan which is on the last page of his handout.
- The Authority asked for the objectors comments.
- Mr. Dilliway-Parry advised that he represent the Villas of the Galleon. He explained that the comments from DOE sum up their concerns. He referred to Figure 15 in their report and the comments beneath that figure. He also referred Figure 4 further on in DOE's report and their comments beneath that figure regarding an assessment of daylight, sunlight and overshadowing.
- Mr. Gibb noted that they have provided graphs regarding that issue and Mr. Dilliway-Parry advised that they are difficult to understand. He noted that they have met with the applicant and it's not to say they can't come to an agreement, but they are not there yet.
- In response to a query from the Authority, Mr. Gibb advised the side setback is 20'. The Authority asked if the Villas don't feel this is enough and Mr. Dilliway-Parry replied that is correct. He noted that the application seems premature as their concerns have not yet been addressed.

- The Authority asked what the heights are of the buildings at the Villas and Mr. Ugland replied they are a mix of 2 and 3 storeys.
- Mr. Ugland noted that the Villas usually gross \$6M in rentals and they anticipate that to drop by 15% because of the new hotel. He explained it happened before when the Ritz was being constructed to the north. They would also like details on the type of crane being used and if it is a boom will it come over their property. He noted also that there will be a lot of mess during construction.
- Mr. Ritch advised he represents Meow Ltd. and is here with Mr. Davies. He noted they have different issues from the Villas and that his letter is in the bundle. He explained there is one legal issue that isn't for this morning, but it does get to the point of whether the Westin has the right to use the easement where the off-site parking is located. He explained the easement is in favour of parcel 37, but that issue is for a different body.
- Mr. Ritch then provided several comments:
  - Regulation 8 allows for 25% off-site parking and the applicant is hopelessly outside of that
  - Regulation 8(13(b) states that there has to be sufficient reason and exceptional circumstance to allow a variance and the Regulation notes that one issue that can be looked at is if the proposal will be materially detrimental to persons in the vicinity and on adjacent properties. He noted that there is ample evidence that this proposal will have a negative material effect on the area. He noted that they have not heard that there is an exceptional circumstance and the onus is on the applicant and they haven't mentioned it.
  - As noted in his letter, people from the Westin parked on his client's property 1067 times during a portion of 2017 to 2018 and this problem will only increase with a new hotel.
  - He noted that the NRA's proposal to close the turning lane will cause problems especially when there are big events.
  - He noted that he feels that people parking in the off-site lot will use West Bay Road and not the ETH as that's just what people will do.
  - Their core concerns are the off-site parking far exceeding 25%, the impact on his client's tenants and the impact of the off-site parking on his client with the vehicles crossing his land.
- The Authority suggested that a possible solution to the traffic is to build an elevated driveway that crossed West Bay Road, but that would require agreement between the parties. Mr. Gibb explained they are exploring several options and some may involve Meow and some won't.
- The Authority asked how many people could fit in the ballroom and Mr. Gould replied that the new one would hold between 550 to 600 people and the existing ballroom can hold about 300.

## 2.2 DARRELL PLAYER Block 15E Parcel 239 (P20-0606) (MW)

Application for land clearing.

**Appearance at 12:30**

### **FACTS**

<i>Location</i>	Off South Sound Rd., George Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	0.4025 ac. (17,532.9 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

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

- 1) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 2) Regarding the access to the site, only 22' of the 30' easement can be cleared and filled.

### **OBJECTIONS**

*I am writing in regards to an application which was filed by Darrel Player of Parcel 15E Block 239 as a submission for Land Clearing.*

*I am writing this letter on behalf of the following property owners (some of whom are elderly) for which the developer Mr. Player, who would need access over our the below properties via a 22' CPA approved Vehicle Right Away to access his property.*

- 1) *Hank and Irma Hurlston – 15E 234*
- 2) *Una Hurlston – 15E 241*
- 3) *Marco and Jacqueline Miranda – 15E 240*

*This is express concerns and ensure the developer Mr. Player is aware of the following issues:*

- 1) *Underground utilities, such as our water main pipe (15E 240) which was installed by the WAC and underground Electrical, the developer should seek guidance from the WAC and CUC before any works are done.*
- 2) *Darrell Player is to use the approved 22' right of way for all his vehicular traffic.*
- 3) *Only a portion of the 22 foot right of way road width is cleared, meaning the developer Mr. Player would have to clear the undeveloped section of the 22' VROW from South Sound Road to his property. The family all uses a family right*

*away, which is private property and not for the developer Mr. Player to use in any form to access his property.*

- 4) Request the developer Mr. Player install a temporary fence w/ mesh covering in areas where he intends to clear to ensure dust and debris are not thrown into our family's residences and as family living there are asthmatic.*
- 5) To make the developer aware not to have his construction trucks or any vehicular travel gain the use/access of our property(s) for maneuvering in any form.*

*Attachments for reference.*

- 1) Application filed by the developer Mr. Player*
- 2) Site Survey showing the above properties (15E, 234, 241, 240)*
- 3) Site layout 15E 240 Island Drafting Marco Miranda A101*
- 4) CPA\_Minutes\_MAR2012\_08 (indicating the approved VROW of 22')*
- 5) CO Issued for property 15E 240 (19 Nov 2012)*
- 6) Letters to change right of way*

*Grateful for your time in reviewing our concerns and any further guidance you can provide to us.*

See Appendix E for the referenced attachments.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a proposed land clearing located off South Sound Rd., George Town.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Suitability**

The Authority should assess the suitability of approving the land clearing prior to an application for development.

The adjoining parcels were notified and one objection was received.

At 12:30pm, Darrell Player joined the meeting via Zoom as the applicant. Marco and Jacqueline Miranda appeared in person as objectors. Summary notes are provided as follows:

- Mr. Player explained that he wants to build a family home eventually and the clearing will allow him to have a surveyor on site and to do some soil testing to



determine the best construction method for the property.

- The Authority noted that there seems to be an issue with the right-of-way and asked if he has legal access to the property and Mr. Player replied that yes, he believes so. The Authority then confirmed that the easement is registered on the land register.
- Mr. Miranda explained the background to them getting approval for the house when they had the other owners sign that they agreed to reduce the easement from 30' to 22' and the CPA approved the house on that basis. He noted that the problem is that they didn't follow up and have the easement changed with Lands and Survey so now 8' of their house is in the easement.
- The Authority noted that if Mr. Player has a registered 30' easement there is nothing they can do about it. Mr. Miranda stated that they don't want him to come right through their house.
- Mr. Player noted that he doesn't want to lose so much of the easement that it only allows one way traffic. The Authority indicated that 22' is normal for two way traffic.
- Mr. Player explained that he is only applying to clear the land and they want him to build a fence.
- Mr. Miranda explained that they just mean a temporary fence during the clearing because of the dust from demucking.
- Mr. Player noted that there is a water meter in the easement and he doesn't want to damage it and the Water Authority said it is up to the owner.
- Mr. Miranda explained that they have a family easement that they don't want Mr. Player to use. He also noted that Mr. Player will have to clear all the way from South Sound Road to get to the parcel.

**2.3 HARRY LALLI (Abernethy & Associates Ltd) Block 33E Parcels 133 to 138 (P20-0639) (\$6,041) (JP)**

Application for a parcel combination and a nine (9) lot subdivision.

**Appearance at 1:45**

**FACTS**

<i>Location</i>	Rum Point Drive, Rum Point
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.42AC/105,376 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

## **BACKGROUND**

October 28, 20102 (CPA/18/20; item 2.15) – current application adjourned to invite in

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

- 1) Regulation 9(8)(g) requires a minimum lot width of 80'. The Authority acknowledges that the Regulations do not define where the width of a lot is to be measured so has undertaken the following analysis of the proposed subdivision:
  - a) Proposed lot 9 does comply with the required 80' lot width.
  - b) The concept of wedge shaped lots around a cul-de-sac is not unique to this application and the Authority has previously approved many such lots, including the underlying lots of this proposal that will be combined and re-subdivided.
  - c) The road frontages of the existing lots, excluding Parcel 138, range approximately from 32' to 38'. The road frontages of the proposed lots, excluding lot 9 (which is essentially Parcel 138) range approximately from 18' to 26'.
  - d) The applicant has indicated on the plan where each proposed lot achieves a minimum lot width of 80'. With the exception of lot 9, the percentage of the area of each proposed lot that complies with the required 80' width ranges approximately from 17' to 45' with 8 lots less than 40%.

Given this analysis, the Authority is of the view that the proposed lots are not consistent with the intent of the minimum required lot width and represents an over-intensification of development that is not consistent with the expected character of development in a residential subdivision in the Low Density Residential zone.

## **AGENCY COMMENTS**

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

### **Water Authority**

#### **Water Supply**

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

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

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

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

#### Wastewater Treatment

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

#### **National Roads Authority**

No comments received

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

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

*The application site is man-modified and is located within an area which was formerly mangroves but was dredged and filled in 2003. No development has taken place in the last 15 years and the site has remained derelict with low ecological value. The site is, therefore, an appropriate place for sustainable development. The department has no objection to the proposed subdivision at this time. However, any proposed development of the resulting parcels should be the subject of a separate consultation with the national conservation council.*

#### **APPLICANT'S LETTER**

*I write with regard to the above application to request a variance for the lot width to be less than 80' under the Planning Regulation 8(13) (b) (iii) for the following reasons:*

1. *Due to the nature of the turning circle and land layout, it is very difficult to create a width of 80' in the majority of the parcel area due to their wedge like shape, in order to do so the lots become very large, and by extension expensive, sadly this has meant that the whole development remains largely unsold with no building of any kind, necessitating the development of virgin property and leaving his site partially developed in a very valuable area where holiday homes could generate allot of income for the government.*
2. *There are many instances of plots much smaller than those we are requesting that have created successful and high quality communities, these have typically been in high value areas such as South Sound and Crystal Harbour. By designing smaller homes with well-designed foot-prints, it has been proven in these instances that a "single family" unit development can be established on much smaller lots than these, in some cases the plots are as small as 5,000 sq.ft. with very narrow widths, far less than those we are requesting. We are happy to provide instances of this with specific examples should the board require them.*

3. *We applied for smaller cottages to be developed on the lots in the subdivision to prove that no setbacks variances would be required, however we cannot submit that application until the subdivision has been registered.*
4. *We have attached a sketch showing the setback, building footprints achievable following setbacks required, that proves the development of the lots is feasible.*
5. *All our lots exceed 10,000 sq.ft. area required for Low Density lots.*
6. *All our lots have around 100' waterfrontage on the canal, or slightly less, that is in keeping with other lots, but as discussed they narrow towards the road due to the property shape and road layout.*
7. *The subdivision is at the end of a no through road, which should have very little if any passing traffic, therefore the multiple driveways onto the turning circle should not cause a disruption to traffic, and driveways are designed to operate in pairs so that there are half the number of access points onto the turning circle, with two lots and driveways sharing one access point.*
8. *There was some concern with an earlier application at The Village (which was refused by the board) that the denser type development plans we suggested would not be suitable and objected to by owners of lots in the subdivision and surrounding owners, I am delighted now to report that this is absolutely not the case. We presented the plans to the Cayman Kai Owners association and they were universally applauded, I understand that feeling was passed onto some members of the board by local residents, I attach letters of support from owners in the subdivision and surrounding home owners who would like to see the development move forward in our proposed form, and to see the land developed.*
9. *These are not apartments but single-family homes, with lots above the minimum size.*
10. *Whilst we understand the board are not concerned with financial viability or the market acceptance of a proposed plan, we hope they may in this instance they may agree that this will help move sustainable low-rise development on a site that has remained vacant for many, many years. We already have interested parties willing to buy and build on this proposed subdivision based on the smaller more affordable lots, they are local owners and Caymanians in Cayman Kai who support the Village and our aspirations.*

*Please do not hesitate to contact us if you require further information or clarification of any points, many thanks for your help in this matter.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located in Rum Point with existing canal network running along the western, southern and eastern boundaries. To the north vacant land exists. The established subdivision road runs from the north off Rum Point Drive.

The application seeks Planning Permission for the combination and subdivision of land to create 9 lots.

## **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Lot widths (18' vs 80')**

Regulation 9(8)(g) requires a minimum lot width of 80'.

Proposed lots 1-8 gain access from the subdivision road from separate 18' driveways and lot 9 has a lot width of 60' 7".

Submitted plans identify an 80ft width is only achievable in the last quarter or third of the proposed lots 1-8.

Given the lots are less than the required 80' width with narrow street frontages, the Authority is asked to consider whether the proposed subdivision represents overdevelopment.

At 1:45pm, Harry Lalli appeared as the applicant and Kyle Broadhurst, Greg Abernethy and Eddie Thompson appeared as his representatives. Summary notes are provided as follows:

- The Authority noted it is unusual to propose 18' wide lots and asked what the intent is for the lots.
- Mr. Abernethy explained that the lots will be for smaller, secondary homes in a bungalow style. He noted that they are willing to put in easements so each pair of lots shares a driveway. He explained that the lots meet minimum lot size and width.
- The Authority asked if they are developing the lots or the purchasers will and Mr. Lalli replied that the owners will have the option.
- The Authority noted a concern that future applications will not be able to meet setbacks.
- Mr. Broadhurst explained that they can show what can be built on the lots while complying with setbacks. The Authority noted there is no control of over that as they are selling the lots.
- Mr. Abernethy suggested they could put a restriction on the register saying there can be no setback variance, but the Authority explained that they don't believe the land register can be used in that way.
- Mr. Broadhurst noted that all of the lots are 100' at the back and they can be developed without variances. He also noted there are no objections from other parties.
- Mr. Thompson explained that there is a similar development at Cypress Point where there are 0' setbacks. He noted it is very clear they can comply with setbacks and these will be bungalows and will be more affordable.
- Mr. Broadhurst noted that the DOE doesn't object and read their comments.

- Mr. Lalli noted that their intention is to build and sell if they can.
- The Authority noted a concern that the sites will be tight at the road with driveways and garbage skips. Mr. Thompson noted that they have done a drawing showing that it all fits.

**2.4 FRANK SCHILLING (ARCO Ltd.) Block 1C Parcel 60, 61, 62, 63 & 164 (P20-0404) (\$18,000,000) (MW)**

Application for (36) unit apartment complex (3 buildings) with swimming pool & cabana with unit & bedroom density & lot width variance.

**Appearance at 2:15**

**FACTS**

<i>Location</i>	Sand Hole Rd., West Bay
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	Objectors
<i>Parcel size proposed</i>	1.82 ac. (79,279.2 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	61,210 sq. ft.
<i>Total building site coverage</i>	26.64%
<i>Allowable units</i>	27
<i>Proposed units</i>	36
<i>Allowable bedrooms</i>	43
<i>Proposed bedrooms</i>	60
<i>Required parking</i>	54
<i>Proposed parking</i>	60

**BACKGROUND**

June 14, 2006 (CPA/19/06; Item 2.21) – a different application for 14 apartments was adjourned, for the following reason:

1. The applicant shall obtain a 30' vehicular right-of-way from Boatswain Bay Road to the subject property. The road shall be constructed to National Roads Authority standards.



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

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

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

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

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

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

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

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

*minimum invert level of 4'8" above MSL or 5'11" if the well is installed less than 100ft from the sea. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

#### **Elevator Installation**

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

#### **Water Supply:**

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

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

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

#### **National Roads Authority**

None received at this time

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

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

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

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

#### **Environmental Overview**

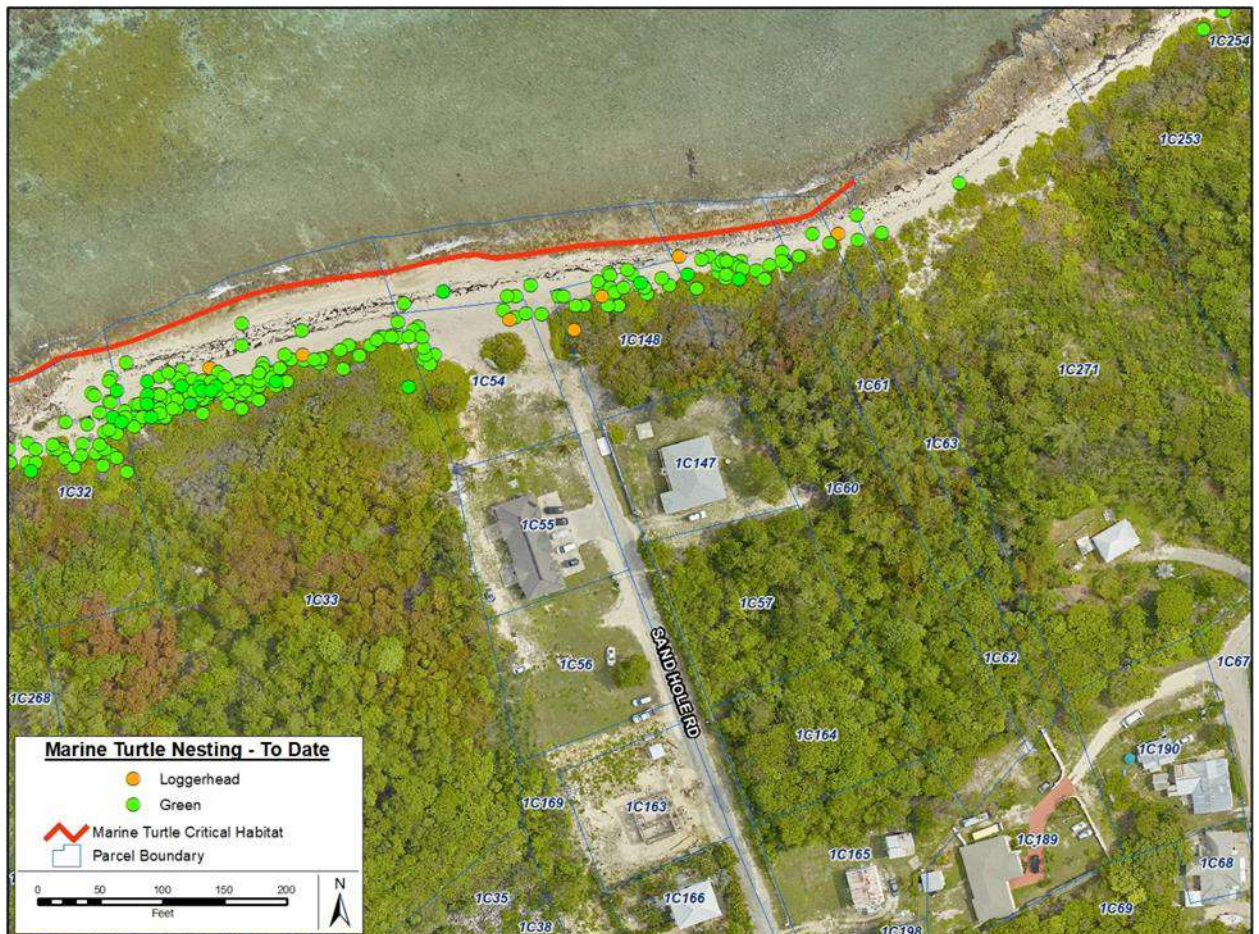
*The coastal boundary of the application site is characterised primarily by ironshore/rocky coastline, with a perched beach behind this. The offshore environment is not legally protected in this location.*

*Based on over 20 years of DoE turtle nesting monitoring data, the beach on this site is identified as **critical turtle nesting habitat** in the National Conservation Council's*

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

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

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



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



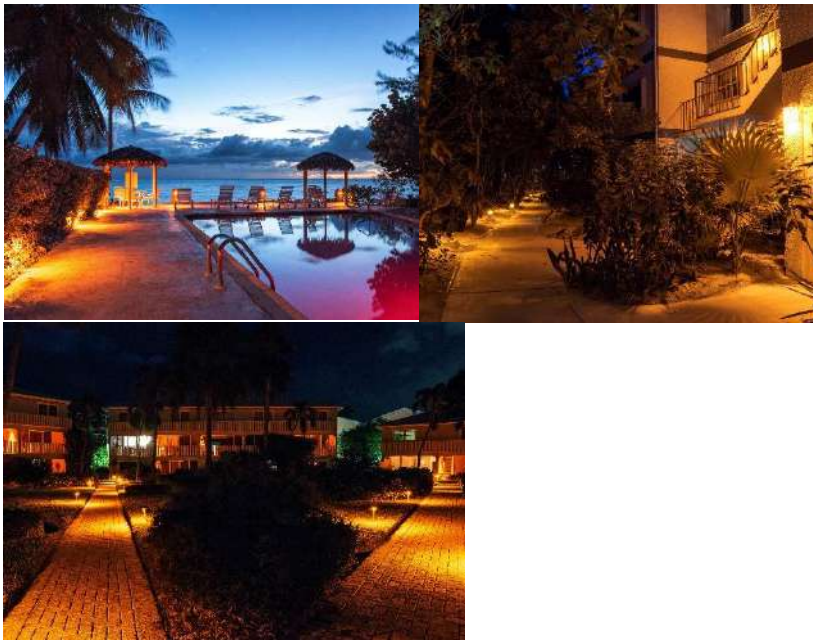
### **Impacts to Turtle Nesting**

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

#### ***Artificial Lighting Impacts***

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

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



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

#### ***Importance of Coastal Vegetation***

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

### ***Impacts of Hard Structures***

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

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

### **Construction Debris Impacts on Marine Environment**

*We have experienced developments along the coast inadvertently polluting the marine environment from wind-borne debris. For example, the Department has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island (Figures 5-7).*

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



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

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

### **Directed Conditions & Summary of Recommendations**

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

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

1. A revised plan shall be submitted showing all hard structures including the pool, pool deck and any other ancillary features setback a minimum of 75 feet from the High-Water Mark.
2. A vegetated buffer with a minimum width of **at least 10 feet** shall be maintained (and planted where necessary) along the 75-foot coastal setback boundary of the application site. Additional planting within the buffer shall comprise appropriate native coastal vegetation. There shall be no hard structures seaward of the buffer. The under-brushing and access points through the vegetated buffer shall be agreed with the DoE.
3. The applicant shall prepare and submit a turtle friendly lighting plan which minimizes the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the Department of Environment, in accordance with the DoE's Turtle Friendly Lighting: Technical Advice Note (September 2018) available from <http://doe.ky/marine/turtles/turtle-friendly-lighting/>.

4. *Lighting shall be installed in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE. The DoE will inspect the exterior lighting for compliance with the approved turtle friendly lighting plan once construction is complete.*
5. *Prior to the commencement of works, the property owner shall contact the DoE to check for the presence of turtle nests; written approval shall be obtained from the DoE that no nests will be impacted by the commencement of works.*
6. *No construction work, vehicle access, storage of equipment/ materials or other operations shall take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.*
7. *Beachside construction fencing associated with the works shall be positioned at least 50ft from the Mean High Water Mark (to minimise impacts on the turtle nesting habitat) and the fencing shall be erected so that it fully encloses the beach facing area of works and is embedded at least 2 feet into the beach profile to prevent turtles entering the construction site or digging under the fencing, during nesting season.*
8. *All construction material shall be stockpiled landward of the beachside construction fencing.*

***We also recommend:***

- *Any sand excavated during construction should be retained on-site and beach quality sand should be placed along the active beach profile. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand offsite, it should be the subject of a separate consultation with the National Conservation Council.*
- *The use of Best Management Practices during the construction process, i.e. the use of alternative materials to expanded polystyrene and containing any debris that could be air-borne with the use of appropriate screens and containment methods; and*
- *The retention and use of as much native vegetation as possible in the landscaping scheme.*
  - *Native coastal vegetation is best suited for the habitat conditions of the site and requires less maintenance (i.e. minimizes the demand for potable water for irrigation) which makes it a very cost-effective choice. When designed effectively landscaping can assist with shoreline protection of structures; provide appropriate shading and cooling of buildings, hardscape and people; attenuate noise and provide windbreaks to trap airborne particles/debris.*

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

## **Fire Department**

Approved for Planning Permit Only. 11-Jul-20

### **APPLICANT'S LETTER**

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

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

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

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

### **OBJECTIONS**

#### **Letter #1**

*My self (Tracey Lopez) and my spouse (C. Michelle N. Lopez) are objecting to the proposed project for this reason .*

- 1. We have a small community of 11 houses in total on a small private road approximately 10ft wide that we wish to maintain . If this project was to be completed it would mean our whole dynamic would change . The road would be congested with morning and evening traffic perhaps, the quite community would be lost to so much business . Widening of the roads would be required to substantiate this amount of vehicular traffic which there is no public land to be used for this new 30ft or wider highway . I am in no means against any development as long as it does not change the environment I currently enjoy , which is one of the reasons we moved here. If this was proposed as lots for people to buy and build homes that would not change the dynamic of the Sand Hole Road community as we are all single family home owners then possibly we might support it . As it is proposed we certainly cannot support this development as access to it would ruin the community and drastically change the quite , safe , relaxed way of life we have for so long enjoyed with other Cayman kind neighbors.*

#### **Letter #2**

*I am in receipt of the Application notice for Planning Permission for Mr. Frank Schilling which was supposedly posted via Registered Mail to me on 7" July but arrived at the West Bay Post Office by regular mail on 15" July 2020 !*

*I am writing to object to this development.*



*The land usage for this area is low density residential and I would like confirmation that the number of proposed units complies with the fifteen units per acre, since the acreage of these parcels was not indicated on the Application sent to me.*

*Sand Hole Road is a private road barely twenty feet wide in most parts, which I believe contravenes the necessary road width for an access to a development, i.e. a thirty foot requirement.*

*Our neighbourhood and the narrowness of the road is not really suitable for the possible influx of seventy two vehicles leaving and returning daily. The area proposed for this development would seem to be far more suitable for a few single family homes in keeping with our present environment.*

*This is a Caymanian residential area and we Caymanians want a house on a piece of land. We do not often choose to live in an apartment or condominium, if a house is available. So much of our land, the character of our Island and our culture is being taken away by these rows of cookie-cutter apartment blocks and here in West Bay, they are in abundance. The residents in such places tend to be people from other lands and all too soon we are outnumbered in our family neighbourhoods.*

*Please consider how this proposed development will change the lives of those of us living here and alter forever this peaceful landscape and take away the character and charm of this small area of our beautiful West Bay.*

### Letter #3

*We, the undersigned (Appendix A), wish to hereby object the planning permission application submitted to the Central Planning Authority for a proposed thirty-six (36) Units Apartment in Blocks and Parcels 1C164, 1C60, 1C61, 1C62, 1C63 (“the Property”), owned by Frank Schilling.*

*The Property is situated adjacent to Sand Hole Road, West Bay North (collectively “the Subdivision”). The Subdivision consists of single family homes that are only used for single family residential purposes other than one multi-family dwelling.*

*We request further information on the acreage of these parcels as this was not set out in the planning permission letter and we wish to determine the maximum density. As you will be aware, the Subdivision is a low density area and therefore, we the undersigned would like to have confirmation that the requirements set out in Section 8 of the Development and Planning Regulations (2017 Revision) have been met. The application sets out up to an additional 16 units which would make sixty (60) bedrooms and pursuant to section 8c, the maximum number of apartments is fifteen per acre with a maximum of twenty-four (24) bedrooms. Additionally, the minimum setback is 10 feet for a one storey building and 15 for a building of more than one storey. We would like more information in relation to the proposed buildings.*

*Furthermore we would like to know if the applicant has requested variances to the Property's setbacks, which could potentially bring the buildings closer to neighbouring properties and ultimately compromise privacy. We would also like to know if there is adequate land space to meet the required parking spaces or if variances have also been requested. Parking lots are also proven to flood as they are bad at absorbing water, resulting in rainwater runoff to neighbouring properties or the road.*

*Additionally, access to the Subdivision is through a private road which is less than thirty feet wide and this access has been so for over forty years. The narrowness of the road would not facilitate safe access to the possible influx of seventy-two vehicles leaving and returning daily.*

*The Subdivision is a tight knit community, in which we enjoy a peaceful and quiet neighbourhood. Members of the community are mostly family members or closely connected persons. Therefore, we all have an interest in the well-being of each house within the Subdivision and its occupants. Fortunately, the Subdivision has experienced low incidences of crime over the years, which is a result of the familiarity of the community members and the ability to closely monitor suspicious activity.*

*The Subdivision is quaint and private and all owners enjoy entering our private road to access our individual sanctuaries. Constructing 3 apartment buildings with up to 60 bedrooms will change the feeling of a Caymanian, private, home community. We will have a large number of occupants who do not care about the area and this will result in damaging the cohesion that currently exists amongst the owners of the Subdivision.*

*The Cayman Islands has recently experienced an increase in home invasions/burglaries and it is apparent that the majority of these crimes take place within highly populated residential areas and apartment complexes. The addition of an apartment complex could potentially compromise the safety and privacy of the Subdivision.*

*The risks of apartment buildings within a small community are that the tenants are transient, which results in high turnovers of residents. We are concerned that the turnover of tenants and the increased traffic within the subdivision will hinder our efforts to maintain an effective community watch.*

*Apartment complexes inevitably result in more garbage disposal due to the higher number of occupants and most times are poorly maintained. The accumulation of garbage is unsightly, unhealthy and encourages flies, rats and other animals that will inhabit the surrounding area.*

*The residents of the Subdivision are concerned that with the addition of this apartment complex, we will no longer feel secure in the safety of the neighbourhood because of the*

coming and going of different persons within the Subdivision; the loud noises that could result from parties held by tenants and their visitors; loitering outside the vicinity; and overcrowding of vehicles due to insufficient parking.

We, the undersigned (Appendix A), would like to maintain the quality of living that we currently enjoy within the Subdivision and hereby, object to the building of the proposed 36 unit apartment buildings.

Since there is a Public Right of Way through this proposed development from the Sonny Powery's Drive area, perhaps road access could be acquired from that area?

We look forward to your response.

#### Appendix A

Petition for the Objection of Proposed 3 Apartment Buildings (up to 36 units)- Block and Parcels 1C164, 1C60, 1C61, 1C62, 1C63

Name	Block & Parcel	P.O. Box	Email Address	Signature
MARMA MCKEON	1C 163	378 KYI-1302	mckeonk@ hotmail.com	MARMA MCKEON
CELESTINE RIVERS	1C 163	378 KYI-1302	celestinerivers@ gmail.com	CELESTINE RIVERS
SHELAGH RICHARD	1C 166	610 KYI-1303	SHELAGH.R. @GMAIL.COM	SHELAGH RICHARD
Debra R. Cbunks	1C 196	464 KYI-1302	slizzingleb@gmail.com	Debra R. Cbunks
TRACEY LOPEZ	1C 44	KYI 1401 #51	tracylopez1@gmail.com	Tracey Lopez



#### Appendix A

Petition for the Objection of Proposed 3 Apartment Buildings (up to 36 units)- Block and Parcels 1C164, 1C60, 1C61, 1C62, 1C63

Name	Block & Parcel	P.O. Box	Email Address	Signature
DOROTHY & DAVID EBANKS	1C 55	505 KYI-1302	Yolandaebanks@aol.com prodigyjewelry@ outlook.com	DOROTHY & DAVID EBANKS
Charlene Rivers	1C 147	80 HILL KYI-1401	charleshrivers@ gmail.com	Charlene Rivers

**Appendix A**

Petition for the Objection of Proposed 3 Apartment Buildings (up to 36 units)- Block and Parcels 1C64, 1C60, 1C61, 1C62, 1C63

Name	Block & Parcel	P.O. Box	Email Address	Signature
Esther A. Rivers	4B15 & 1C45	90, KYI-1401	esther.rivers@hotmail.com	
AIDA L. EBANKS	1C120	95 KYI-1401	aidasebanks@gmail.com	

**PLANNING DEPARTMENT ANALYSIS**

**General**

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

**Zoning**

The property is zoned Low Density Residential.

**Specific Issues**

**1) Suitability**

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

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

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

## 2) HWM Setback

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



BLOCK 1C PARCEL 148 (LOOKING EAST)





BLOCK 1C PARCEL 60 (LOOKING EAST)



BLOCK 1C PARCEL 61 (LOOKING WEST)



BLOCK 1C PARCEL 63 (EASTERN BOUNDARY LOOKING WEST)

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

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

**4) Lot Width**

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

**5) Apartment Density**

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

## 6) Bedroom Density

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

At 2:15pm, Frank Schilling appeared as the applicant and Eduardo Bernal joined him as his architect. Tracy Lopez, Ezer Rivers, Martha Rae Ebanks, Sheilagh Richard, Yolanda Ebanks and David Ebanks appeared as objectors. Summary notes are provided as follows:

- Mr. Bernal explained the proposal and noted that they will be combining several smaller lots, one of which has an easement over Sand Hole Road. He noted that they have had discussions with the neighbours and understand they have concerns with using Sand Hole Road so they approached two other families to obtain a 30' easement leading to Sonny Powers Way.
- The Authority advised that if they combine the parcels the other parcels won't also get the easement over Sand Hole Road. Mr. Bernal explained that they understand that and that is why they got the second access.
- Mr. Schilling advised that they can close access to Sand Hole Road and only use Sonny Powers if that is necessary.
- Mr. Bernal explained that they did a feasibility study and for them to keep the prices competitive they need a certain number of units. He explained they have sufficient parking. He also explained that he has asked the surveyor specifically to determine if the shoreline is ironshore and he said it was. He advised that there is beach out there but it stops at their site.
- The Authority advised they have pictures showing the site is sandy beach. The Authority advised that the NCC is directing that there be a 75' HWM setback. Mr. Schilling noted that they can move the pool.
- The Authority clarified with the applicant that the 30' easement over Sonny Powers is in the process of being registered with Lands and Survey.
- Mr. Ebanks noted that he owns 1C 55. He advised that Sand Hole Road is very narrow and it is difficult to even get a garbage truck down it. Also, there is a very important turtle sanctuary on this beach. He advised that he is not against development, but not using this road.
- The Authority asked if the applicant abandons access to Sand Hole Road would there still be objections? Each objector present replied they would not object if there was no access to Sand Hole Road.
- The Authority noted that that seems the best course of action and asked if the applicant agrees. Mr. Schilling replied he agrees and that is why they showed the other access and that easement will apply to all of the parcels.



**2. 5 ALVARO ARMINAN (JMP Construction) Block 27C Parcel 18 (P20-0427) (\$50,000) (MW)**

Application for carport & swimming pool.

**Appearance at 2:45**

**FACTS**

<i>Location</i>	Sun Rose St., Bodden Town
<i>Zoning</i>	<b>Low Density Residential</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.2570 ac. (11,194.92 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Residence (2,299.91 sq. ft.)
<i>Proposed building size</i>	393.36 sq. ft.
<i>Total building site coverage</i>	24.06%
<i>Proposed parking</i>	2

**BACKGROUND**

September 2, 2020 (**CPA/14/20; Item 2.25**) – the application was adjourned to invite the applicant to appear before the Authority.

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

- 3) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

## **AGENCY COMMENTS**

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

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

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

*The application site is man-modified; therefore there are no major concerns in relation to construction of the either the carport or the pool. However it is recommended that construction materials be stockpiled away from the water's edge to prevent runoff and debris from entering the marine environment.*

*In the 2018 aerals (see Figure 1), there are mangroves along the canal boundary. The Department recommends the retention of these mangroves. Should the applicant wish to trim the mangroves they are encouraged to utilize the DoE's Trimming Guidelines, which can be found on the DoE's website: <http://doe.ky/wp-content/uploads/2020/04/Mangrove-Trimming-Guidelines.pdf>. The applicant is reminded that the removal of mangroves without the necessary permission is now an offence under the National Conservation Law (2013), following the passage of the Mangrove Conservation Plan (2020).*



*Figure 1: LIS 2018 aerial imagery showing application site outlined in blue.*

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

## **APPLICANT'S LETTER**

JMP Construction is requesting a setback variance for a carport and swimming pool on Block 27C Parcel 18 as follows:

**1- Carport with setback variance from 10'-0" to 1'-1" on the West and**

**2- Swimming pool with setback variance from 10'-0" to 7'-0" on the North.**

We request permission for the subject matter per the drawings provided and humbly give the following reasons:

1. Per section 8(13)(b)(iii) of the Planning Regulations, the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare;
2. Per section 8(13)(d) of the Planning Regulations, the adjoining property owners have been notified of the lesser setback associated with the application and they have not objected.
3. Mrs. Alvaro Arminan, the owner of lots 27C19 and 27C17 is married to Celia Arminan who owns Lot 27C18. Both reside in the house located on lot 27C18 and have no objections with the proposed application associated with the lesser setback. A signed letter where uploaded to the OPS together with the Planning application set.

If you have any further questions, please do not hesitate to contact us.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a Carport & Swimming Pool with a side setback variance to be located on Sun Rose St., Bodden Town.

### **Zoning**

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

### **Specific Issues**

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

Regulation 9(8)(j) states "*the minimum side set back is 10' for a building of one storey*". The proposed carport would be 1'-1" from the west side boundary and the proposed swimming pool 7'-0" from the north side boundary a difference of 8'-11" & 3'-0" respectively. The Board should also note that the adjoining parcels where the side setback variances are proposed are also owned by the applicant (27C19 & 27C17).

The Authority should assess under Section 8(13) if there are exceptional

circumstances and sufficient reasons to grant the side setback variances.

### **SUPPLEMENTARY ANALYSIS**

The Authority is reminded that the application was seen on September 02, 2020 (CPA/14/20; Item 2.25) and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the proposed setbacks.

At 2:45pm, Mr. Arminan appeared as the applicant. Summary notes are provided as follows:

- The Authority noted there is a concern with the carport setback.
- Mr. Arminan explained that he owns 20C 19 and 17 so no one else is affected by the setbacks.
- The Authority asked if he would combine the parcels and Mr. Arminan replied he would prefer not to as he would lose a lot.
- The Authority noted that they understand he owns next door to the carport, but if he sells later on then it will be very close.
- Mr. Arminan advised that he won't be selling the lots and is looking to buy more.
- The Authority asked if the carport is enclosed and Mr. Arminan replied it is open with posts and a roof.

## **2.6 JEAN & PATRICIA KARMITZ Block 11C Parcel 162 (P20-0825) (\$5,000) (EJ)**

Application to modify planning permission to remove a condition of approval.

### **Appearance at 3:00**

#### **FACTS**

<i>Location</i>	Raleigh Quay
<i>Zoning</i>	<b>LDR</b>
<i>Notice requirements</i>	Objector
<i>Parcel size proposed</i>	0.2438 acres / 10,620 sq. ft.
<i>Parcel size required</i>	12,500 sq. ft.
<i>Current use</i>	House with Guest House & Pool

### **BACKGROUND**

August 28, 2019 (CPA/18/19; Item 2.1) - the CPA granted permission for a change of use of a garage to one-bedroom guest house and breezeway, garage addition and swimming pool.

May 11, 2020 – approval granted for an addition and to increase swimming pool size.

**Decision:** It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/18/19; item 2.1 be modified by deleting condition 4) and re-numbering the remaining conditions accordingly.

All other conditions of CPA/18/19; item 2.1 remain applicable.

### **OBJECTIONS**

*Egbert, yes, this is my husband's signature. You will note by the date of the letter this was signed in March and was therefore based on the previous plans that were proposed and viewed by us in the initial planning and objection phase. The signature was not based on subsequent revised plans that included a second story with two extra bedrooms that were built recently, and therefore is no longer relevant. We were not informed of the intention to significantly increase the building size.*

*I did not, and refused to sign the letter. The owner came back to my house after I had left to pick up my children from school when we locked down on March 13th and had my husband sign it.*

*We would like the opportunity to provide an objection, if considered necessary, based on the new and significantly revised plans and variances. Please let me know when these plans can be made available.*

### **APPLICANT'S LETTERS**

#### **Letter 1**

*At the meeting of the Central Planning Authority held on August 28<sup>th</sup>, 2019 our application was granted for:*

- *The single-family house to have a guest house on the premise and **share an electrical meter with the house.***
- *A set back of the pool no less then 10ft from the canal*
- *There was no objection regarding the construction of the new garage. Also*

*With the approach of the hurricane season, we have requested to add a second floor for a storm retreat which has been approved May 11<sup>th</sup>, 2020.*

*We are very thankful for the approvals, however a NEW issue has been brought to our attention by our electrician regarding the cancellation of the meter on the garage.*

**“The history of the Premises” :**

*“...The previous owner purchased the parcel to be able to dock a large 70ft yacht. She initially requested a permit for a large dock and a garage with high electrical loads for her boat at the dock (See the electrical power poles picture). Her request was approved.*



*Then she wanted to build a house to lodge for her staff. Planning also granted her permit...”*

*We have currently a VERY secure and very well done electrical system, **with two (2) Electrical Meters:***

- ☐ ***ONE for the existing old garage** (and the new Upper floor), and*
- ☐ ***ONE for the Main house** with two separate panels.*



*(See the meters panels pictures)*



**Technical and safety issue:**

*The panel for the house is almost full and it would be a challenge to feed the old garage plus the NEW requested loads for the **Upper floor plus the Pool plus the dock electrical poles.***

*It would be complicated and unsafe to change the existing electrical diagram to a one single Meter project.*

**OUR REQUEST:**

*We would like to kindly ask you to reconsider your decision regarding the cancellation of the garage meter (#4 in the conditions of approval (F13-0065 P19-0323 EJ).*

*We have absolutely NO intention of using our Pool house/Storm retreat as a rental as per our neighbor initial concerns and fear.*

**They have now understood and signed our request of keeping our dual meter system, with NO OBJECTION.** (See letter attached).

*The reasons for our request are:*

- It is a guest house where our children can spend time with their friends, and for us to keep our privacy in the main house.*
- it will be our storm retreat during hurricane season, the main floor could be easily flooded with a canal surge, and we would have nowhere to go.*
  - Our electrician advised us that it would not be very SAFE to cancel the second meter that we already have and currently using, **TO LOAD EVERYTHING ON ONE SINGLE METER:** The Main house **PLUS** the garage/and new Upper floor **PLUS**, the pool and the boat poles.*
  - Regarding the water supply, there are NO issues to share the same water meter.*

*We have no objection for you to come and monitor any use of the property at any time to ensure it is not being used as rental property.*

*We are now at the roof stage, so changing the electrical approval is very urgent.*



Letter 2 (signed by the owners of the adjoining parcel)

*At the meeting of the Central Planning Authority held on August 28", 2019 our application was granted for:*

- The single-family house to have a guest house on the premise and share an electrical meter with the house.*
- A set back of the pool no less than 10ft from the canal*
- There was no objection regarding the construction of the new garage.*

*We are very thankful for the approvals.*

*We have discussed with our neighbor Graeme and Susan Sunley who are the owners of the detached family home at 188 Raleigh quay Block and Parcel 11C163 who initially objected for our project last August 2019. We are now on good terms. We have reassured them that we have ABSOLUTELY NO INTENTION to use our garage as a rental, but for family use strictly.*

***They have now understood our proposed plan, and have agreed for us to have and keep our existing dual electrical meters in order to generate some savings and may be alleviate some technical issues.***

***Our request:***

*We would like to kindly ask you to reconsider your decision regarding the cancellation of our garage meter.*

*We, Graeme and Susan Sunley, have **NO OBJECTIONS** with Jean and Patricia Karmitz request.*

**PLANNING DEPARTMENT ANALYSIS**

**General**

The applicant is proposing to modify planning permission to remove condition 4 of CPA/18/19; item 2.1 in order to have the second electrical meter.

**Zoning**

The property is zoned Low Density Residential.

**Specific Issue**

**1) Previous condition of approval**

On August 28, 2019 (**CPA/18/19; Item 2.1**) - the CPA granted permission for a change of use of a garage to one-bedroom guest house and breezeway, garage addition and swimming pool subject to conditions of approval, including:



*1) The main house and detached guest house and garage shall share one electrical meter.*

For the reasons stated in their letter, the applicant is requesting that condition 4) be deleted so that they can have two electrical meters.

At 3:00pm Jean & Patricia Karmitz appeared as the applicants. Prior to the meeting, the objector advised the Department that they would not be attending the meeting and asked that a new letter of objection be accepted and entered into the record. The Authority accepted the letter (see Appendix 'F') and copies were provided to the members and the applicants. Summary notes are provided as follows:

- Ms. Karmitz explained that years ago there was a house and garage and there were two electrical meters and those meters remain.
- Mr. Karmitz noted that the Authority asked them to only use one meter.
- Ms. Karmitz explained they wish to keep the two meters they have now.
- The Authority noted that when the application was first heard they agreed with the objector that there should only be one meter. The objectors had a concern that there would be two houses.
- Ms. Karmitz explained that this is not a second house. They have adult children who visit and it is a place for them to stay when visiting.
- The Authority noted that they are saying this is not a rental and Ms. Karmitz replied that is correct, it is for their family.

## **2.0 APPLICATIONS**

### **REGULAR AGENDA (Items 2.7 to 2.18)**

#### **2.7 TOEPAZ LTD (OA & D Architects) Block 73A Parcel 16 (P20-0625) (BES)**

Application for crop farm and restroom.

##### **FACTS**

*Location* Sunnyfield Road, Colliers

*Zoning* **A/R**

*Notice requirement results* No Objectors

*Parcel size* 10.7 ac. (466,096 sq ft)

*Proposed use* crop farm

*Building size* 59 sq. ft.

*Building coverage* 0.013%

##### **BACKGROUND**

**October 31, 2018 (CPA/24/18; item 2.4)** – permission refused for commercial chicken farm

**March 22, 2019** - The Planning Appeals Tribunal resolved to remit the application to the Central Planning Authority for a rehearing as there was a breach of natural justice in that inadmissible letters of objection were considered by the Authority

**July 13, 2019 (CPA/16/19; item 2.1)** – permission refused for commercial chicken farm

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

- 1) The Authority does not support the clearing of the entire site at one time. As such, the applicant is required to submit a farm phasing plan that shows the farm being developed in smaller increments.

##### **AGENCY COMMENTS**

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

##### **Department of Environment/NCC**

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

*Separately to this planning application, the DoE has received an application for land clearing from the Department of Agriculture as the Applicant has applied for the Department of Agriculture to clear the land on their behalf.*

*The DoE does not support this application, because the DoE does not support the clearing of this site. In line with our comments on the previous applications for a chicken farm, the subject parcel's primary land cover is undisturbed dry forest/shrubland inhabited by Grand Cayman Blue Iguanas, a species protected under Schedule 1, Part 1 of the National Conservation Law. The site is pristine xerophytic shrubland and good blue iguana habitat. It is unlikely to support highly productive agriculture, as the majority of the site is karst (limestone rock) and only a small part has soil. If the site is to be used for agriculture, then only the small portion with soil should be cleared.*

*If the Central Planning Authority is minded to approve this development, a survey of the iguana population needs to be conducted before any mechanical clearing is carried out. A preliminary site visit was undertaken on May 17, 2019, however the site must be resurveyed prior to clearing as blue iguanas are mobile. The existing trails will be utilised as far as possible, however new trails may need to be cut by hand. Once the DoE has been able to establish the presence of iguanas then mitigation measures, if required, can be designed and implemented. These will probably involve trapping and temporary holding of iguanas immediately prior to land clearing, and/or hand clearing around identified retreats so that heavy equipment can avoid burying iguanas in their rock holes. Blue Iguanas are also known to use the well on side of road during the dry season, the well should not be impacted and should be preserved in its current state.*

*The Department is responding to the consultation from the Department of Agriculture regarding the land clearing separately.*

## **Water Authority**

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

### **Wastewater Treatment & Disposal**

- The developer shall provide a septic tank(s) with a capacity of at least (750) US gallons for the proposed restroom.*
- The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools. Where septic tanks are located in traffic areas, specifications for a traffic-rated tank and covers are required.*
- **Treated effluent from the septic tank shall discharge to an effluent disposal well-constructed by a licenced driller in strict accordance with the Authority's standards.** Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*

- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 6'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

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

### ***Water Supply***

*Please be advised that the proposed development site is outside the area served by public water supply. The developer will be required to utilize an alternate water source (e.g., cistern or well).*

### ***Water Resources Protection***

*Under section 22 of the Water Authority Law (2011 Revision) the use of groundwater for irrigation requires a ground water abstraction license from the Water Authority. Application for a groundwater abstraction license can be found via the following link to the Water Authority's web site:*

*[http://www.waterauthority.ky/upimages/forms/FILLABLEGroundwaterAbstractionApplication\\_1441300705.pdf](http://www.waterauthority.ky/upimages/forms/FILLABLEGroundwaterAbstractionApplication_1441300705.pdf)*

*Under section 19 of the Water Authority Law (2011 Revision), the Water Authority is responsible for the protection of groundwater.*

*In order to protect groundwater resources, the Water Authority will determine specific conditions for the groundwater abstraction license, such as maximum abstraction rate and well design. In addition, the license will include specific requirements to protect groundwater from contamination by agrochemicals (pesticides and fertilizers). As part of the application process to obtain a groundwater abstraction license the developer is required to provide details on the use of agrochemicals including application rates, storage and disposal methods, mixing procedures and application equipment and techniques for the use of pesticides and fertilizers.*

*Depending on the size and location of a proposed agricultural operation, the Authority may require the developer to conduct, as part of the licensing and permitting process, a site-specific hydrogeological study to assess the feasibility, impacts and mitigation of the proposed operation.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for crop farm and restroom (59-sq ft) to be located on Sunnyfield Road, Colliers.

### **Zoning**

The property is zoned Agricultural/Residential.

### **Specific Issues**

#### **1) DoE Comments**

DoE has a concern that if planning permission is granted and land clearing occurs the Blue Iguanas which is protected under Schedule 1, Part 1 of the National Conservation Law could be impacted.

Additionally, DoE has indicated that the applicant has applied to the Department of Agriculture for land clearing on their behalf.

#### **2. 8 PALM HEIGHTS RESTAURANT (Corporate Electric Ltd) Block 12C Parcel 27 (P20-0766) (\$85,000) (JP)**

Application for installation of a 48kw mobile diesel generator

### **FACTS**

<i>Location</i>	West Bay Beach South
<i>Zoning</i>	<b>H/T</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.14 ac. (93,218.4 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Hotel
<i>Proposed building size</i>	43,806 sq. ft.
<i>Required parking</i>	71
<i>Proposed parking</i>	76

### **BACKGROUND**

P20-0807 – sister application for installation of diesel generator – pending determination September 5, 2018 (CPA/20/18; 2.6) – modification to floor plan, approved (P18-0693)

November 12, 2014 (CPA/27/14; 2.4) – modification to planning permission for hotel renovations and additions, approved (P14-0800)

November 13, 2013 (CPA/24/13; 2.5) – application for two storey 18-room hotel addition, approved (P13-0713)

November 09, 2011 (CPA/23/11; 2.1) – application for addition to restaurant, approved (P11-0655)

**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the loss of parking spaces and the visual appearance of the generator given its proximity to West Bay Road.

### **AGENCY COMMENTS**

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

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

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

### **APPLICANT'S LETTER**

*This letter is to request and substantiate the grant of a variance for Palm Heights (Beach Suites - Restaurant) at Block no. 12C, Parcel no. 27 with postal box no. 31363, KY1-12064 owned by Palm Sunshine Ltd. The variance requested is primarily to grant the installation of mobile 48kW diesel generator with on board 150 gal UL 142 diesel aboveground tank with a setback from the main public road of 18'-2" (front) and a 5'-4" from the property line (side) which fall short with the Department of Planning (DoP) Regulation 2020 section 10(1)(g) and (f) which requires a 25 feet from the front public road and a 20ft from the property line setback respectively.*

*A notification to all adjacent occupied parcels (individual units) is provided via registered mails with receipts and will be uploaded to OPS, project reference.*

*The petitioner requests a variance allowing the proposed mobile generator and on-board aboveground diesel tank to be installed within the property boundary that would provide absolute necessity for emergency power supply in case of extreme hurricane condition in the islands.*

*The proposed mobile generator and the on-board aboveground 150gal. diesel tank that this variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would negatively affect. Furthermore, this does not imply any of the following below;*

*1. The characteristic of the proposed development is consistent with the character of the surrounding area;*

2. Unusual terrain characteristics limits site' development potential; or
3. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. Site Plan is shown below in support of the requested variance is attached hereto.

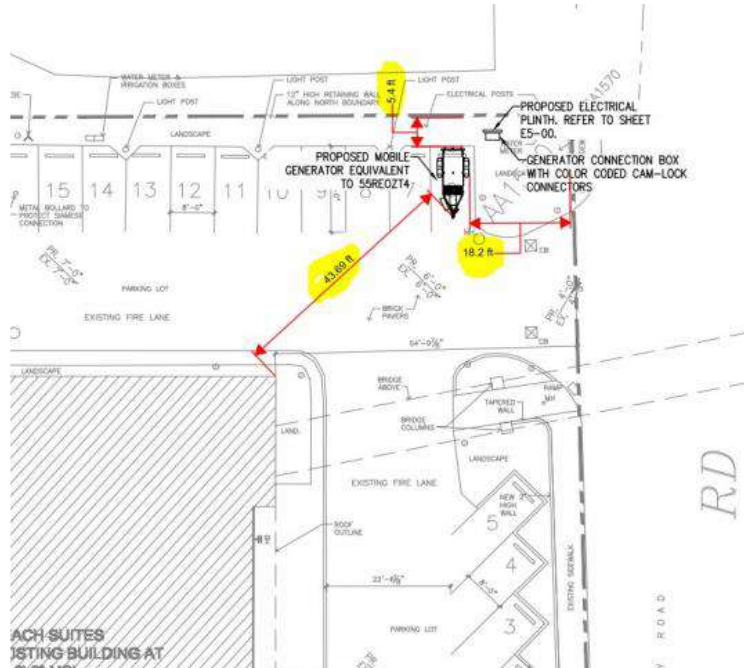


Image-1: The proposed 48kW Mobile Generator with on-board aboveground 150gal diesel fuel tank location.

Respectfully submitted for exemption and approval. Should you have any further questions please do not hesitate to contact Corporate Electric Ltd.

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located on the ocean side (west) of West Bay Road. Watercolours condominium complex is located to the south and Colonial Club to the north.

The application seeks Planning Permission for the installation of a mobile generator.

### **Zoning**

The property is zoned Hotel/Tourism.

### **Specific Issues**

#### **1) Suitability**

Members are invited to note the Development and Planning Regulations 2020 do not have provisions for mobile structures. The application must be determined based upon the location detailed.

#### **2) Setbacks (5' 4" and 18' 2" v 20' and 25', respectively)**

Regulation 10(2) enables unrelated development to be permitted by the Authority

within a Hotel/Tourism zone but it will be required to conform with the setback requirements applicable to hotels. Regulation 10(1)(f) and (g) stipulate 20 feet side setbacks and 25 feet front setbacks, respectively.

Members are invited to reflect upon the content in the variance letter and consider the necessity of the current application, a 48kw diesel generator, in light of the sister application which also seeks planning permission for the installation of 3000kw diesel generator.

### **3) Parking**

The proposed feature would result in the loss of one parking space. However, the resultant provision of 76 spaces (application site plus capacity on 12E 93) is adequate to support the anticipated demand of 71 spaces generated by the existing use.

## **2.9 PALM HEIGHTS RESTAURANT (Corporate Electric Ltd) Block 12C Parcel 27 (P20-0807) (\$85,000) (JP)**

Application for installation of a 300kw diesel generator.

### **FACTS**

<i>Location</i>	West Bay Beach South
<i>Zoning</i>	<b>H/T</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	2.14 ac. (93,218.4 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Hotel
<i>Proposed building size</i>	43,806 sq. ft.
<i>Required parking</i>	71
<i>Proposed parking</i>	76

### **BACKGROUND**

P20-0766 – sister application for installation of 48kw diesel generator – pending determination

September 5, 2018 (**CPA/20/18; 2.6**) – modification to floor plan, approved (P18-0693)

November 12, 2014 (**CPA/27/14; 2.4**) – modification to planning permission for hotel renovations and additions, approved (P14-0800)

November 13, 2013 (**CPA/24/13; 2.5**) – application for two storey 18-room hotel addition, approved (P13-0713)

November 09, 2011 (**CPA/23/11; 2.1**) – application for addition to restaurant, approved (P11-0655)



**Decision:** It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the loss of parking spaces and the visual appearance of the generator given its proximity to West Bay Road.

### **AGENCY COMMENTS**

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

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

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

### **APPLICANT'S LETTER**

*This letter is to request and substantiate the grant of a variance for Palm Heights (Beach Suites - Hotel) at Block no. 12C, Parcel no. 27 with postal box no. 31363, KY1-12064 owned by Palm Sunshine Ltd. The variance requested is primarily to grant the installation of fixed type 300W diesel generator with a 700 gal UL 2085 diesel aboveground tank with a setback from the main public road of 35.55ft and a 5.0ft from the property line which fall short with the Department of Planning (DoP), Regulation 2020 section 10(1)(g) and (f) which requires a 25 feet from the front public road and a 20ft from the property line setback respectively..*

*A notification to all adjacent occupied parcels (individual units) is provided via registered mails with receipts and will be uploaded to OPS project reference.*

*The petitioner requests a variance allowing the proposed fixed generator and the aboveground diesel tank to be installed within the property boundary that would provide absolute necessity for emergency power supply in case of extreme hurricane condition in the islands.*

*The proposed fixed type generator and the aboveground diesel tank that this variance is being requested for does not encroach or infringe on any neighboring residential properties, nor would it impose any hardship on any neighbors, nor would it serve to create a situation where any neighbor's quality of life, property value, or peaceful co-existence would negatively affect.*

*Furthermore, this does not imply any of the following below;*

- 1. The characteristic of the proposed development is consistent with the character of the surrounding area;*
- 2. Unusual terrain characteristics limits site' development potential; or*
- 3. The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*

Site Plan is shown below in support of the requested variance is attached hereto.

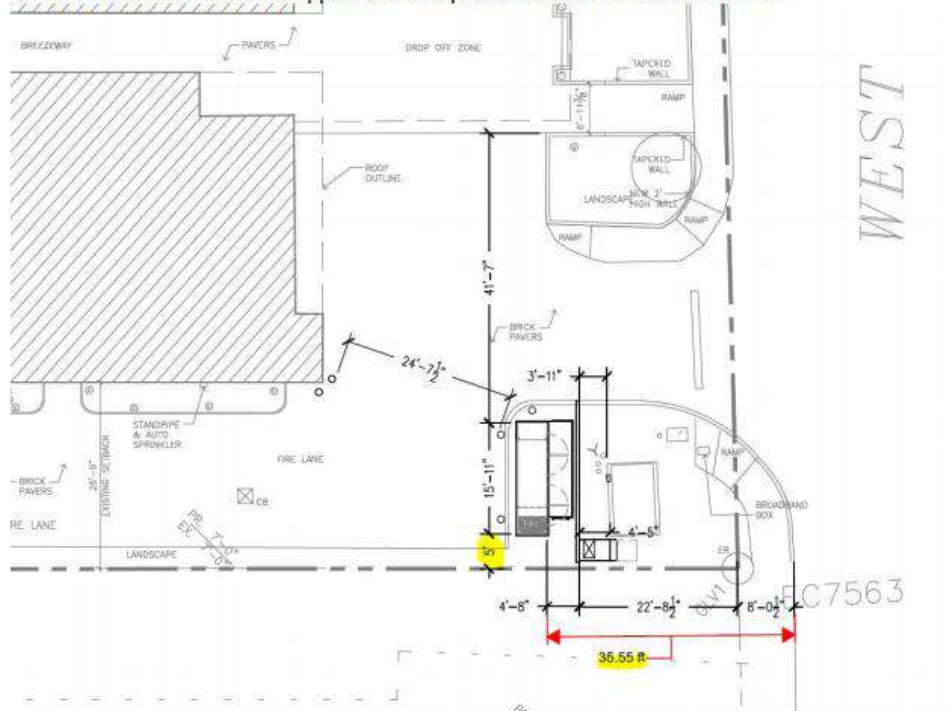


Image-1: The proposed 300kW Fixed Type Generator with aboveground 700gal diesel fuel tank location.

*Respectfully submitted for exemption and approval. Should you have any further questions please do not hesitate to contact Corporate Electric Ltd.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application site is located on the ocean side (west) of West Bay Road. Watercolours condominium complex is located to the south and Colonial Club to the north.

The application seeks Planning Permission for the installation of a fixed diesel generator 300kw and associated structure such as a 9' blast wall.

### **Zoning**

The property is zoned Hotel/Tourism.

### **Specific Issues**

#### **1) Suitability**

Members are invited to consider the suitability of the generator and blast wall having regard to the close proximity and height of the development in a highly visible and highly trafficked area of Seven Mile Beach.

#### **2) Setbacks (4' 6" v 20' and 25', respectively)**

Regulation 10(2) enables unrelated development may be permitted by the Authority within a Hotel/Tourism zone but it will be required to conform with the setback

requirements applicable to hotels. Regulation 10(1)(f) stipulates 20 feet side setbacks.

The proposed generator and blast wall (9' in height) are proposed at 4' 6" from the side boundary.

Members are invited to reflect upon the content in the variance letter and consider the necessity of the current application, a 300kw diesel generator, in light of the sister application which also seeks planning permission for the installation of 48kw diesel generator.

Furthermore, members are invited to reflect upon variance considerations set out in Regulation 8(13)(b) with regard to characteristics of the surrounding area and ensuring the proposal will not be materially detrimental to the neighbourhood.

**2. 10 EVERTON VIDAL (Genesis 3D Studio) Block 25C Parcel 245 (P20-0356) (\$65,000) (EJ)**

Application for proposed swimming pool/spa, deck, gazebo & addition to pump house.

**FACTS**

<i>Location</i>	Jasmin Lane in Spotts, George Town
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.18 ac. (7,841 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Four (4) Bedroom House under construction
<i>Proposed building size</i>	235 sq. ft.
<i>Total building site coverage</i>	26.58%

**BACKGROUND**

September 30, 2009 (**CPA/25/09; Item 2.22**) - The CPA granted permission for a two-storey house.

September 17, 2014 (**CPA/22/14; Item 2.09**) - The CPA granted permission for a four-bedroom house & swimming pool.

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

- 3) The construction drawings for the proposed swimming pool shall be submitted to the Department of Environmental Health. The applicant shall also submit to the Director of Planning the requisite signed certificate certifying that if the pool is constructed in accordance with the submitted plans it will conform to public health requirements.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

Reasons for the decision:

- 1) With the exception of the rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required rear and side setbacks per Regulations 9(8)(d)(i) and (j) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

#### **APPLICANT LETTER**

*My client the owner of the above-named property is requesting variance for the proposed residence on the above mention plot of land.*

*He is therefore seeking setback variance for swimming pool with a pool deck, cabana, stairs and pump house. Please note that he currently owns the adjacent lot to the right Block 25C Parcel 111, purchase the plot to the left Block 25C Parcel 246, and maintains a healthy relationship with the owner to the back Block 25C Parcel 103. Please note further that the proposal will not be materially detrimental to person(s) residing or working in the vicinity, to the adjacent property owner, to neighbourhood, or to the public welfare.*

*In accordance with regulation 8(13)(b) of the Development and Planning Regulations (2018 Revision) a letter of variance must be submitted to the Department regarding the side setback, lot size, and lot width explaining that 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 development potential; or the proposal will not be materially detrimental to persons*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking permission for a swimming pool, gazebo and pool house with setback variances.

### **Zoning**

The property is zoned Low Density Residential.

### **Specific Issues**

#### **1) Rear and side setbacks**

The proposed swimming pool and deck is setback (4.11' & 0' vs 20') from the rear boundary with the pool deck covering most of the back the property.

Additionally, there is a proposed gazebo with half-bath, shower and below ground pump house served by a stairs; however, the gazebo if proposed at (4' & 15.9' vs 10' & 20') from the side & rear setbacks; the shower is proposed at (3.4' & 13.2' vs 10' & 20') from side and rear boundary; and finally, the stairs which lead to the underground pump house is proposed at about (1' vs 10') from the side boundary.

#### **2. 11 VELMA ANN SULLY (Abernethy & Associates Ltd) Block 15D Parcel 19 (P20-0672) (\$3,437) (BES)**

Application for 3-lot subdivision

### **FACTS**

<i>Location</i>	South Sound
<i>Zoning</i>	<b>BRR</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.7029 ac. (30,618.3 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

### **BACKGROUND**

August 9, 2007, a dwelling house was granted admin planning permission.

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

### **AGENCY COMMENTS**

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

#### **Water Authority**

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

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

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

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

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

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

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

*If there are questions or concerns regarding the above, please email them to: [development.control@waterauthority.ky](mailto:development.control@waterauthority.ky)*

#### **National Roads Authority**

*No comments were received from the NRA which the preferred date of view was 25<sup>th</sup> September. The Department has reminded the NRA that we are awaiting their 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 (DoE) confirms that we have no objections to the proposed subdivision at this time. The application site is partly man-modified, nonetheless it is recommended that no further clearing is permitted until development is imminent especially on the section of the parcel that is landward of the road.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 3-lots subdivision at the above-captioned property. The site is located on Sound Road, South Sound.

### **Zoning**

The property is zoned Beach Resort Residential.

### **Specific Issues**

#### **1) Lot Widths**

The lots widths of the lots are as follows:

- a) Lot “A” 58.5-ft and the lot across the street would be 59.3-ft;
- b) Lot “B” 58.5-ft and the lot across the street would be 59.3-ft; and
- c) Lot “C” 58.5-ft and the lot across the street would be 59.3-ft.

In Beach Resort Residential zone, the lot width is at the discretion of the Central Planning Authority. Per Paragraph 3.03 of the Developments plan 1997 and Regulation 15(1) of the Development and Planning Regulations (2020 Revision), Beach Resort Residential is to provide a transition zone between the Hotel/Tourism zone and Low Density Residential zone. Accordingly, from a planning perspective, the Authority could apply the LRD zone minimum lot width of 80-ft.

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

There is a house and existing concrete slab on proposed Lot A. The new subdivision line would result in a side setback of 13.5’ for the slab instead of the required 15’.

#### **3) Lots split by South Sound Road**

The proposed lots would each have a portion on the “land” side of the public road. The portions on that side of the road range in size from 4,300 sq ft to 4,700 sq ft. If these areas are deducted from the sea side portions of the lots, those areas would range from 12,300 sq ft to 12,700 sq ft. It should be noted that the minimum required lot size for a house and duplex in the BRR zone is 10,000 sq ft.

## 2. 12 VERONICA PARKER Block 37E Parcel 186 (P20-0818) (\$314,700) (AS)

Application for a wall and an addition to create a duplex.

### **FACTS**

<i>Location</i>	Mendip Cir
<i>Zoning</i>	<b>LDR</b>
<i>Parcel size proposed</i>	.2938 acres (12,797 sq. ft.)
<i>Parcel size required</i>	12,500 sq ft
<i>Current use</i>	Residential
<i>Proposed use</i>	Residential
<i>Building size</i>	2,115 sq ft (existing)
<i>Building size</i>	2,098 sq ft (proposed)
<i>Building coverage</i>	20.7%
<i>Allowable units</i>	2
<i>Existing units</i>	1
<i>Proposed units</i>	1
<i>Proposed parking</i>	3
<i>Required parking</i>	2

### **BACKGROUND**

July 7, 2010 (CPA/16/10; item 2.16) - planning permission was granted for a duplex

September 23, 2011 (**Admin Approval**) - planning permission was modified from a duplex to a house.

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

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

- 1) The applicant shall submit a revised site plan showing the wall setback a minimum of 3' from the road side property boundary.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.



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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision). Additionally, the Authority is of the view that the wall must be setback 3' from the road side boundary to assist in mitigating traffic safety concerns.

### **AGENCY COMMENTS**

#### **National Roads Authority:**

The application was circulated to NRA. Comments have not been received.

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a 2,098 sq ft addition to create a duplex and also a 3' wall.

#### **Zoning**

The property is zoned Low Density Residential.

#### **Specific Issues**

##### **1) Wall location**

Pursuant to Section 13(3)(e) of the Development and Planning Law (2017 Revision) the erection of walls and fences with a setback adjacent to the road requires planning permission. The proposed wall is 3' in height and is on the property boundary adjacent to the road. Recently, the Authority has been encouraging such walls to be setback between 2' and 4' from the boundary to assist in mitigating traffic safety. The Authority needs to determine if the wall should be setback in this instance.

#### **2. 13 MICHELLE TERRY (GMJ Home Plans Ltd.) Block 28C Parcel 431 (P20-0487) (\$65,000) (EJ)**

Application for proposed addition to house to create duplex with deck and screened porch.

#### **FACTS**

<i>Location</i>	Sherry Crescent
<i>Zoning</i>	<b>LDR</b>
<i>Notification result</i>	No Objections
<i>Parcel size proposed</i>	0.3783 ac. (16,479 sq. ft.)
<i>Parcel size required</i>	12,500 sq. ft.

<i>Current use</i>	Residential
<i>Proposed building size</i>	1,338 sq. ft.
<i>Total building site coverage</i>	26.19%
<i>Required parking</i>	2
<i>Proposed parking</i>	2

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reasons for the decision:

- 1) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(d)(h)(i) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setback as follows:
  - a) The characteristics of the proposed development are consistent with the character of the surrounding area;
  - b) The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare; and
  - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.
  - d)

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The applicant is seeking permission for an addition to the house to create a duplex with a deck and screened porch.

## **Zoning**

The property is zoned Low Density Residential.

## **Specific Issues**

### **1) Rear setback**

The proposed deck and screened porch do not meet the required rear setback, proposed at 10' vs 20'. It should be noted that the subject lot is a corner lot and therefore the authority is ask to consider the proposed setback variance in this light.

### **2. 14 CAROL JACKSON (Whittaker & Watler) Block 15C Parcel 72 (P20-0824) (\$12,000) (EJ)**

Application for after-the-fact wall, 5.3' to 5.7' in height.

## **FACTS**

<i>Location</i>	Corner of Cerin Ct. & Fairlawn Rd.
<i>Zoning</i>	<b>MDR</b>
<i>Notification result</i>	N/A
<i>Parcel size proposed</i>	0.43 ac. (18,730 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House & Storage Shed

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).

## **AGENCY COMMENTS**

### **National Roads Authority**

*Comment period expired and no comments received.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is the result of enforcement action CE20-0125 for the ATF 5.3' and 5.7'

concrete wall located at Cerin Ct. and Fairlawn Rd. The subject

### **Zoning**

The property is zoned Medium Density Residential.

### **Specific Issue**

#### **1) Wall Height**

Traditionally, the Authority has permitted four (4') foot walls in residential zones, nevertheless, the CPA is ask to consider the after-the-fact 5.3' and 5.7' concrete wall.



## **2. 15 VANESSA & DION BUSH (Whittaker & Watler) Block 66A Parcel 159 (P20-0856) (\$504,920.00) (EJ)**

Application for proposed four (4) bedroom house & concrete wall.

### **FACTS**

<i>Location</i>	Junges Drive in East End
<i>Zoning</i>	<b>AGR</b>
<i>Parcel size proposed</i>	1.003 ac. (43,691 sq. ft.)
<i>Parcel size required</i>	21,780 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	3,884 sq. ft.

*Total building site coverage* 4.72%

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).

### **AGENCY COMMENTS**

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

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

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

*The application site is man-modified, and therefore it is recommended that native vegetation is incorporated into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the site, requiring less maintenance and making a cost-effective and sustainable choice for landscaping.”*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The applicant is seeking permission for a four (4) bedroom house and four (4') wall with (4.6') columns.

#### **Zoning**

The property is zoned Agricultural/Residential.

## **Specific Issue**

### **1) Wall located along road**

The subject concrete wall is proposed four (4') with the columns at (4.6') and located along the perimeter of the front (road) and has three openings but no gates. The Authority has delegated approval authority for such applications to the Director provided the proposed walls are setback 4' from the boundary. In this instance, the wall is setback 3' from the property boundary.

### **2. 16 KEL THOMPSON (Tropical Architectural Group Ltd.) Block 25B Parcel 575H36 (P20-0584) (\$204,000) (BES)**

Application for a dwelling house.

#### **FACTS**

<i>Location</i>	Coconut Village, Poindexter Road
<i>Zoning</i>	<b>LDR</b>
<i>Notice requirements results</i>	No Objectors
<i>Parcel size</i>	0.1220 ac (5,314.3 sq ft)
<i>Proposed use</i>	House
<i>Building size</i>	1,360 sq. ft.
<i>Building coverage</i>	25.6%
<i>Proposed parking</i>	1
<i>Required parking</i>	1

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reasons for the decision:

- 1) With the exception of the side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2020 Revision).
- 2) The proposed application does not comply with the minimum required side setbacks

per Regulation 9(8)(j) of the Development and Planning Regulations (2020 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser setbacks as follows:

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

### **APPLICANT'S LETTER**

*Further to the application submitted to build Three (3) Bedroom- One Storey House on Block 25B Parcel 575H34, we hereby request for a setback variance of which requires a minimum of 10 ft side setback per Planning Regulation 9 (8)(j).*

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

*A. Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We'd like to present the following points for consideration:*

*1. We would like to request for a 3'-10" setback on the right and 5'-0" setback on the left side. The request for variance is due to the application of the previous house templates on the same development to the respective lot. Also, please note that the similar developments within the vicinity was granted with the same setback request for the similar lot condition. The proposed application complies with all other requirements for a Single-Family Dwelling.:*

### **PLANNING DEPARTMENT ANALYSIS**

#### **General**

The application is for a dwelling house at the above-captioned property. The site is located on Coconut Village, Poindexter Road

#### **Zoning**

The land is zoned Low Density Residential.

#### **Specific Issue**

##### **1) Side Setbacks**

The proposed side setbacks are 3'-10" and 5'-3" respectively, whereas the minimum required side setback is 10' in accordance with Regulation 9(8)(j) of the Development and Planning Regulations (2020 Revision). The Authority is to determine whether the



applicant has justified the need for the variance. The Authority has granted several setbacks variances in the subdivision in recent time.

**2. 17 DEPARTMENT OF PUBLIC SAFETY & COMMUNICATION (DDL Studio Ltd.)  
Block 37A Parcel 184 (P20-0563) (BES)**

Application for a 300 ft. communication tower with bunker building

**FACTS**

<i>Location</i>	Sheffield Drive and Northward Road
<i>Zoning</i>	<b>Institutional</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	112 ac. (4,878,720 sq. ft.)
<i>Current use</i>	Prison
<i>Proposed building size</i>	1,183.67sq. ft.
<i>Total building site coverage</i>	1.13%
<i>Required parking</i>	CPA discretion
<i>Proposed parking</i>	4

**BACKGROUND**

September 16, 2020 (CPA/15/20; item 2.18) – CPA granted planning permission for a storage building.

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

- 1) The applicant shall submit a landscape plan which shall be subject to review and approval by the Director of Planning.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 4) The tower shall comply with the Aerial Spraying Protection Law (1974 Revision), specifically section 3 therein regarding illumination.
- 5) The proposed antenna must comply with the lighting and marking requirements of International Civil Aviation Organization (ICAO), ANNEX 14 chapter 6.
- 6) In order to comply with applicable regulatory requirements regarding the safeguarding of airport obstacle slope, the applicant must provide the CIAA with WGS84 co-ordinates for the precise location of the antenna, so that it can be added to the airport obstacle data base.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).

### **AGENCY COMMENTS**

Comments from the CIAA, Fire Services, National Roads Authority, MRCU, and the Department of Environment (NCC) are noted below.

#### **CIAA**

*CIAA have no objections to the proposed plans, provide the location remains unchanged and there is a red obstruction light affixed to the highest point of the structure*

#### **Fire Services**

The Fire Service approved the site layout.

#### **National Roads Authority**

*As per your memo dated September 7th, 2020 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.*

#### **MRCU**

##### ***Pilot of Mosquito Research and Control Unit***

*No issues from our end with the construction of a 300' tower at this location as there is already a large tower within this parcel. Please provide the precise coordinates and advise what type of tower is being proposed; lattice, guyed etc. Also contact details of ownership are requested so that inoperative anti-collision lights can be reported quickly. Note that a tower of this height requires anti-collision lights mid mast in addition to the top.*

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

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

*The DoE does not object to the proposed development. We trust that in reaching a decision, the Central Planning Authority will have satisfied itself that the telecommunications mast complies with international guidelines on safe levels of public exposure of radiation e.g. the ICNIRP (International Commission on Non-Ionizing Radiation Protection) public exposure guidelines, as recommended by the European Union.*

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for 300 ft. steel communication tower with bunker building at the above-captioned application. The site is located on Sheffield Drive and Northward Road.

The communication tower would be setback 380'-8" from the nearest boundary line which would comply with the setback requirements as outlined in Regulation 8(4)(b) of the Development and Planning Regulations (2020 Revision).

### **Zoning**

The property is zoned Institutional.

## **2. 18 CLARENCE FLOWERS (Chalmers Gibbs Architects) Block 14C Parcel 305 (P20-0736) (\$0) (MW)**

Application for a 5' aluminium boundary fence, 5 signs & 3 retractable bollards.

### **FACTS**

<i>Location</i>	Shedden Rd., George Town
<i>Zoning</i>	<b>General Commercial</b>
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	0.56 ac. (24,393.6 sq. ft.)
<i>Parcel size required</i>	20,000 sq. ft.
<i>Current use</i>	Existing Commercial Building

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

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).

## **PLANNING DEPARTMENT ANALYSIS**

### **General**

The application is for a 5' aluminium boundary fence, 5 signs & 3 retractable bollards located on Shedden Rd., George Town.

### **Zoning**

The property is zoned General Commercial. There are no concerns with the application.

### **3.0 DEVELOPMENT PLAN MATTERS**

### **4.0 PLANNING APPEAL MATTERS**

### **5.0 MATTERS FROM THE DIRECTOR OF PLANNING**

#### **5.1 JONATHAN R MCLEAN (John Doak Architecture) Block 22C Parcel 96 (P19-0784) (BES)**

A prospective applicant has submitted a request for the Authority to waive the requirement for a new HWM survey per Regulation 6(3). The applicant's request follows:

*In considering the above variance request and the drawings and the land surveyors survey drawings we respectfully request that the CPA waive the requirement for a HWM survey at this time for this particular application. The wall and gateway are not impacted by the HWM as the walls are to be built on the west and south boundaries. The most recent survey is included for consideration.*

#### **Letter of Variance**

#### **REQUEST FOR:**

- 1. VARIANCE FOR HEIGHT OF THE FENCE/WALL AND**
- 2. VARIANCE TO LOCATE THE ENDS OF THE BOUNDARY 8-10FT FROM THE NORTH END MEAN HIGH WATER MARK AND AT THE EAST END TO BE 8-10FT FROM THE WATERWAY/CANAL AND**
- 3. FOR WAIVER TO NOT REQUIRE A HIGH WATER MARK SURVEY TO BE UNDERTAKEN**

*With reference to our client's application for planning permission for a 6ft high wall and a gateway to his residential property we request the Central Planning Authority's approval to vary the height of the wall and to waive the requirement to obtain a high water mark survey in consideration of the following:*

#### **1. VARIANCE REQUEST FOR HEIGHT OF WALL AND 2. VARIANCE FOR SETBACK AT BOTH ENDS OF THE WALL**

*The applicant seeks a variance for a wall to be built on the west and south boundaries of his property at 22C 96 noting as follows:*

- *The applicant is the owner of the subject parcel 22C 96*
- *The proposed wall and gateway respect and comply with all planning law and guidelines including the placement of the boundary walls within the applicant's land.*

- *The walls are intended to provide a privacy screen and secure boundary for the property and, in the longer term, for the construction of a residence and other works.*
- *The walls are also intended to prevent trespass which has occurred over the property during the last several years. Various items of the Owner have been stolen or damaged and trespasses picnic upon the property, and cause a nuisance and safety concern by lighting fires and leaving garbage.*
- *The height of the wall is consistent with an estate property and appropriate for the residence that will be built upon the land.*

*In accordance with the development and planning Regulations and Clause 8(11) we note as follows:*

- (a) The elevation of the property- the land is to be filled and prepared for future development and will be set at min 4f above sea level*
- (b) The geology of the property- the applicant has retained and intends to preserve the natural assets of the land*
- (c) The store beach ridge- there is no storm ridge upon the land or along its edges that would be impacted by the construction of the wall and gateway*
- (d) The existence of a protective reef adjacent development- development adjacent to proposed development- there is no reef adjacent to the property*
- (e) The location of adjacent development-development adjacent to the property compromises single family residential. The proposals are respectful of neighbours and their lands*
- (f) Any other material consideration which the Authority considers will affect the proposal- the proposals are for a boundary wall and gateway and do not negatively impact the neighbourhood or surroundings*

*And/Or*

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

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area- the proposed wall and gateway is consistent in scale and massing with the surrounding residential areas at this neighbourhood in Red Bay.*
- (ii) Unusual terrain characteristics limit the site's development potential- the proposals and setbacks are all consistent and respectful of the Planning Laws. The proposed configuration does not hinder access. The Terrain of the property is not detrimental to the subject application.*

- (iii) *The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare- the proposed gateway and wall height will not negatively impact persons residing or working in the vicinity and will therefore not be materially detrimental in any respect.*

*Our clients requests the Central Planning Authority's approval for the proposals and associated works, and respectfully requests the CPA's favourable review of the above noted height variances.*

### **3. Waiver**

*In considering the above variance request and the drawings and the land surveyors survey drawings we respectfully request that the CPA waive the requirement for a HWM survey at this time for this particular application. The wall and gateway are not impacted by HWM as the walls are to be built on the west and south boundaries. The most recent survey included for consideration.*

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



The Authority determined that given the minor nature of the features and their location away from the sea, a new HWM survey would not be required per Regulation 6(3).

## 5.2 ANTHONY EBANKS Block 24D Parcel 97 (P20-0491) (JP)

The Authority was reminded that the applicant had submitted a proposal to add to a house to create a duplex. The Authority had adjourned the application and requested the applicant to improve the visual appearance of the roof connection and truncated wall. The Authority reviewed the revised plans submitted by the applicant and determined they were acceptable.

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

- 1) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s)**.

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

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).

## 5.3 YVONNE WARWICK Block 4B Parcel 48 (P20-0788) (EJ)

The Authority reviewed a proposed 2 lot subdivision with access over Thistle lane. The Authority determined that the access was acceptable and the application could be approved.

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

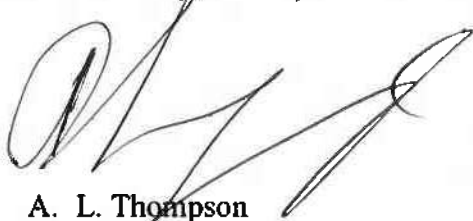
- 1) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reason for the decision:

The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2020 Revision).



The meeting adjourned at 3:40pm. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday, November 25, 2020 at 10:00 a.m.* in Conference Room 1038, 1<sup>st</sup> floor, Government Administration Building.



A. L. Thompson  
Chairman



Ron Sanderson  
Acting Executive Secretary

c.c. All members of the Central Planning Authority

## Appendix ‘A’



ANDREW GIBB FCIQB RIBA MAPM LEED AP  
CHARTERED ARCHITECT | CHARTERED BUILDER

P O Box 899 Grand Cayman KY1-1103 Cayman Islands  
+ (345) 526 8888 | andrew.gibb@gibbarchitect.com

14 July 2020

**P20-0196**

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**  
**AMENDED APPLICATION FOR PLANNING CONSENT: MOTIVATION**  
Westin Grand Cayman Resort:, New Hotel Annex, New Conference Facility  
(‘Ballroom’), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

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We act for Applicant /Owner /lessee Invincible Investment Corporation as agent. An application for planning consent P20-0196 for change-of-use from guestrooms to new meeting rooms, a new Hotel Annexe and a new Conference Facility at the Westin Grand Cayman Resort, West Bay Road, Seven Mile Beach, was made to the Central Planning Authority on 26 February 2020.

We refer to AGCA letter to Director of Planning dated 06 May 2020 regarding Applicant’s intention to combine consent applications P19-1186 and P20-0196 as a single application for planning consent, refers.

We hereby request that the architectural plans package submitted in support of application P2-0196 be withdrawn with immediate effect and that the amended plans package dated 10 June 2020 uploaded with this letter, are by substitution the graphic description of the project scope as defined herein:

**DEVELOPMENT SCOPE:**

**A New Hotel Annex:**

New 10-storey hotel tower with 234 guestrooms, multi-functional 3-meal restaurant, lounge bar, fitness /wellness facilities including a spa, roof-top bar and lounge with landscaped pool and deck

Approximate area: **255,912** sq ft

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN  
APPLICATION FOR PLANNING CONSENT: MOTIVATION  
Westin Grand Cayman Resort:, New Hotel Annex, New Conference Facility  
(‘Ballroom’), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

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**B New Conference Facility:**

New sub-divisible conference facility and ballroom with pre-conference areas, and related facilities

Approximate area: **19,048** sq ft

**C Change of Use:**

C1 Existing guestrooms in Westin Resort to be variously retrofitted as meeting space

Approximate area: **2,139** sq ft

C2 Existing guestrooms in Westin Resort to be variously retrofitted as retail space/hotel Back-of-House space

Approximate area: **3,056** sq ft

C3 Existing retail space in Westin Resort (Spa) to be retrofitted as a banquet kitchen for general resort catering requirements as well as specific catering for banquets to be hosted in the Conference facility

Approximate area: **3,578** sq ft

C4 Existing retail space in Westin Resort (Spa) to be retrofitted as a temporary laundry /Back-of-House operation<sup>1</sup>

Approximate area: **2,901** sq ft

**PLANNING DATA:**

Parcel 11D45 Area:	8.60 Ac	374,616 sq ft
Maximum permitted Coverage:	40.00%	149,847 sq ft
Existing Building Coverage:		92,819 sq ft
Existing Covered Walkway Coverage:		2,845 sq ft

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<sup>1</sup> Temporary laundry is to serve the existing 343 key Westin Resort while demolition of existing restaurants, laundry and other BOH facilities and consequent construction and completion of the new Hotel Annex is effected. This temporary laundry is to be dismantled and installed in new premises within the Hotel Annex and the space will revert to BOH functions (hotel administration offices etc) **NOTE: Applicant intends making application to CPA to modify planning consent grant CPA/04/20 Item 2.5 (P19-1187) to omit this Laundry facility.**

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN  
APPLICATION FOR PLANNING CONSENT: MOTIVATION  
Westin Grand Cayman Resort:, New Hotel Annex, New Conference Facility  
(‘Ballroom’), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

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Total Existing Building Coverage:		<b>95,664</b> sq ft
<i>Total Building Coverage %:</i>	25.54%	
less:		
Total Demolitions:		(23,071) sq ft
add:		
New Hotel Annex (Tower):		35,478 sq ft
New Conference Facility (Ballroom):		19,048 sq ft
New Covered Walkways:		10,971 sq ft
New Total Building Coverage:		<b>138,090</b> sq ft
<i>New Total Building Coverage %:</i>	36.86%	
Existing Walkway, Roads & Decks Coverage:		101,720 sq ft
<i>Existing Walkway, Roads &amp; Decks Coverage %:</i>	27.15%	
less demolitions:		(27,892) sq ft
New Total Walkway, Roads & Decks Coverage:		<b>73,826</b> sq ft
<i>New Total Walkway, Roads &amp; Decks Coverage %:</i>	19.71%	

**Density Allowance:**

Maximum Allowable Guestrooms (65 rooms/acre):	559 rooms
Existing Guestrooms (Westin):	343 rooms
less: Guestrooms Change-of-Use:	(18 rooms)
New Guestrooms (Hotel Annex):	234 rooms
Total Proposed Guestroom Provision:	559 rooms
<i>Total Proposed Guestroom Provision %:</i>	100.00%

**Development Area (Gross):**

Existing:	
Total Existing Building Area:	213,955 sq ft
less: demolitions	(23,071) sq ft
Total proposed Existing Building Area:	190,884 sq ft
Proposed:	
New Hotel Annex Area:	255,912 sq ft
New Conference Facility Area:	19,048 sq ft
Change-of-Use Area:	11,674 sq ft
Total Proposed Planning Consent Area:	<b>306,368</b> sq ft

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN  
 APPLICATION FOR PLANNING CONSENT: MOTIVATION  
 Westin Grand Cayman Resort:, New Hotel Annex, New Conference Facility  
 ('Ballroom'), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

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**PARKING PROVISION ANALYSIS:**

Parking provision required on parcel 11D45:

Parking required for existing Westin premises: **198 bays**

New parking provision requirements:

Hotel Annex Guestrooms (1 bay /2 rooms) net 216 rooms: **108 bays**

Restaurant Facilities (net new /adjusted areas<sup>2</sup>) **33 bays**

3-Meal Restaurant 1 bay /200 sq ft 1,244<sup>3</sup> sq ft: 7 bays

3-Meal Kitchen 1 bay /200 sq ft (1,929<sup>4</sup>) sq ft: (10) bays

Banquet Kitchen 1 bay /600<sup>5</sup> sq ft 3,578 sq ft: 6 bays

Sky Bar + Kitchen 1 bay /200 sq ft 4,291 sq ft: 22 bays

Foyer Coffee Bar 1 bay /200 sq ft 1,435 sq ft: 8 bays

Event Space (net new /adjusted areas) **23 bays**

Conference 1 bay /300 sq ft 7,297 sq ft: 25 bays

Meeting Rooms 1 bay /300 sq ft (461) sq ft: (2) bays

Retail Space **17 bays**

New Spa 1 bay /300 sq ft 7,810 sq ft: 27 bays

Reversion (existing Spa) 1 bay /300 sq ft (2,901) sq ft: (10) bays

Total Additional Parking Bay Provision required: **181 bays**

Total Parking Provision required: **379 bays**

Total Parking provided: **384 bays**

Parking bays on parcel 11D45 (Forecourt): 35 bays

Net parking available on Parcel 11D37 349 bays

Excess Parking provided: 5 bays

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<sup>2</sup> Net area for space added- parking provision for space now demolished vs new space proposed, shown as a credit to parking provision requirements

<sup>3</sup> 5,540 sf demolished replaced by new 6,784 sf facility

<sup>4</sup> 5,945 sf demolished replaced by new 4,016 sf facility

<sup>5</sup> 'Top-up' rate difference between 1 bay /300 sf retail (spa) and 1 bay /200 sf restaurant (kitchen)

**Request and Motivation for Variance to allow increase in Allowable off-Site Parking Provision:**

Off-Site Parking Allowance (s.8(1)(c) D&PL Regulations 2018):

Total Required Parking:	<b>379</b> bays
75% Parking to be located on subject parcel 11D45:	284 bays
25% Parking to be located on remote parcel 11D37:	95 bays

We respectfully request that the Central Planning Authority grants Applicant a variance in terms of s. 8(13)(b) Development & Planning Law Regulations to allow the off-site parking currently provided for in terms of s.8(1)(c) to be increased from a maximum of 25% to approximately 90% as derived below without loss of amenity for or to the detriment of guests and residents in the Seven Mile Beach Corridor neighbourhood.

This variance, if granted, will permit Applicant to provide resort parking as follows:

Total Required Parking:	<b>379</b> bays
9.23% Parking to be located on subject parcel 11D45:	35 bays
90.77% Parking to be located on remote parcel 11D37:	344 bays

Actual Total Provided Parking:	<b>384</b> bays
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We motivate the grant of this variance in the sincere belief that several factors implicit in the developed environment of the West Bay Road corridor along Seven Mile Beach give rise to the need to ‘shed’ required parking provision from parcels west of West Bay Road (i.e. with Seven Mile Beach frontage) onto parcels east of West Bay Road that are less sensitive to loss of amenity.

We believe that in responding to these various factors as drivers for improvement and in increasing significantly the percentage of off-site parking currently allowed under Regulations, we can greatly improve the level of amenity for both guests and residents in this important hospitality and residential precinct.

Our proposed responses in this regard are to

1. allow more efficient use of the available land on those parcels in order to create better hospitality product with more amenable beach and landscape experiences for guests and residents;
2. reduce vehicular access to those resorts as far as possible by restricting the need for localised casual parking adjacent points of entry and arrival;



3. provide more remote parking facilities for the dedicated use of resort staff served by pedestrian route and shuttle service access to the resort to eliminate the predilection by staff for parking on road verges and sidewalks in the immediate precinct of the resort;
4. create a better pedestrian and non-vehicular experience along West Bay Road as a pleasant and safe alternative to beach walks etc that encourage guests and residents to explore local shopping and restaurant destinations located along these landscaped roadways;
5. divert as far as possible vehicles from needing to access resorts only from West Bay Road and providing parking opportunities accessible off Esterley Tibbetts Highway for guests and residents and with easy pedestrian access to the destination resort itself.

Existing Conditions: (*refer to **Annexure A** attached*)

Currently Applicant provides 198 parking spots to accommodate 343 guestrooms, two restaurants and approximately 10,000 sq ft of meeting and conference space. Staff and employees use about 80 of these bays per shift and rental cars about 20 bays. This leaves around 104 parking bays for social and local traffic needs.

Applicant also provides Sunshine Suites guests (who are allowed access to the Westin Resort facilities) access to two 10-person electric shuttle carts which run continuously between the two resorts. Other pedestrian traffic are left to cross West Bay Roads they see fit and many do not use the current blinking pedestrian crossing due to its inconvenient location and the lack of directional signage etc.

Local catered charity events such as galas and weekend brunch patrons are left to find parking at these peak times and many find themselves frustrated at the apparent lack of ‘convenient’ parking leave their vehicle along roadway verges or on adjacent properties and vacant lots.

This situation, even for the existing Westin Resort as it stands, is not conducive to the amenity of the neighbourhood for its guests and residents, and presents an opportunity for structural and operational improvement.

Proposed Improved Parking Facilities: (*refer to **Annexure B** attached*)

In terms of the variance as requested, and notwithstanding that the area proposed to accommodate off-site parking is approximately 400 ft away from the Westin resort (approximately 4 minute walk), in order to providing organised parking that alleviates these congestion issues, Applicant as resort operator proposes to do the following:

- Provide approximately 140 bay dedicated resort staff/employee parking
- Provide a dedicated continuous shuttle connection to the resort for use by staff, guests and residents if they so desire or require;
- Provide a total of 384 parking bays to accommodate 559 guestrooms and related facilities- a significantly more generous ratio of 1.46 rooms per bay compared to the existing Resort’s ratio of 1.75 rooms per bay (or the minimum provision of 2 rooms per bay required under Development & Planning Law provision);
- Provide more flexibility in parking provision for evening gala and entertainment events for local residents;
- Create in partnership with the National Roads Authority a landscaped street-scape where the resort fronts onto West Bay Road consistent with the expectations of a 1<sup>st</sup> class 5 star resort destination and similar and equal to the landscaping created at Camana Bay;
- Create an effective, identifiable and well-lit pedestrian crossing point as incorporated with and part of the landscaped street-scape that allows safe secure crossing of West Bay Road for both pedestrians and shuttles at all times of day and night as needed;
- Create more certainty for a direct connection and parking availability for guests and residents in contrast to cruise-searching hoping to find parking;
- Eliminate potential traffic generated by approximately 140 employees entering and leaving via West Bay Road;
- Provide a 5 star valet parking service (an amenity now expected in all major high-end resorts internationally, and rapidly becoming the expectation locally);
- Eliminate casual and haphazard parking along West Bay Road and adjacent properties (and a nuisance to adjacent Falls shopping centre);
- Provide excess parking that could be utilised for other local events (such as receptions at the adjacent Governor's Residence);
- Provide and maintain a comprehensive structural and integrated operational parking management plan that deploys a significantly more efficient parking system at a higher capacity without loss of amenity for both guests and residents alike.

Parking Operational Plan: *(refer to **Annexure C** attached)*

Applicant intends as part of giving effect to the primary objective of creating and maintaining a comprehensive structural and integrated operational parking management plan, to deploy the following components (refer route map in attached Annexure ?):

- Valet Parking service for guests and resident - indicated as blue / orange routes
- Shuttle for employees - blue dashed routes;

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN

APPLICATION FOR PLANNING CONSENT: MOTIVATION

Westin Grand Cayman Resort; New Hotel Annex, New Conference Facility  
(‘Ballroom’), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

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- Constant shuttle for self-park/local events (using electric carts) - indicated as solid blue routes
- Laundry Shuttle - off-peak delivery / drop off;
- Staging at the Westin Resort using 40 dedicated staging bays located in the proposed Forecourt of the resort as a operational ‘hub’;
- Valet Stand in the off-site parking lot - valets are dispatched using radio or WiFi communications;
- West Bay Road beautification initiative - the initial pioneer project based on NRA’s ‘Complete Street’ principles and concepts to create a more amenable West Bay Road pedestrian experience through the use of landscape, traffic calming and incorporating a safe pedestrian and shuttle crossing point with user request and scheduled crossing control systems.

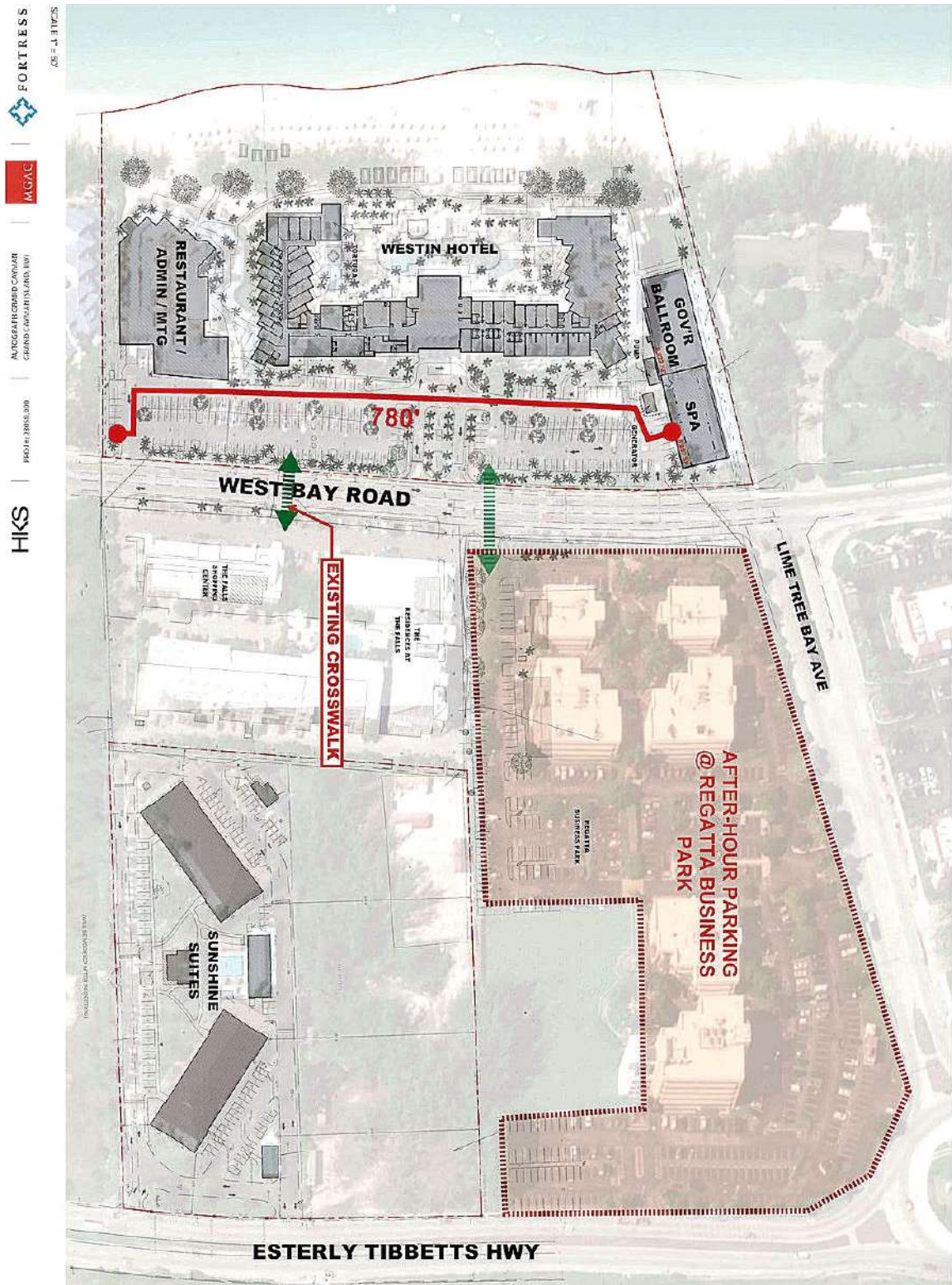
We thank you for your consideration of this application for planning consent.

Yours sincerely

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the left.

BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN  
APPLICATION FOR PLANNING CONSENT: MOTIVATION  
Westin Grand Cayman Resort; New Hotel Annex, New Conference Facility  
(‘Ballroom’), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

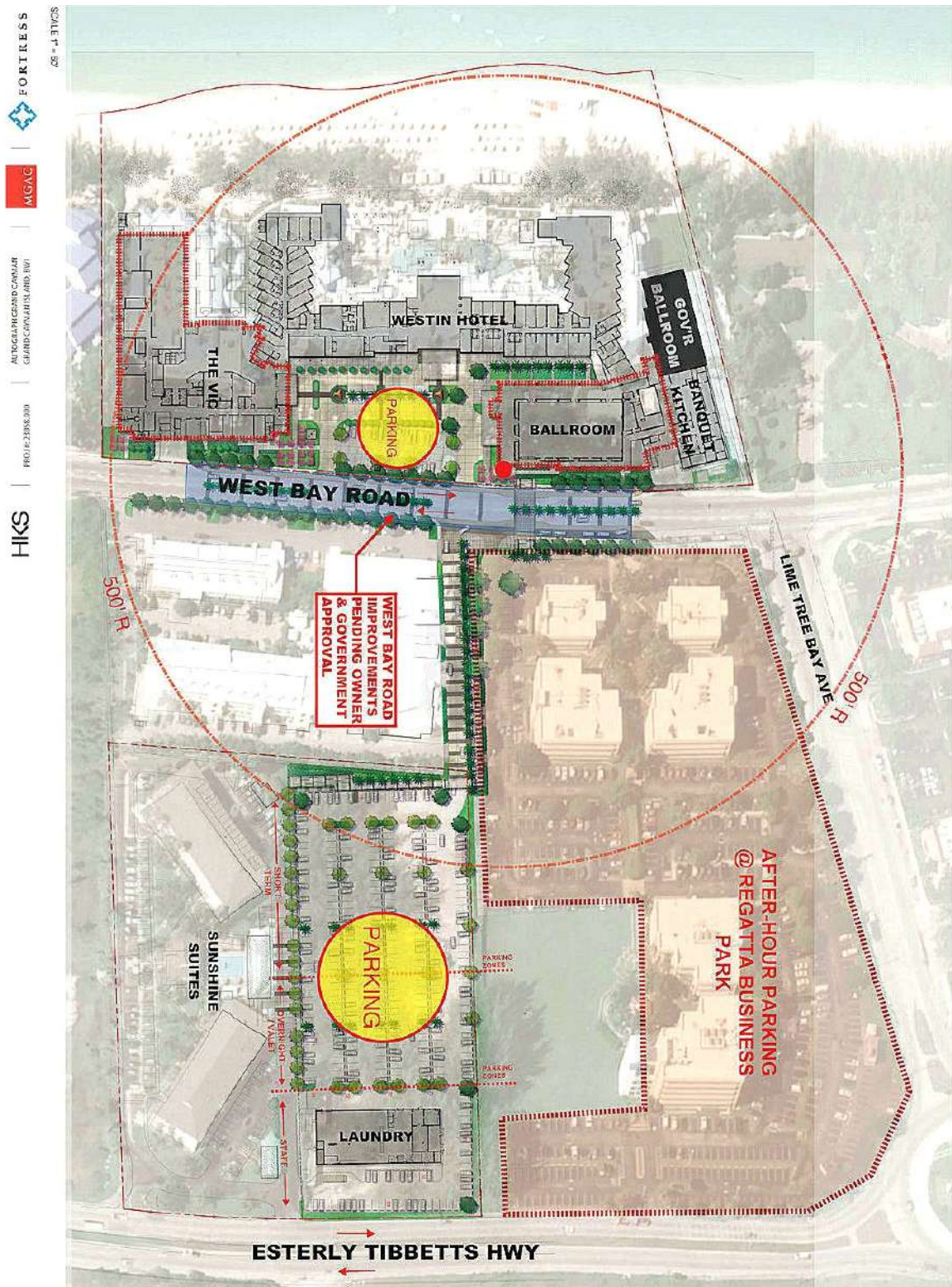
ANNEXURE A





BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN  
 APPLICATION FOR PLANNING CONSENT: MOTIVATION  
 Westin Grand Cayman Resort; New Hotel Annex, New Conference Facility  
 ('Ballroom'), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

ANNEXURE B



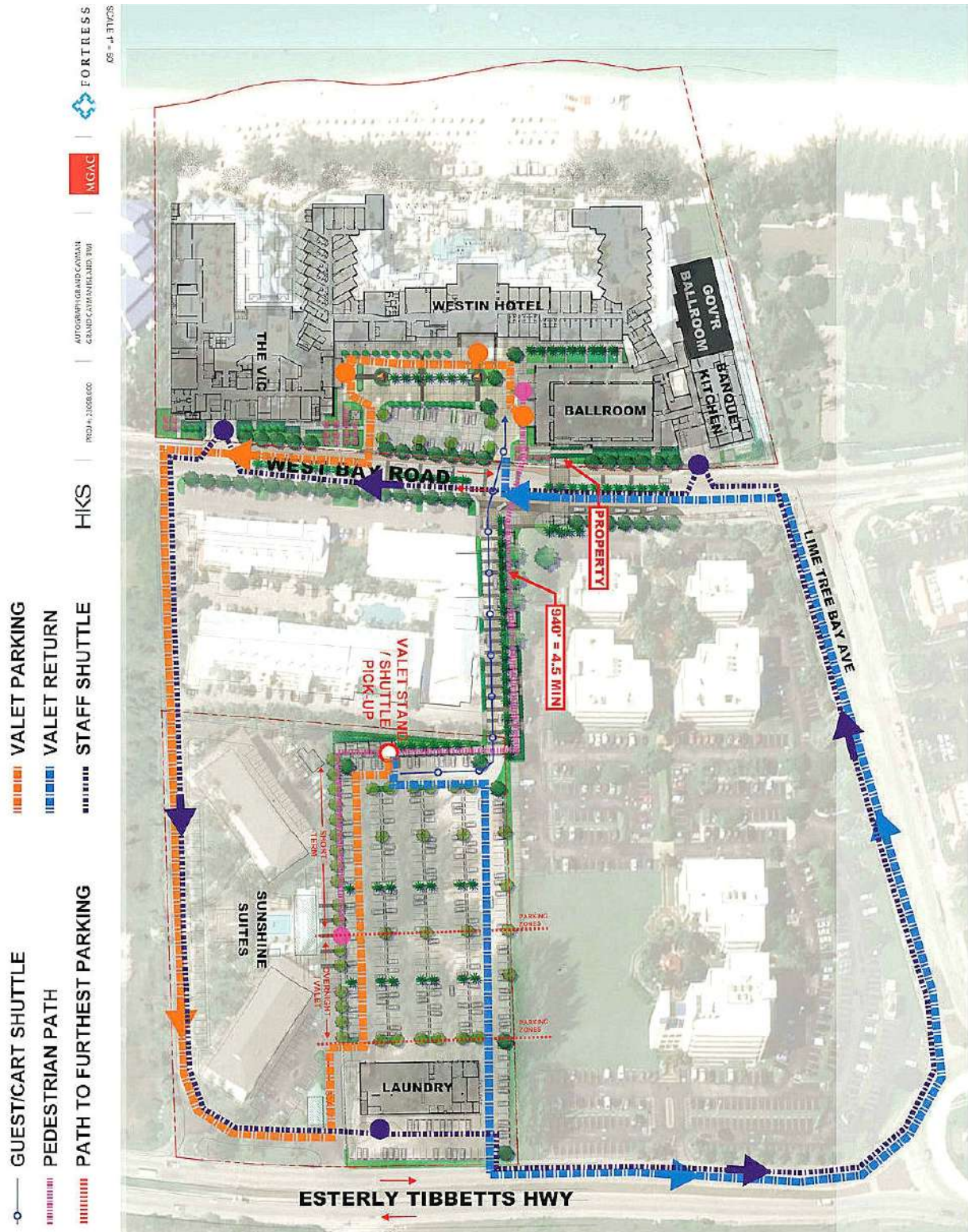


# BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN

## APPLICATION FOR PLANNING CONSENT: MOTIVATION

Westin Grand Cayman Resort; New Hotel Annex, New Conference Facility ('Ballroom'), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

### ANNEXURE C



## Appendix ‘B’



MEMO

27/08/2020

TO : Colleen Stoetzel, Planner  
FROM : Andrew Gibb, Architect of Record

**WESTIN+AGC RESORT:  
STAGE III PLANNING CONSENT APPLICATION (P20-0196)  
STRATA PLAN NO. 12 'VILLAS OF THE GALLEON': OBJECTIONS  
CRANE BOOM SWING / SHADE & SUNLIGHT**

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The attached letter of objection from Priestleys Attorneys-at-Law dated 30 July 2020 and acting for objector Strata Plan No. 12 'Villas of the Galleon' (VotG) (Strata Corporation) refers.

We note the contents of the letter and the nature of the objections which are mostly general objections made against the development and which relate *inter alia* to an alleged negative impact on economic welfare of the Villas of the Galleon, noise pollution and the effect of construction work. We cannot address these general objections and will defer to the Central Planning Authority in this regard as the proposed development meets the constraints imposed by the Hotel/Tourism development zone as defined.

We wish to address two specific grounds for objections as made in the letter, and as highlighted in the attached copy (for your reference):

**OBJECTION #1: Negative impact on 'views and sunlight' enjoyed by VotG**

The attached shadow analysis indicates that other than a narrow strip south of the proposed hotel tower over the north boundary of parcel 11D1 (VotG) which occurs in the summer solstice, the tower itself does not cast a shadow at any other time of the year- we conclude that there is no negative impact on sunlight enjoyment by residents of VotG. We cannot comment on views, as there is no apparent change to the normal prospect (views) currently enjoyed by residents when substituting the existing restaurant block with the proposed hotel tower.

**OBJECTION #2: Tower crane boom oversailing VotG property**

Liability for damage to persons or property arising out of a tower crane used in support of construction activities is always covered under a competent Contractor' All Risk Insurance Policy that specifically includes and defines this



**WESTIN+AGC RESORT:  
STAGE III PLANNING CONSENT APPLICATION (P20-0196)  
STRATA PLAN NO. 12 'VILLAS OF THE GALLEON': OBJECTIONS  
CRANE BOOM SWING / SHADE & SUNLIGHT 27/08/2020 Page 2**

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risk and consequential cover.

It is common practice to allow crane booms to oversail property adjacent to a construction site, provided best practice is adhered to when deploying the crane and associated equipment. A boom swing diagram and crane location diagram will form part of the construction site planning documentation normally required of Applicant prior to issue of a permit for construction, and which is also usually a condition of planning consent grant. This document will be made available to VotG Strata Corporation in due course for their inspection and comments.

E-mail: Sue-Helen.McConnell@priestleys.ky  
Our ref:

Second Floor, Caribbean Plaza  
878 West Bay Road  
George Town  
P.O. Box 30310  
Grand Cayman KY1-1202  
Cayman Islands  
Tel. +1 345 946 1577  
Fax. +1 345 947 0826

30 July 2020

Director of Planning  
P.O. Box 113  
Grand Cayman KY1-9000

**BY EMAIL to** [planning.dept@gov.ky](mailto:planning.dept@gov.ky)

Dear Sir

**Re: Planning application by Invincible Investment  
Block and Parcel 11D45  
Development of a new hotel annex, associated facilities and new conference facility**

We represent the Proprietors of Strata Plan No. 12 (“Villas of the Galleon”) in respect of an application for planning permission by Invincible Investment (“The Applicant”) to develop a new hotel annex, associated facilities and new conference facility on Block and Parcel 11D45 (“The Site”).

Please accept this correspondence as the Villas of the Galleon’s formal objection to the application.

### **Proposed Development**

The Applicant has submitted a proposal for a \$150 million development for a 10 storey tower block adjacent to the Villas of the Galleon property.

### **Legal Framework**

Any proposed development within Grand Cayman is required to meet the prescribed criteria set out in the Development and Planning Law (2017 Revision) (“Law”), The Development and Planning Regulations (as revised) and also conform with The Development Plan 1997, Planning statement (“Statement”).

Section 4.1 of the Statement provides “*The requirements of the Law, Regulations, and this statement will be applied in considering applications to develop land*”.

Section 1.2 of the Statement sets out “*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 and subject thereto the environment*”.

The proposed site is within the Hotel/Tourism Zone. Section 3.04 of the Statement prescribes the requirements for a proposed development within the hotel/tourism zone as follows:

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

*The Authority shall apply the Hotel/Tourism Zone 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 required 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.”*

## **Grounds for objection to proposed development**

### Negative impact on economic welfare of Villas of the Galleon

In view of the scale and height of the proposed development and the location of the site being adjacent to the Villas of the Galleon there are concerns in respect to the effect this will have on the quality and character of the Villas of the Galleon.

#### **SPECIFIC OBJECTION #1**

**The proposed 10 storey development will be visually prominent and incompatible with the surrounding area whilst also having potential to impact the views and sunlight of the adjacent property.**

It is evident that the proposed development is designed to maximise the full development potential of the Site. With reference to the considerations at paragraphs a), b) and c) above we are concerned that the over-development of the Site will have a negative impact on Villas of the Galleon.

Guests who choose to vacation at Villas of the Galleon to enjoy the luxury and relaxation along with the attractive surroundings will be discouraged by the proposed development. We have concerns in respect to the consequences and loss of rental income for Villas of the Galleon.

Furthermore we have concerns that the scale and height of the proposed development will have a detrimental impact on the value of the property at Villas of the Galleon.

## Noise pollution

Villas of the Galleon is presently marketed as a vacation destination which offers luxury accommodation for guests to come and relax. There are concerns in respect to the noise pollution which will inevitably be generated by the proposed development and the effect that this will have both on the residents at Villas of the Galleon and also on the vacationing guests.

## Effect of construction work

### SPECIFIC OBJECTION #2

In view of the scale of the proposed development there is a potential need for the use of a tower crane and we have concerns in respect to the impact of this on the properties at Villas of the Galleon and the potential to oversail our client's property.

Further to this we have concerns regarding the disruption and noise which will be generated during the construction of the development and the effect that this will have both on the residents of the Villas of the Galleon and also on the guests vacationing at the property.

## **Conclusion**

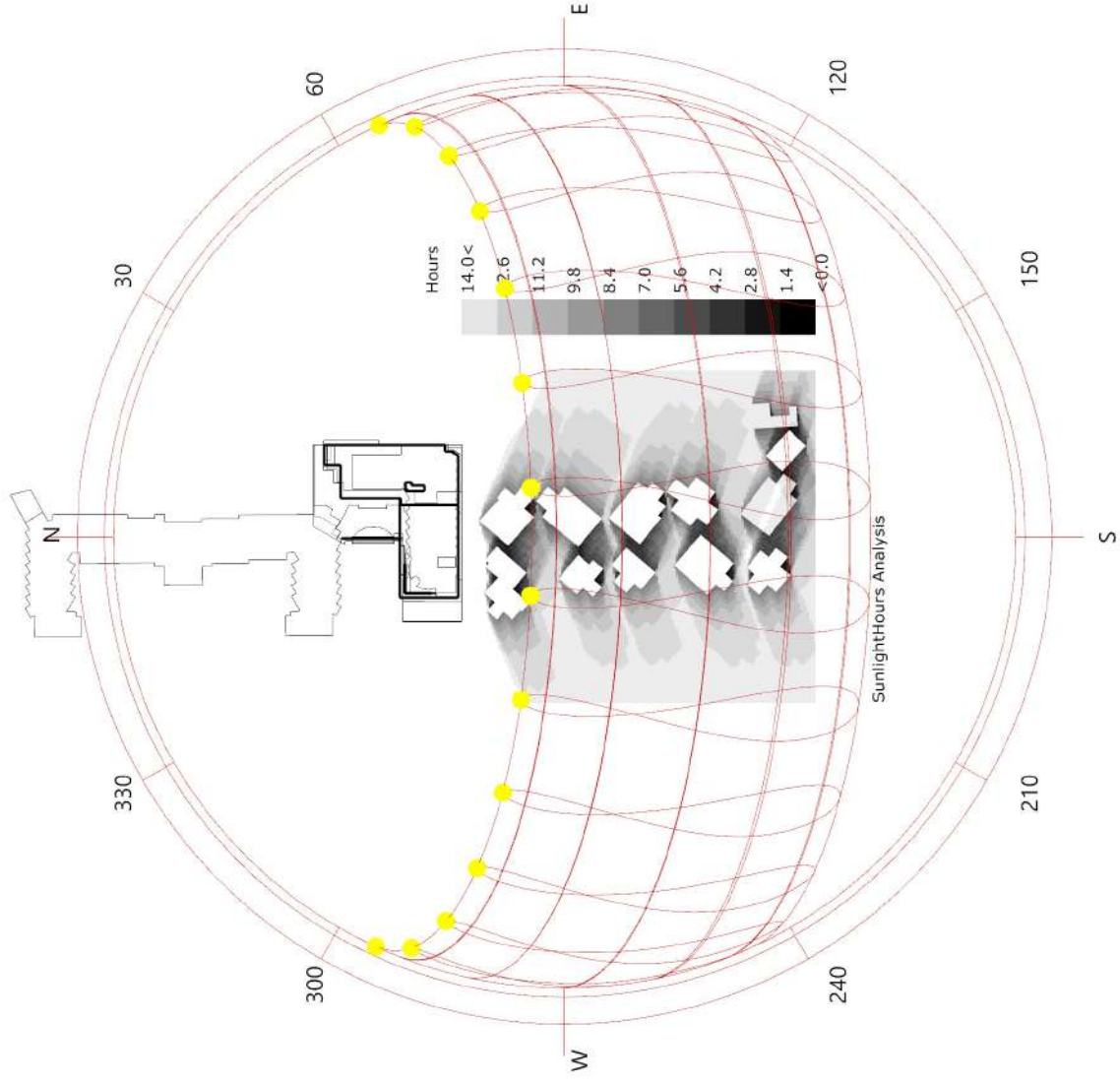
For the aforementioned reasons, Villas of the Galleon vigorously objects to the application.

Yours faithfully,

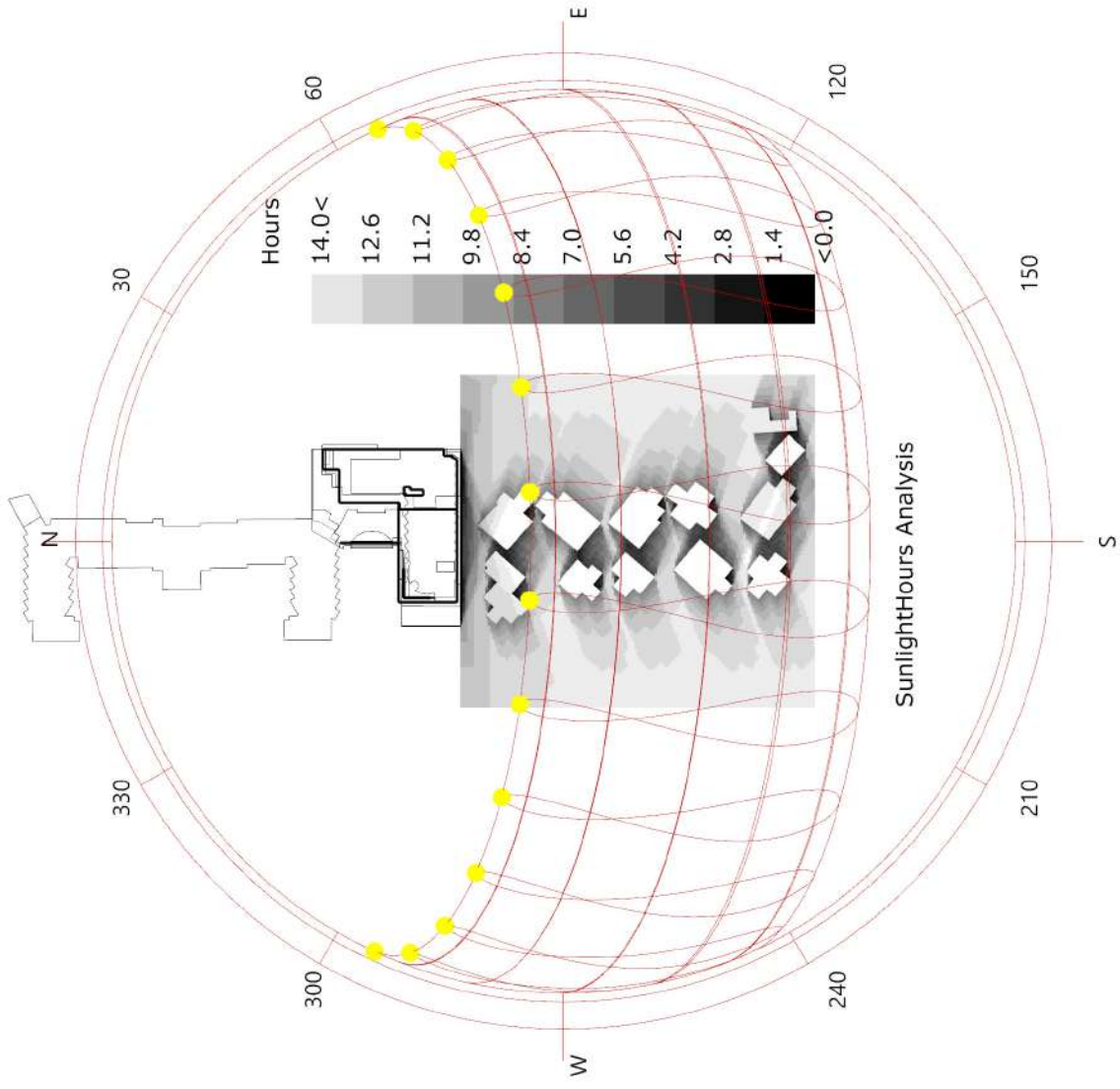


PRIESTLEYS

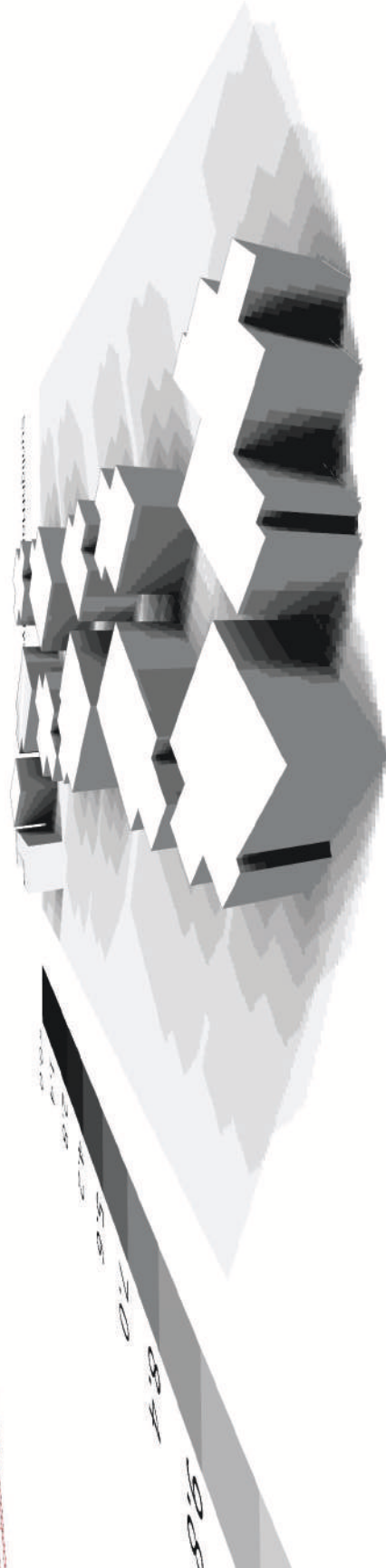
Summer Day  
No Tower



## Summer Day With Tower



Summer Day  
No Tower



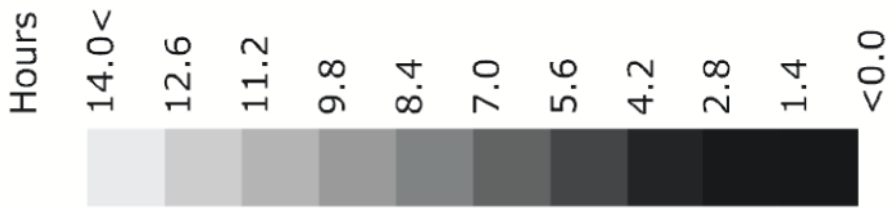
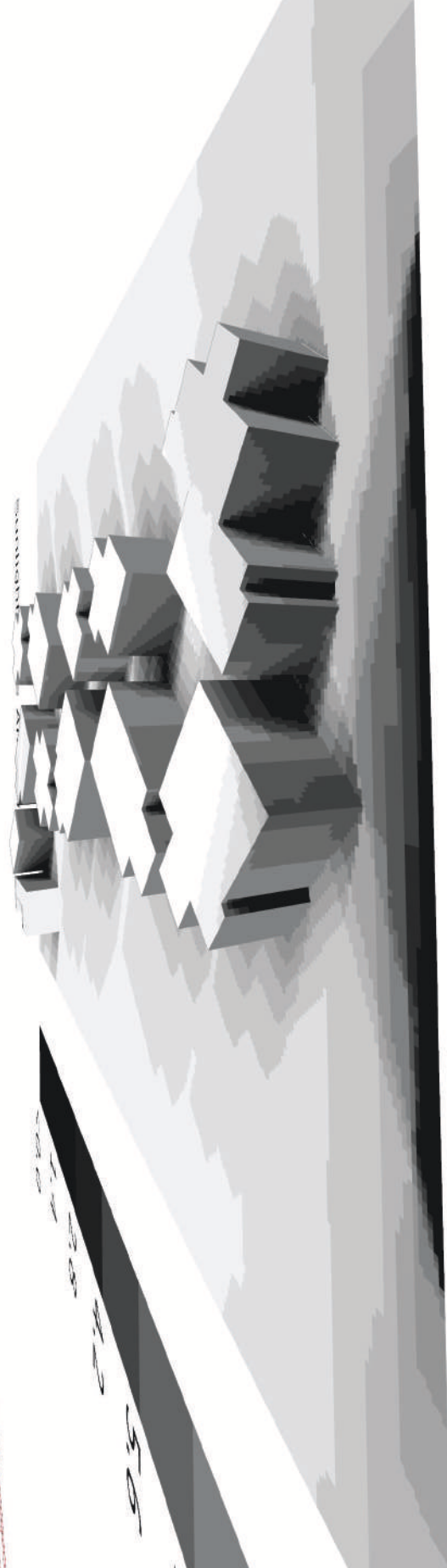
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view SOUTH from proposed Tower



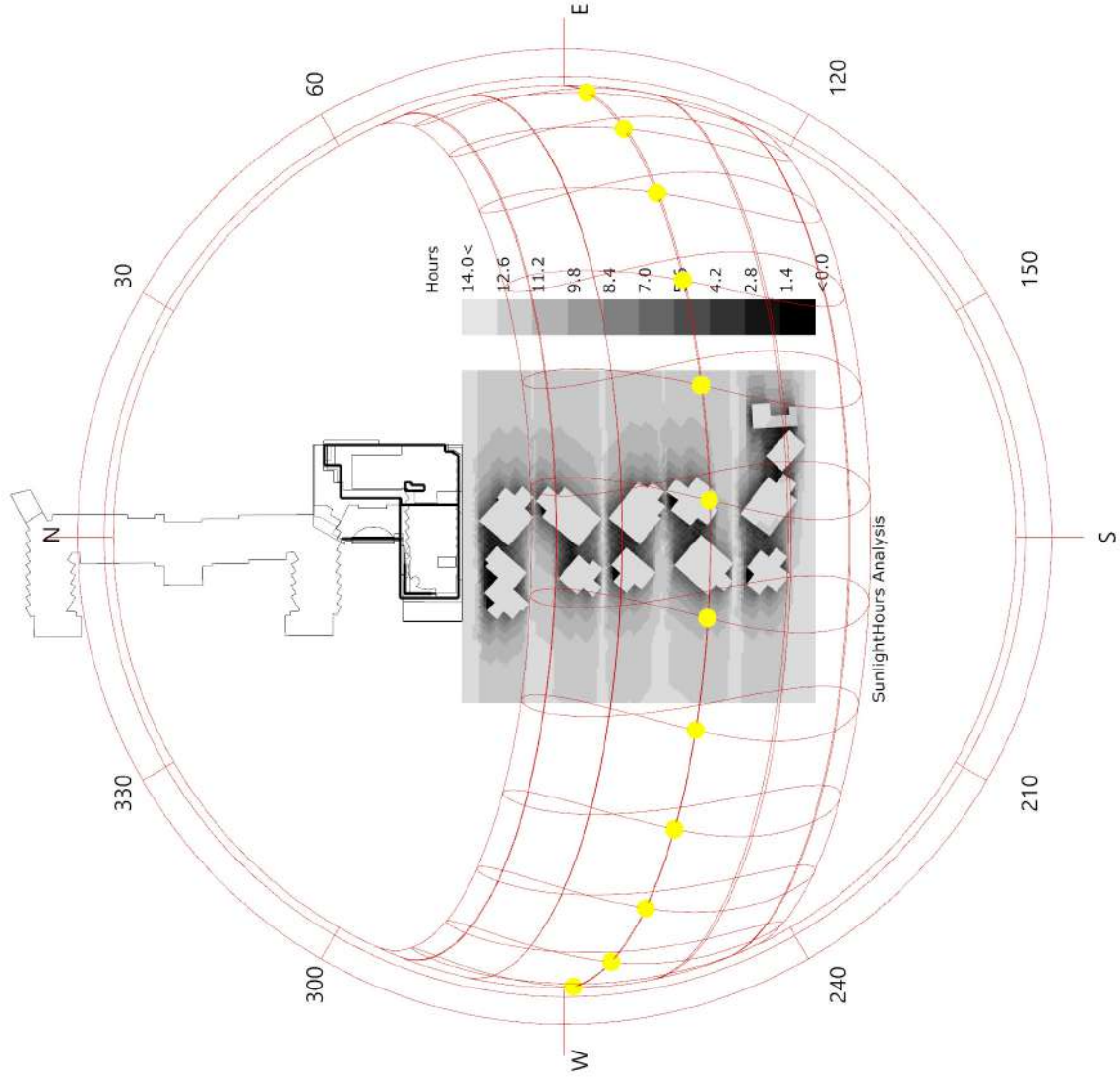
Summer Day  
With Tower



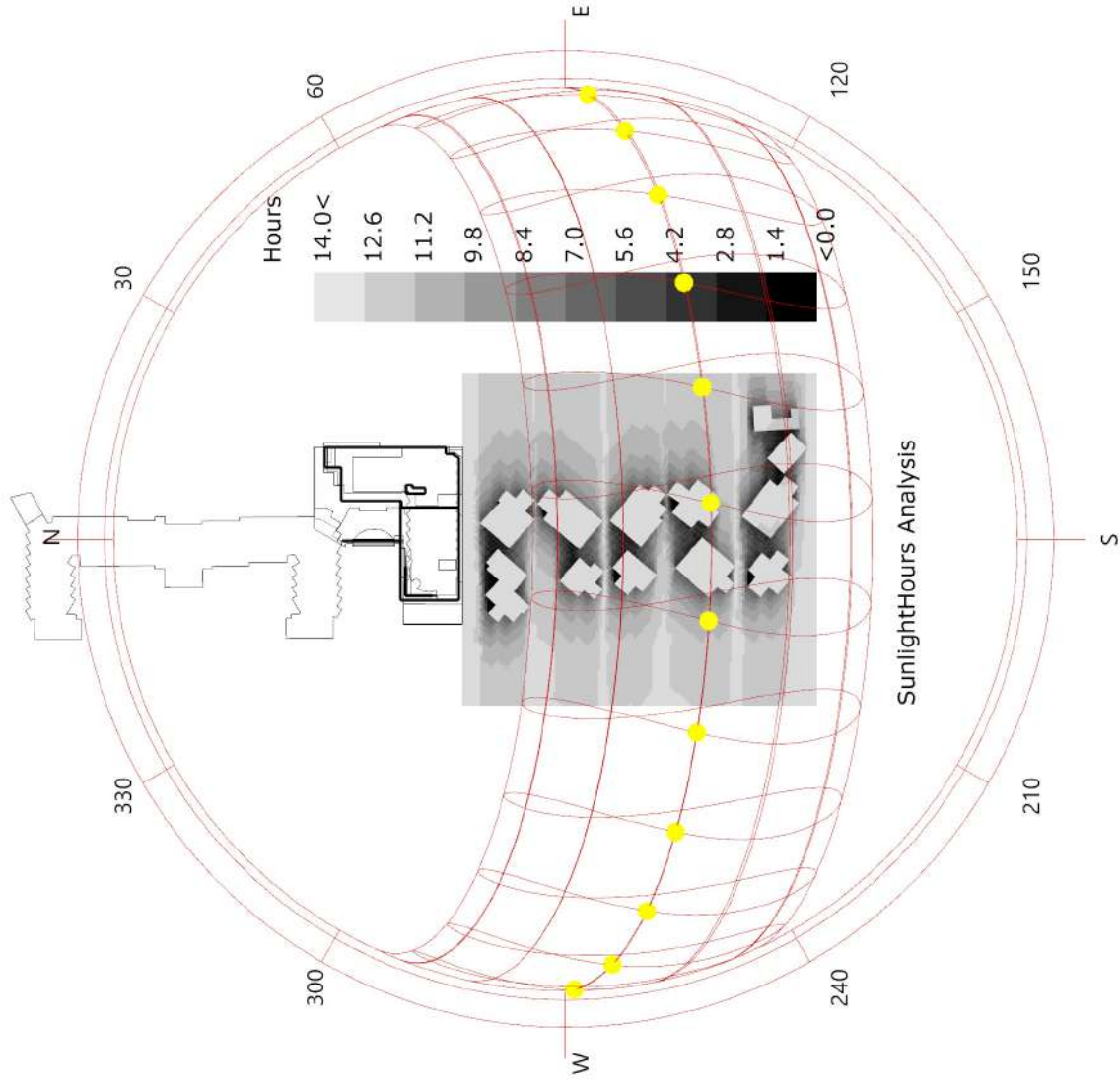
view SOUTH from proposed Tower



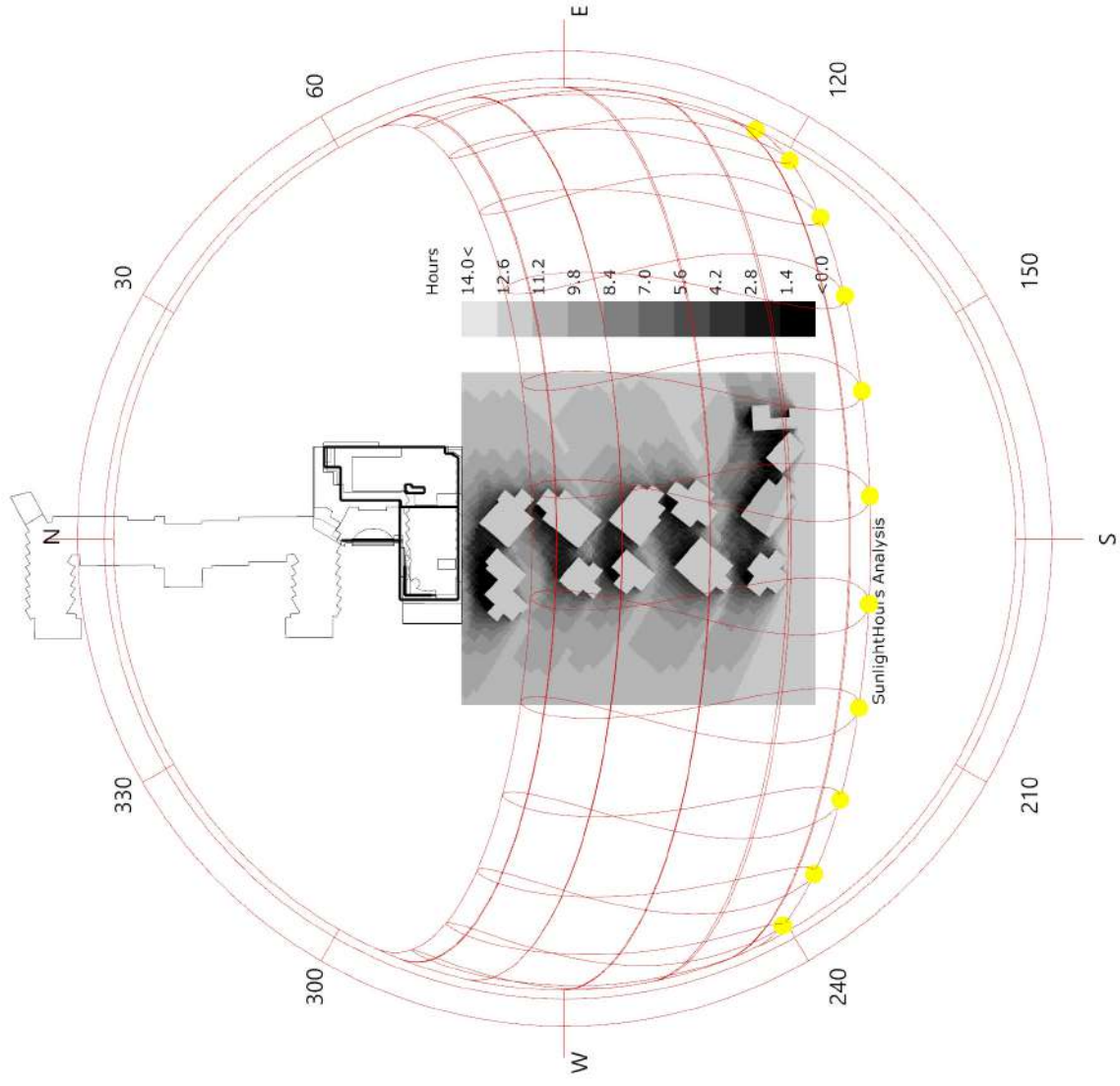
# Equinox Day No Tower



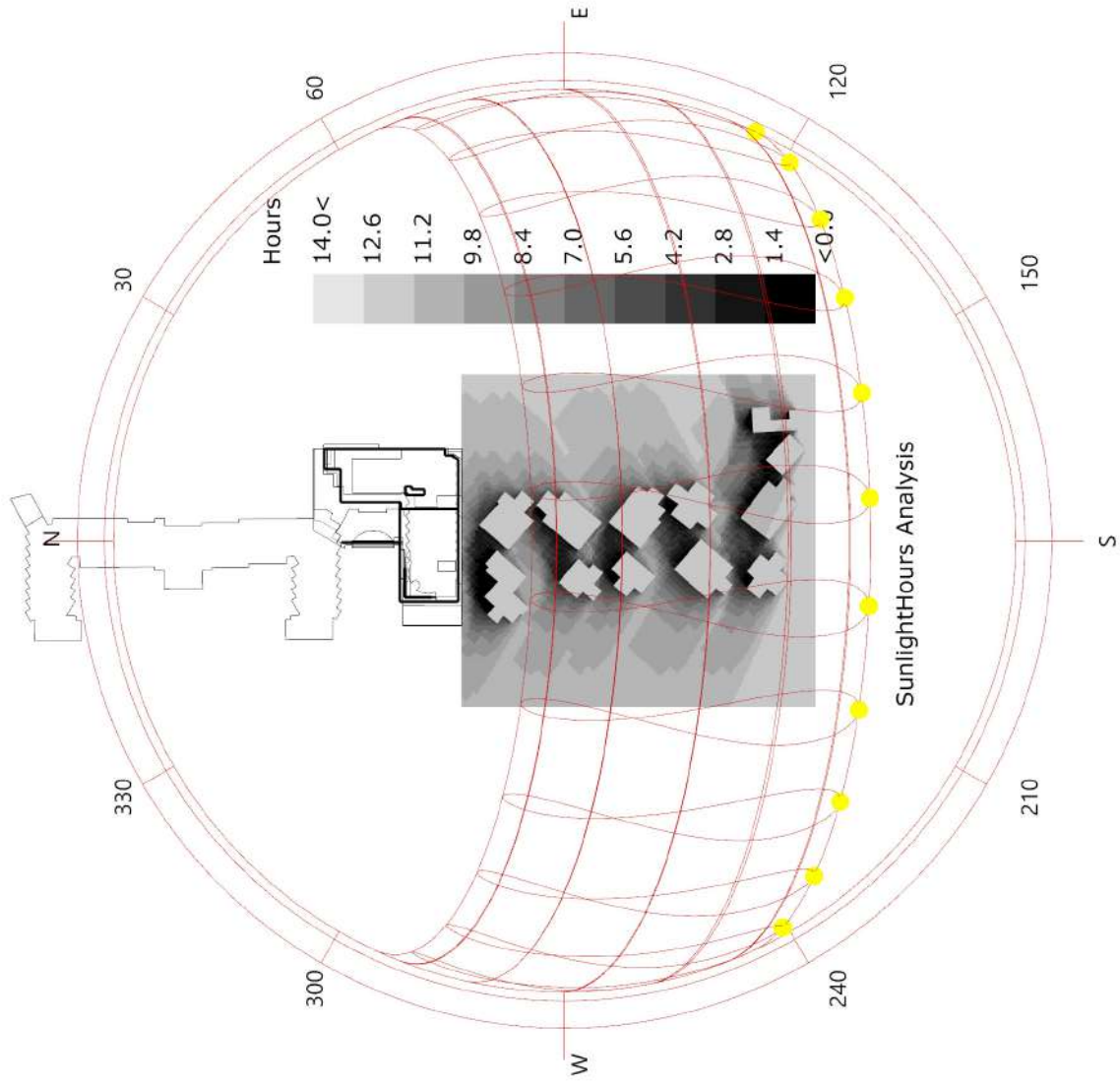
## Equinox Day With Tower



Winter Day  
No Tower



## Winter Day With Tower



## Appendix 'C'



MEMO

24/08/2020

TO : Colleen Stoetzel, Planner  
FROM : Andrew Gibb, Architect of Record

**WESTIN+AGC RESORT:  
STAGE III PLANNING CONSENT APPLICATION (P20-0196)  
LAUNDRY COMPONENT**

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Application was made on 25 October 2019 to CPA for planning consent<sup>1</sup> for a 9,970 sq ft building on parcel 11D37 intended *inter alia* as a dedicated in-house laundry facility with the capacity of handling up to 600 guest keys' equivalent laundry processing including washing, drying and pressing all linen and cotton softs required to serve those keys on a daily basis.

On further reconsideration (arising out of value engineering as well as a review of operational plans and a final estimate of guestroom capacity), Ownership found that it was a more efficient use of space to keep laundry on-site with the existing and proposed new Westin Resort facilities on parcel 11D45. By doing so, the need to transport laundry back-and-forth between the parcels on West Bay Road and Esterley Tibbetts Highway on a twice-daily basis, was eliminated with the benefits of reduced road usage and increased safety. Retaining the laundry on-site at the Westin also makes more efficient use of staffing by keeping centrally located to the existing back of house. It also eliminates redundant mechanical equipment and utility hook-ups, making it more cost friendly and energy efficient.

By eliminating the Laundry on parcel 11D37, Ownership preserve the flexibility of this parcel for future and possible more efficient use such as additional parking provision, retail facilities or other similar development opportunities in the future.

In order to achieve the above, a temporary laundry is needed to serve the existing 343 key Westin Resort while demolition of existing Annex is effected prior to construction of the Annexe. This temporary laundry is to be dismantled and installed in new premises within the Hotel Annex once complete and the space will revert to BOH functions (hotel administration offices etc).

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<sup>1</sup> Applicant intends making application to CPA in due course to modify planning consent grant CPA/04/20 Item 2.5 (P19-1187) to omit this Laundry facility.

## Appendix 'D'

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## **APPLICANT'S LETTER**

26 February 2020

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 APPLICATION FOR PLANNING CONSENT: MOTIVATION**

Westin Grand Cayman Resort: Change-of-Use (Existing Resort), New Hotel Annex, New Conference Facility ('Ballroom') & 2 Pools

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We act for Applicant /Owner /lessee Invincible Investment Corporation as agent.

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:** Existing guestrooms in Westin Resort to be variously retrofitted as retail and meeting spaces.  
Approximate area: **7,378** sq ft
- B New Hotel Annex:** New 8-storey hotel tower with 211 guestrooms, multi-functional 3-meal restaurant, lounge bar, fitness /wellness facilities and a spa- includes a roof- top bar and lounge with landscaped pool and deck.  
Approximate area: **275,419** sq ft
- C New Conference Facility:** New subdivisible conference facility and ballroom with pre-conference areas, and related facilities (located adjacent to proposed Banquet Kitchen fitout under planning application P19-1186).  
Approximate area: **23,404** sq ft

#### **Planning Summary:**

No. of existing Guestrooms converted to other uses  
(Change-of-Use):

17 rooms



Change-of-Use to Meeting Space:	3,186 sq ft
Change-of-Use to Retail Space:	1,326 sq ft
Change-of-Use to general circulation /BOH (storage):	1,530 sq ft
Change-of-Use to Toilet /BOH (equipment & utility):	1,336 sq ft

Total Area subject to grant of planning consent: **7,378 sq ft**

It is intended as part of this scope of works to demolish these existing buildings:

Restaurant Block south of existing guestroom block (restaurants, kitchen, back-of-house and staff facilities, administration and laundry facilities):	18,106 sq ft
Covered Walkways adjacent to Restaurant Block:	2,845 sq ft
Pump Room adjacent to existing Governor's Ballroom:	220 sq ft

Planning Data for Parcel 11D45:

Parcel 11D45 Area:	8.60 Ac	374,616 sq ft
Maximum permitted Coverage (40% parcel area):		<b>149,847 sq ft</b>
Existing Building Coverage:		91,905 sq ft
Existing Covered Walkway Coverage:		2,845 sq ft
Total Existing Building Coverage:		<b>94,750 sq ft</b>
<i>Total Building Coverage %:</i>	<i>25.29%</i>	
less:		
add: Total Demolitions:		(21,171) sq ft

New Banquet Kitchen Additional Coverage (planning consent application P19-1186):	<b>1,120 sq ft</b>
New Hotel Annex (Tower):	39,252 sq ft
New Conference Facility (Ballroom):	23,404 sq ft
New Covered Walkways:	<u>5,832 sq ft</u>

New Total Building Coverage:	<b>143,187 sq ft</b>
<i>New Total Building Coverage %:</i>	<i>38.22%</i>

Existing Walkway, Roads & Decks Coverage:	101,720 sq ft
<i>Existing Walkway, Roads &amp; Decks Coverage %:</i>	<i>27.15%</i>
less demolitions:	<u>(27,892) sq ft</u>

New Total Walkway, Roads & Decks Coverage:	<b>73,826 sq ft</b>
<i>New Total Walkway, Roads &amp; Decks Coverage %:</i>	<i>19.71%</i>

Density Allowance:

Maximum Allowable Guestrooms (65 rooms/acre):	559 rooms
Existing Guestrooms (Westin):	343 rooms
less: Guestrooms Change-of-Use:	(17 rooms)

New Guestrooms (Hotel Annex): 211 rooms

Total Proposed Guestroom Provision: 537 rooms

*Total Proposed Guestroom Provision %: 96.06%*

Total Existing Building Area: 213,955 sq ft  
less: demolitions  
~~21,171 sq ft~~

New Hotel Annex Area: 275,419 sq ft

New Conference Facility Area: 23,404 sq ft

Change-of-Use Area: 7,378 sq ft

Balance of Banquet Kitchen (not accounted for in P19-1186): 167 sq ft

Total Proposed Planning Consent Area: **306,368 sq ft**

Parking Provision Analysis:

Existing parking provided 11D45: **198 bays**

Parking required:

New Hotel Annex Guestrooms (1 bay /2 rooms) 211 rooms: 106 bays

New Facilities

Sky Bar Restaurant (1 bay /200 sq ft) 790 sq ft: 4 bays  
(1 bay /200 sq ft) 3,447 sq ft 18 bays  
Spa (1 bay /300 sq ft) 2,575 sq ft 9 bays 31 bays

Event Space

Conference (1 bay /300 sq ft) 9,179 sq ft 31 bays

Banquet Kitchen (Planning application P19-1186) 12 bays

Total New Parking Bay Provision: 180 bays

Total Required Parking Provision: **378 bays**

Parking bays on parcel 11D45 (Forecourt): 41 bays

Total parking provision in terms of this planning

consent application not located on parcel 11D45 (89.15%): **337 bays**

Actual Parking Provided:

Parcel 11D37 359 bays  
Parcel 11D45 41 bays

Total Parking Provided: **400 bays**

*(Total Parking Provided: 105.82%)*

Off-Site Parking Allowance (s.8(1)(c) D&PL Regulations 2018):

Total Required Parking: **378 bays**

75% Parking to be located on subject parcel 11D45:	283 bays
25% Parking to be located on remote parcel 11D37:	95 bays

### **Request and Motivation for Variance:**

We respectfully request that the Central Planning Authority grants Applicant a variance in terms of s. 8(13)(b) Development & Planning Law Regulations to allow the off-site parking currently provided for in terms of s.8(1)(c) to be increased from a maximum of 25% to approximately 90% as derived below without loss of amenity for or to the detriment of guests and residents in the Seven Mile Beach Corridor neighbourhood.

This variance, if granted, will permit Applicant to provide resort parking as follows: Total

Required Parking:	<b>378 bays</b>
10.85% Parking to be located on subject parcel 11D45:	41 bays
89.15% Parking to be located on remote parcel 11D37:	337 bays

Actual Total Provided Parking:	<b>400 bays</b>
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We motivate the grant of this variance in the sincere belief that several factors implicit in the developed environment of the West Bay Road corridor along Seven Mile Beach give rise to the need to ‘shed’ required parking provision from parcels west of West Bay Road (i.e. with Seven Mile Beach frontage) onto parcels east of West Bay Road that are less sensitive to loss of amenity.

We believe that in responding to these various factors as drivers for improvement and in increasing significantly the percentage of off-site parking currently allowed under Regulations, we can greatly improve the level of amenity for both guests and residents in this important hospitality and residential precinct.

Our proposed responses in this regard are to

1. allow more efficient use of the available land on those parcels in order to create better hospitality product with more amenable beach and landscape experiences for guests and residents;
2. reduce vehicular access to those resorts as far as possible by restricting the need for localised casual parking adjacent points of entry and arrival;
3. provide more remote parking facilities for the dedicated use of resort staff served by pedestrian route and shuttle service access to the resort to eliminate the predilection by staff for parking on road verges and sidewalks in the immediate precinct of the resort;
4. create a better pedestrian and non-vehicular experience along West Bay Road as a pleasant and safe alternative to beach walks etc that encourage guests and residents to explore local shopping and restaurant destinations located along these landscaped roadways;
5. divert as far as possible vehicles from needing to access resorts only from West Bay Road and providing parking opportunities accessible off Esterley Tibbetts Highway for

guests and residents and with easy pedestrian access to the destination resort itself.

Existing Conditions: (refer to Annexure A appended hereto)

Currently Applicant provides 198 parking spots to accommodate 343 guestrooms, two restaurants and approximately 10,000 sq ft of meeting and conference space. Staff and employees use about 80 of these bays per shift and rental cars about 20 bays. This leaves around 104 parking bays for social and local traffic needs.

Applicant also provides Sunshine Suites guests (who are allowed access to the Westin Resort facilities) access to two 10-person electric shuttle carts which run continuously between the two resorts. Other pedestrian traffic are left to cross West Bay Roads they see fit and many do not use the current blinking pedestrian crossing due to its inconvenient location and the lack of directional signage etc.

Local catered charity events such as galas and weekend brunch patrons are left to find parking at these peak times and many find themselves frustrated at the apparent lack of 'convenient' parking leave their vehicle along roadway verges or on adjacent properties and vacant lots.

This situation, even for the existing Westin Resort as it stands, is not conducive to the amenity of the neighbourhood for its guests and residents, and presents an opportunity for structural and operational improvement.

We thank you for your consideration of this application for planning consent.

Yours sincerely

Proposed Improved Parking Facilities: (refer to Annexure B appended hereto)

In terms of the variance as requested, and notwithstanding that the area proposed to accommodate off-site parking is approximately 400 ft away from the Westin resort (approximately 4 minute walk), in order to providing organised parking that alleviates these congestion issues, Applicant as resort operator proposes to do the following:

- Provide approximately 140 bay dedicated resort staff/employee parking
- Provide a dedicated continuous shuttle connection to the resort for use by staff, guests and residents if they so desire or require;
- Provide a total of 400 parking bays to accommodate 537 guestrooms and related facilities (a ratio of under 1.4 rooms per bay compared to the existing ratio of 1.75 rooms per bay;
- Create an additional 244 bays for local use (rental, employees, local) compared to the existing provision of only 104 bays;
- Provide more flexibility in parking provision for evening gala and entertainment events for local residents;
- Create in partnership with the National Roads Authority a landscaped street- scape where the resort fronts onto West Bay Road consistent with the expectations of a 1<sup>st</sup> class 5 star resort destination and similar and equal to the landscaping created at Camana Bay;

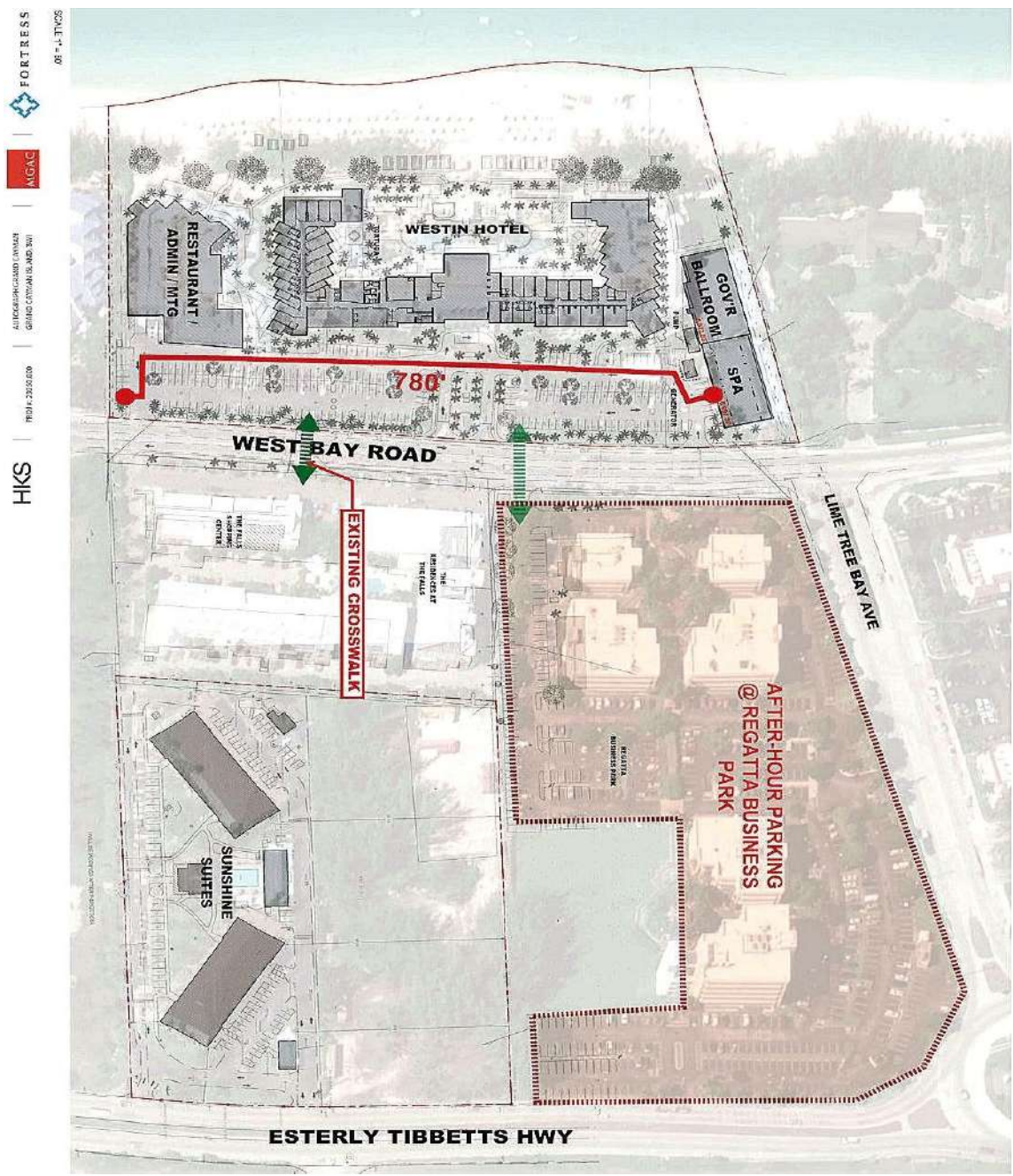
- Create an effective, identifiable and well-lit pedestrian crossing point as incorporated with and part of the landscaped street-scape that allows safe secure crossing of West Bay Road for both pedestrians and shuttles at all times of day and night as needed;
- Create more certainty for a direct connection and parking availability for guests and residents in contrast to cruise-searching hoping to find parking;
- Eliminate potential traffic generated by approximately 140 employees entering and leaving via West Bay Road;
- Provide a 5 star valet parking service (an amenity now expected in all major high-end resorts internationally, and rapidly becoming the expectation locally);
- Eliminate casual and haphazard parking along West Bay Road and adjacent properties (and a nuisance to adjacent Falls shopping centre);
- Provide excess parking that could be utilised for other local events (such as receptions at the adjacent Governor's Residence);
- Provide and maintain a comprehensive structural and integrated operational parking management plan that deploys a significantly more efficient parking system at a higher capacity without loss of amenity for both guests and residents alike.

Parking Operational Plan: (refer to Annexure C appended hereto)

Applicant intends as part of giving effect to the primary objective of creating and maintaining a comprehensive structural and integrated operational parking management plan, to deploy the following components (refer route map in attached Annexure ?):

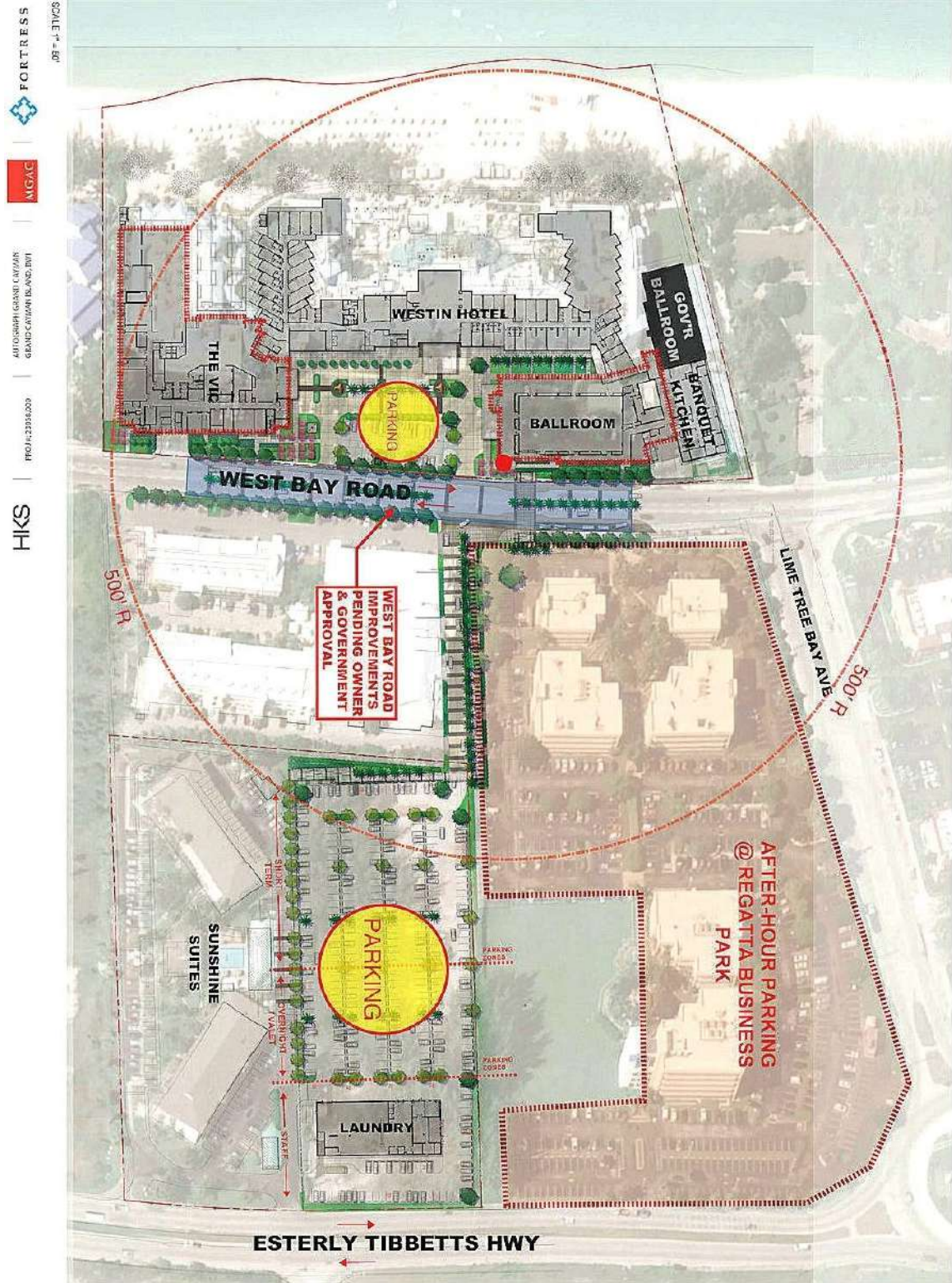
- Valet Parking service for guests and resident - indicated as blue / orange routes
- Shuttle for employees - blue dashed routes;
- Constant shuttle for self-park/local events (using electric carts) - indicated as solid blue routes
- Laundry Shuttle - off-peak delivery / drop off;
- Staging at the Westin Resort using 40 dedicated staging bays located in the proposed Forecourt of the resort as a operational 'hub';
- Valet Stand in the off-site parking lot - valets are dispatched using radio communications;
- West Bay Road beautification initiative - the initial pioneer project to create a more amenable West Bay Road pedestrian experience through the use of landscape, traffic calming and incorporating a safe pedestrian and shuttle crossing point with user request and scheduled crossing control systems.

ANNEXURE A



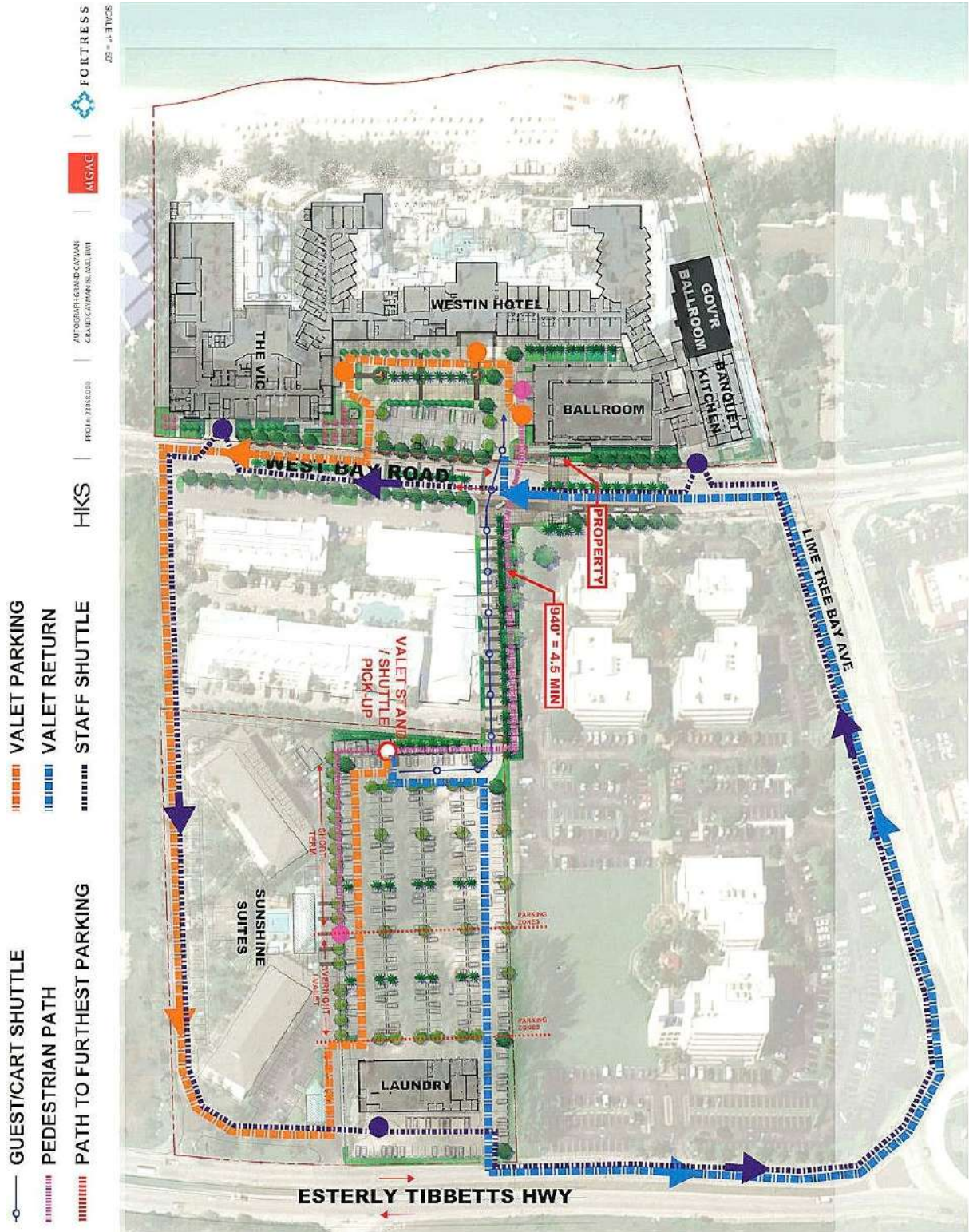


ANNEXURE B





# ANNEXURE C





06 May 2020

The Director of Planning, Planning Department Government  
Administration Building  
133, Elgin Avenue, George Town  
P O Box 113 Grand Cayman KY1-9000

Sir

WESTIN GRAND CAYMAN RESORT  
BLOCK 11D45 WEST BAY BEACH NORTH GRAND CAYMAN

**APPLICATIONS FOR PLANNING CONSENT:**

**P19-1186 Change-of-Use from Retail (Spa) to Commercial (Kitchen)**

**P20-0196 New Hotel Annex, New Conference Facility ('Ballroom') & 2 Pools** Notification of  
Intention to Combine Applications, Possible Rationalisation & Reduction of Project Scope

---

We act for Applicant /Owner /lessee Invincible Investment Corporation, as agent.

We hereby give notice that it is Applicant's intention to combine applications P19- 1186 and P20-0196 as a single application encompassing the entire project scope as set out under these applications and presenting it as an integrated project scope to the Central Planning Authority for their consideration and hopefully grant of planning consent in due course.

We intend withdrawing the plan sets for both applications as presently lodged with the Department of Planning and substituting new plan sets that describe and define the project scope as an integrated plan set in support of an amended planning application P20-0196. The consequence of this substitution is that Ownership is effectively withdrawing planning application P19-1186 as it is currently comprised.

It is also Applicant's intention to review the total area and coverage of the combined project scope and that this review may result in the reduction of total project area and coverage. We understand that planning fees already paid for application P19-1186 will be forfeited, but in the event that the review results in a lower project scope area, that the planning fees for application P20-0196 will be adjusted in accordance with Department of Planning protocols in this regard in that one half of the fee paid for area to be omitted, will be reimbursed to Applicant.

We also confirm that as a consequence of this rationalisation of the project scope giving rise to the combination of plan sets under the amended application for P20- 0196 and the effective withdrawal of application P19-1186, we will effect notification to adjoining land owners and proprietors in terms of s.15(4) Development & Planning Law (2017 Revision).

It is expected that the plan sets in support of both the above planning consent applications will be withdrawn and the amended combined project scope plan sets substituted by submission to the Department of Planning by no later than Wednesday 17 June 2020.

Yours sincerely

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  
**AMENDED APPLICATION FOR PLANNING CONSENT: MOTIVATION**  
Westin Grand Cayman Resort:, New Hotel Annex, New Conference Facility  
(‘Ballroom’), Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

---

We act for Applicant /Owner /lessee Invincible Investment Corporation as agent. An application for planning consent P20-0196 for change-of-use from guestrooms to new meeting rooms, a new Hotel Annexe and a new Conference Facility at the Westin Grand Cayman Resort, West Bay Road, Seven Mile Beach, was made to the Central Planning Authority on 26 February 2020.

We refer to AGCA letter to Director of Planning dated 06 May 2020 regarding Applicant’s intention to combine consent applications P19-1186 and P20-0196 as a single application for planning consent, refers.

We hereby request that the architectural plans package submitted in support of application P2-0196 be withdrawn with immediate effect and that the amended plans package dated 10 June 2020 uploaded with this letter, are by substitution the graphic description of the project scope as defined herein:

**DEVELOPMENT SCOPE:**

**A New Hotel Annex:**

New 10-storey hotel tower with 234 guestrooms, multi-functional 3-meal restaurant, lounge bar, fitness /wellness facilities including a spa, roof-top bar and lounge with landscaped pool and deck

Approximate area: **255,912** sq ft

## B New Conference Facility:

New sub-divisible conference facility and ballroom with pre-conference areas, and related facilities

Approximate area: **19,048** sq ft

## C Change of Use:

C1 Existing guestrooms in Westin Resort to be variously retrofitted as meeting space

Approximate area: **2,139** sq ft

C2 Existing guestrooms in Westin Resort to be variously retrofitted as retail space/hotel Back-of-House space

Approximate area: **3,056** sq ft

C3 Existing retail space in Westin Resort (Spa) to be retrofitted as a banquet kitchen for general resort catering requirements as well as ~~specific catering~~ for ~~banquets~~ to be hosted in the Conference facility

Approximate area: **3,578** sq ft

C4 Existing retail space in Westin Resort (Spa) to be retrofitted as a temporary laundry /Back-of-House operation<sup>1</sup>

Approximate area: **2,901** sq ft

## **PLANNING DATA:**

Parcel 11D45 Area:	8.60 Ac	374,616 sq ft
Maximum permitted Coverage:	40.00%	<b>149,847</b> sq ft
Existing Building Coverage:		92,819 sq ft
Existing Covered Walkway Coverage:		2,845 sq ft
Total Existing Building Coverage:		<b>95,664</b> sq ft
<i>Total Building Coverage %:</i>	25.54%	

---

<sup>1</sup> Laundry is to serve existing 343 key Westin Resort while demolition of existing restaurants, laundry and other BOH facilities and consequent construction and completion of the new Hotel Annex is effected, and laundry is to be dismantled and relocated to new premises withing the Annex. This space will then revert to BOH functions (hotel administration offices etc)

less:		
	Total Demolitions:	(23,071) sq ft
add:		
	New Hotel Annex (Tower):	35,478 sq ft
	New Conference Facility (Ballroom):	19,048 sq ft
	New Covered Walkways:	10,971 sq ft
	New Total Building Coverage:	<b>138,090</b> sq ft
	<i>New Total Building Coverage %:</i>	<i>36.86%</i>
	Existing Walkway, Roads & Decks Coverage:	101,720 sq ft
	<i>Existing Walkway, Roads &amp; Decks Coverage %:</i>	<i>27.15%</i>
	less demolitions:	(27,892) sq ft
	New Total Walkway, Roads & Decks Coverage:	<b>73,826</b> sq ft
	<i>New Total Walkway, Roads &amp; Decks Coverage %:</i>	<i>19.71%</i>

#### **Density Allowance:**

Maximum Allowable Guestrooms (65 rooms/acre):	559 rooms
Existing Guestrooms (Westin):	343 rooms
less: Guestrooms Change-of-Use:	(18 rooms)
New Guestrooms (Hotel Annex):	234 rooms
Total Proposed Guestroom Provision:	559 rooms
<i>Total Proposed Guestroom Provision %:</i>	<i>100.00%</i>

#### **Development Area (Gross): Existing:**

Total Existing Building Area:	213,955 sq ft
less: demolitions	(23,071) sq ft
Total proposed Existing Building Area:	190,884 sq ft

#### **Proposed:**

New Hotel Annex Area:	255,912 sq ft
New Conference Facility Area:	19,048 sq ft
Change-of-Use Area:	11,674 sq ft
Total Proposed Planning Consent Area:	<b>306,368</b> sq ft

## **PARKING PROVISION ANALYSIS:**

Parking provision required on parcel 11D45:

Parking required for existing Westin premises: **198 bays**

New parking provision requirements:

Hotel Annex Guestrooms (1 bay /2 rooms) net 216 rooms: **108 bays**

Restaurant Facilities (net new/adjusted areas<sup>2</sup>) **33 bays**

3-Meal Restaurant 1 bay /200 sq ft 1,244<sup>3</sup> sq ft: 7 bays

3-Meal Kitchen 1 bay /200 sq ft (1,929<sup>4</sup>) sq ft: (10) bays

Banquet Kitchen 1 bay /600<sup>5</sup> sq ft 3,578 sq ft: 6 bays

Sky Bar + Kitchen 1 bay /200 sq ft 4,291 sq ft: 22 bays

Foyer Coffee Bar 1 bay /200 sq ft 1,435 sq ft: 8 bays

Event Space (net new /adjusted areas) **23 bays**

Conference 1 bay /300 sq ft 7,297 sq ft: 25 bays

Meeting Rooms 1 bay /300 sq ft (461) sq ft: (2) bays

Retail Space **17 bays**

New Spa 1 bay /300 sq ft 7,810 sq ft: 27 bays

Reversion (existing Spa) 1 bay /300 sq ft (2,901) sq ft: (10) bays

Total Additional Parking Bay Provision required: **181 bays**

Total Parking Provision required: **379 bays**

Total Parking provided: **384 bays**

Parking bays on parcel 11D45 (Forecourt): 35 bays

Net parking available on Parcel 11D37 349 bays

Excess Parking provided: 5 bays

---

<sup>2</sup> Net area for space added- parking provision for space now demolished vs new space proposed, shown as a credit to parking provision requirements

<sup>3</sup> 5,540 sf demolished replaced by new 6,784 sf facility

<sup>4</sup> 5,945 sf demolished replaced by new 4,016 sf facility

<sup>5</sup> 'Top-up' rate difference between 1 bay /300 sf retail (spa) and 1 bay /200 sf restaurant (kitchen)

## **Request and Motivation for Variance to allow increase in Allowable off-Site Parking Provision:**

### Off-Site Parking Allowance (s.8(1)(c) D&PL Regulations 2018):

Total Required Parking:	<b>379</b> bays
75% Parking to be located on subject parcel 11D45:	284 bays
25% Parking to be located on remote parcel 11D37:	95 bays

We respectfully request that the Central Planning Authority grants Applicant a variance in terms of s. 8(13)(b) Development & Planning Law Regulations to allow the off-site parking currently provided for in terms of s.8(1)(c) to be increased from a maximum of 25% to approximately 90% as derived below without loss of amenity for or to the detriment of guests and residents in the Seven Mile Beach Corridor neighbourhood.

This variance, if granted, will permit Applicant to provide resort parking as follows:

Total Required Parking:	<b>379</b> bays
9.23% Parking to be located on subject parcel 11D45:	35 bays
90.77% Parking to be located on remote parcel 11D37:	344 bays

Actual Total Provided Parking: **384** bays

We motivate the grant of this variance in the sincere belief that several factors implicit in the developed environment of the West Bay Road corridor along Seven Mile Beach give rise to the need to ‘shed’ required parking provision from parcels west of West Bay Road (i.e. with Seven Mile Beach frontage) onto parcels east of West Bay Road that are less sensitive to loss of amenity.

We believe that in responding to these various factors as drivers for improvement and in increasing significantly the percentage of off-site parking currently allowed under Regulations, we can greatly improve the level of amenity for both guests and residents in this important hospitality and residential precinct.

Our proposed responses in this regard are to

1. allow more efficient use of the available land on those parcels in order to create better hospitality product with more amenable beach and landscape experiences for guests and residents;
2. reduce vehicular access to those resorts as far as possible by restricting the need for localised casual parking adjacent points of entry and arrival;

3. provide more remote parking facilities for the dedicated use of resort staff served by pedestrian route and shuttle service access to the resort to eliminate the predilection by staff for parking on road verges and sidewalks in the immediate precinct of the resort;
4. create a better pedestrian and non-vehicular experience along West Bay Road as a pleasant and safe alternative to beach walks etc that encourage guests and residents to explore local shopping and restaurant destinations located along these landscaped roadways;
5. divert as far as possible vehicles from needing to access resorts only from West Bay Road and providing parking opportunities accessible off Esterley Tibbetts Highway for guests and residents and with easy pedestrian access to the destination resort itself.

Existing Conditions: *(refer to **Annexure A** attached)*

Currently Applicant provides 198 parking spots to accommodate 343 guestrooms, two restaurants and approximately 10,000 sq ft of meeting and conference space. Staff and employees use about 80 of these bays per shift and rental cars about 20 bays. This leaves around 104 parking bays for social and local traffic needs.

Applicant also provides Sunshine Suites guests (who are allowed access to the Westin Resort facilities) access to two 10-person electric shuttle carts which run continuously between the two resorts. Other pedestrian traffic are left to cross West Bay Roads they see fit and many do not use the current blinking pedestrian crossing due to its inconvenient location and the lack of directional signage etc.

Local catered charity events such as galas and weekend brunch patrons are left to find parking at these peak times and many find themselves frustrated at the apparent lack of 'convenient' parking leave their vehicle along roadway verges or on adjacent properties and vacant lots.

This situation, even for the existing Westin Resort as it stands, is not conducive to the amenity of the neighbourhood for its guests and residents, and presents an opportunity for structural and operational improvement.

Proposed Improved Parking Facilities: *(refer to **Annexure B** attached)*

In terms of the variance as requested, and notwithstanding that the area proposed to accommodate off-site parking is approximately 400 ft away from the Westin resort (approximately 4 minute walk), in order to providing organised parking that alleviates these congestion issues, Applicant as resort operator proposes to do the following:



- Provide approximately 140 bay dedicated resort staff/employee parking
- Provide a dedicated continuous shuttle connection to the resort for use by staff, guests and residents if they so desire or require;
- Provide a total of 384 parking bays to accommodate 559 guestrooms and related facilities- a significantly more generous ratio of 1.46 rooms per bay compared to the existing Resort's ratio of 1.75 rooms per bay (or the minimum provision of 2 rooms per bay required under Development & Planning Law provision);
- Provide more flexibility in parking provision for evening gala and entertainment events for local residents;
- Create in partnership with the National Roads Authority a landscaped street-scape where the resort fronts onto West Bay Road consistent with the expectations of a 1<sup>st</sup> class 5 star resort destination and similar and equal to the landscaping created at Camana Bay;
- Create an effective, identifiable and well-lit pedestrian crossing point as incorporated with and part of the landscaped street-scape that allows safe secure crossing of West Bay Road for both pedestrians and shuttles at all times of day and night as needed;
- Create more certainty for a direct connection and parking availability for guests and residents in contrast to cruise-searching hoping to find parking;
- Eliminate potential traffic generated by approximately 140 employees entering and leaving via West Bay Road;
- Provide a 5 star valet parking service (an amenity now expected in all major high-end resorts internationally, and rapidly becoming the expectation locally);
- Eliminate casual and haphazard parking along West Bay Road and adjacent properties (and a nuisance to adjacent Falls shopping centre);
- Provide excess parking that could be utilised for other local events (such as receptions at the adjacent Governor's Residence);
- Provide and maintain a comprehensive structural and integrated operational parking management plan that deploys a significantly more efficient parking system at a higher capacity without loss of amenity for both guests and residents alike.

Parking Operational Plan: (*refer to **Annexure C** attached*)

Applicant intends as part of giving effect to the primary objective of creating and maintaining a comprehensive structural and integrated operational parking management plan, to deploy the following components (refer route map in attached Annexure?):

- Valet Parking service for guests and resident - indicated as blue / orange routes
- Shuttle for employees - blue dashed routes;

- Constant shuttle for self-park/local events (using electric carts) - indicated as solid blue routes
- Laundry Shuttle - off-peak delivery / drop off;
- Staging at the Westin Resort using 40 dedicated staging bays located in the proposed Forecourt of the resort as a operational 'hub';
- Valet Stand in the off-site parking lot - valets are dispatched using radio or WiFi communications;
- West Bay Road beautification initiative - the initial pioneer project based on NRA's 'Complete Street' principles and concepts to create a more amenable West Bay Road pedestrian experience through the use of landscape, traffic calming and incorporating a safe pedestrian and shuttle crossing point with user request and scheduled crossing control systems.

We thank you for your consideration of this application for planning consent.

Yours sincerely

14 July 2020

**P20-0196**

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

BLOCK 11 D45 WEST BAY BEACH NORTH GRAND CAYMAN

**AMENDED APPLICATION FOR PLANNING CONSENT: MOTIVATION**

Westin Grand Cayman Resort:, New Hotel Annex, New Conference Facility ('Ballroom'),  
Change-of-Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Pools

---

We act for Applicant/Owner/lessee Invincible Investment Corporation as agent. An application for planning consent P20-0196 for change-of-use from guestrooms to new meeting rooms, a new Hotel Annex and a new Conference Facility at the Westin Grand Cayman Resort, West Bay Road, Seven Mile Beach, was made to the Central Planning Authority on 26 February 2020.

We refer to AGCA letter to Director of Planning dated 06 May 2020 regarding Applicant's intention to combine consent applications P19-1186 and P20-0196 as a single application for planning consent, refers.

We hereby request that the architectural plans packages submitted in support of application P2-0196 be withdrawn with immediate effect and that the amended plans package dated 10 June 2020 uploaded with this

letter, are by substitution the graphic description of the project scope as defined herein:

## **DEVELOPMENT SCOPE:**

### **A New Hotel Annex:**

New 10-storey hotel tower with 234 guestrooms, multi-functional 3-meal restaurant, lounge bar, fitness /wellness facilities including a spa, roof-top bar and lounge with landscaped pool and deck

Approximate area: **255,912** sq ft

### **B New Conference Facility:**

New sub-divisible conference facility and ballroom with pre-conference areas, and related facilities

Approximate area: **19,048** sq ft

### **C Change of Use:**

C1 Existing guestrooms in Westin Resort to be variously retrofitted as meeting space

Approximate area: **2,139** sq ft

C2 Existing guestrooms in Westin Resort to be variously retrofitted as retail space/hotel Back-of-House space

Approximate area: **3,056** sq ft

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Approximate area: **3,578** sq ft

C4 Existing retail space in Westin Resort (Spa) to be retrofitted as a temporary laundry /Back-of-House operation<sup>1</sup>

Approximate area: **2,901** sq ft

## **PLANNING DATA:**

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Maximum permitted Coverage:	40.00%	<b>149,847</b> sq ft
Existing Building Coverage:		92,819sq ft
Existing Covered Walkway Coverage:		2,845 sqft

---

1 Temporary laundry is to serve the existing 343 key Westin Resort while demolition of existing restaurants, laundry and other BOH facilities and consequent construction and completion of the new Hotel Annex is effected. This temporary laundry is to be dismantled and installed in new premises within the Hotel Annex and the space will revert to BOH functions (hotel administration offices etc) **NOTE: Applicant intends making application to CPA to modify planning consent grant CPA/04/20 Item 2.5 (P19-1187) to omit this Laundry facility.**

Total Existing Building Coverage:		<b>95,664</b> sq ft
<i>Total Building Coverage %:</i>	25.54%	
less:		
Total Demolitions:		(23,071) sq ft
add:		
New Hotel Annex (Tower):		35,478sq ft
New Conference Facility (Ballroom): New		19,048sq ft
Covered Walkways:		10,971 sq ft
New Total Building Coverage:		<hr/> <b>138,090</b> sq ft
<i>New Total Building Coverage %:</i>	36.86%	
Existing Walkway, Roads & Decks Coverage:		101,720sq ft
<i>Existing Walkway, Roads &amp; Decks Coverage %:</i> less	27.15%	
demolitions:		(27,892)sq ft
New Total Walkway, Roads & Decks Coverage:		<hr/> <b>73,826</b> sq ft
<i>New Total Walkway, Roads &amp; Decks Coverage %:</i>	19.71%	

## **Density Allowance:**

Maximum Allowable Guestrooms(65 rooms/acre):	559rooms
Existing Guestrooms (Westin):	343rooms
less: Guestrooms Change-of-Use:	(18 rooms)
New Guestrooms(Hotel Annex):	234rooms
Total Proposed Guestroom Provision:	559rooms
<i>Total Proposed Guestroom Provision %:</i>	100.00%

<b>Development Area (Gross):</b> Existing:	
Total Existing Building Area:	213,955 sq ft

less: demolitions	(23,071) sq ft
Total proposed Existing Building Area:	190,884 sq ft
Proposed:	
New Hotel Annex Area:	255,912 sq ft
New Conference Facility Area:	19,048 sq ft
Change-of-Use Area:	11,674 sq ft
Total Proposed Planning Consent Area:	<b>306,368</b> sq ft

## **PARKING PROVISION ANALYSIS:**

Parking provision required on parcel 11D45:

Parking required for existing Westin premises: **198** bays

New parking provision requirements:

Hotel Annex Guestrooms	(1 bay/2 rooms) net 216 rooms:	<b>108</b> bays
Restaurant Facilities (net new /adjusted areas <sup>2</sup> )		<b>33</b> bays
3-Meal Restaurant	1 bay/200 sq ft	1,244 <sup>3</sup> sq ft: 7 bays
3-Meal Kitchen	1 bay/200 sq ft	(1,929 <sup>4</sup> ) sq ft: (10) bays
Banquet Kitchen	1 bay/600 <sup>5</sup> sq ft	3,578 sq ft: 6 bays
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Foyer Coffee Bar	1 bay/200 sq ft	1,435 sq ft: 8 bays
Event Space (net new /adjusted areas)		<b>23</b> bays
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Meeting Rooms	1 bay/300 sq ft	(461) sq ft: (2) bays
Retail Space		<b>17</b> bays
New Spa	1 bay/300 sq ft	7,810 sq ft: 27 bays
Reversion (existing Spa)	1 bay/300 sq ft	(2,901) sq ft: (10) bays
Total Additional Parking Bay Provision required:		<b>181</b> bays
Total Parking Provision required:		<b>379</b> bays
Total Parking provided:		<b>384</b> bays
Parking bays on parcel 11D45 (Forecourt): Net		35 bays
parking available on Parcel 11D37 Excess		349 bays
Parking provided:		5 bays

---

<sup>1</sup> Net area for space added - parking provision for space now demolished vs new space proposed, shown as a credit to parking provision requirements

<sup>2</sup> 5,540 sf demolished replaced by new 6,784 sf facility

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## **Request and Motivation for Variance to allow increase in Allowable off-Site Parking Provision:**

### Off-Site Parking Allowance (s.8(1)(c) D&PL Regulations 2018):

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We respectfully request that the Central Planning Authority grants Applicant a variance in terms of s. 8(13)(b) Development & Planning Law Regulations to allow the off-site parking currently provided for in terms of s. 8(1)(c) to be increased from a maximum of 25% to approximately 90% as derived below without loss of amenity for or to the detriment of guests and residents in the Seven Mile Beach Corridor neighbourhood.

This variance, if granted, will permit Applicant to provide resort parking as follows: Total Required

Parking:	<b>379</b> bays
9.23% Parking to be located on subject parcel 11D45:	35 bays
90.77% Parking to be located on remote parcel 11D37:	344 bays Actual

Total Provided Parking:	<b>384</b> bays
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We motivate the grant of this variance in the sincere belief that several factors implicit in the developed environment of the West Bay Road corridor along Seven Mile Beach give rise to the need to 'shed' required parking provision from parcels west of West Bay Road (i.e. with Seven Mile Beach frontage) onto parcels east of West Bay Road that are less sensitive to loss of amenity.

We believe that in responding to these various factors as drivers for improvement and in increasing significantly the percentage of off-site parking currently allowed under Regulations, we can greatly improve the level of amenity for both guests and residents in this important hospitality and residential precinct.

Our proposed responses in this regard are to

1. allow more efficient use of the available land on those parcels in order to create better hospitality product with more amenable beach and landscape experiences for guests and residents;
2. reduce vehicular access to those resorts as far as possible by restricting the need for localised casual parking adjacent points of entry and arrival;
3. provide more remote parking facilities for the dedicated use of resort staff served by pedestrian route and shuttle service access to the resort to eliminate the predilection by staff for parking on road verges and sidewalks in the immediate precinct of the resort;
4. create a better pedestrian and non-vehicular experience along West Bay Road as a pleasant and safe alternative to beach walks etc that encourage guests and residents to explore local shopping and restaurant destinations located along these landscaped roadways;
5. divert as far as possible vehicles from needing to access resorts only from West Bay Road and providing parking opportunities accessible off Esterley Tibbetts Highway for guests and residents and with easy pedestrian access to the destination resort itself.

Existing Conditions: *(refer to Annexure A attached)*

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Local catered charity events such as galas and weekend brunch patrons are left to find parking at these peak times and many find themselves frustrated at the apparent lack of 'convenient' parking leave their vehicle along roadway verges or on adjacent properties and vacant lots.

This situation, even for the existing Westin Resort as it stands, is not conducive to the amenity of the neighbourhood for its guests and residents, and presents an opportunity for structural and operational improvement.

Proposed Improved Parking Facilities: *(refer to Annexure B attached)*

In terms of the variance as requested, and notwithstanding that the area proposed to accommodate off-site parking is approximately 400 ft away from the Westin resort (approximately 4 minute walk), in order to providing organised parking that alleviates these congestion issues, Applicant as resort operator proposes to do the following:



We thank you for your consideration of this application for planning consent.

Yours sincerely

- Provide approximately 140 bay dedicated resort staff/employee parking
- Provide a dedicated continuous shuttle connection to the resort for use by staff, guests and residents if they so desire or require;
- Provide a total of 384 parking bays to accommodate 559 guestrooms and related facilities- a significantly more generous ratio of 1.46 rooms per bay compared to the existing Resort's ratio of 1.75 rooms per bay (or the minimum provision of 2 rooms per bay required under Development & Planning Law provision);
- Provide more flexibility in parking provision for evening gala and entertainment events for local residents;
- Create in partnership with the National Roads Authority a landscaped street- scape where the resort fronts onto West Bay Road consistent with the expectations of a 1<sup>st</sup> class 5 star resort destination and similar and equal to the landscaping created at Camana Bay;
- Create an effective, identifiable and well-lit pedestrian crossing point as incorporated with and part of the landscaped street-scape that allows safe secure crossing of West Bay Road for both pedestrians and shuttles at all times of day and night as needed;
- Create more certainty for a direct connection and parking availability for guests and residents in contrast to cruise-searching hoping to find parking;
- Eliminate potential traffic generated by approximately 140 employees entering and leaving via West Bay Road;
- Provide a 5 star valet parking service (an amenity now expected in all major high- end resorts internationally, and rapidly becoming the expectation locally);
- Eliminate casual and haphazard parking along West Bay Road and adjacent properties (and a nuisance to adjacent Falls shopping centre);
- Provide excess parking that could be utilised for other local events (such as receptions at the adjacent Governor's Residence);
- Provide and maintain a comprehensive structural and integrated operational parking management plan that deploys a significantly more efficient parking system at a higher capacity without loss of amenity for both guests and residents alike.

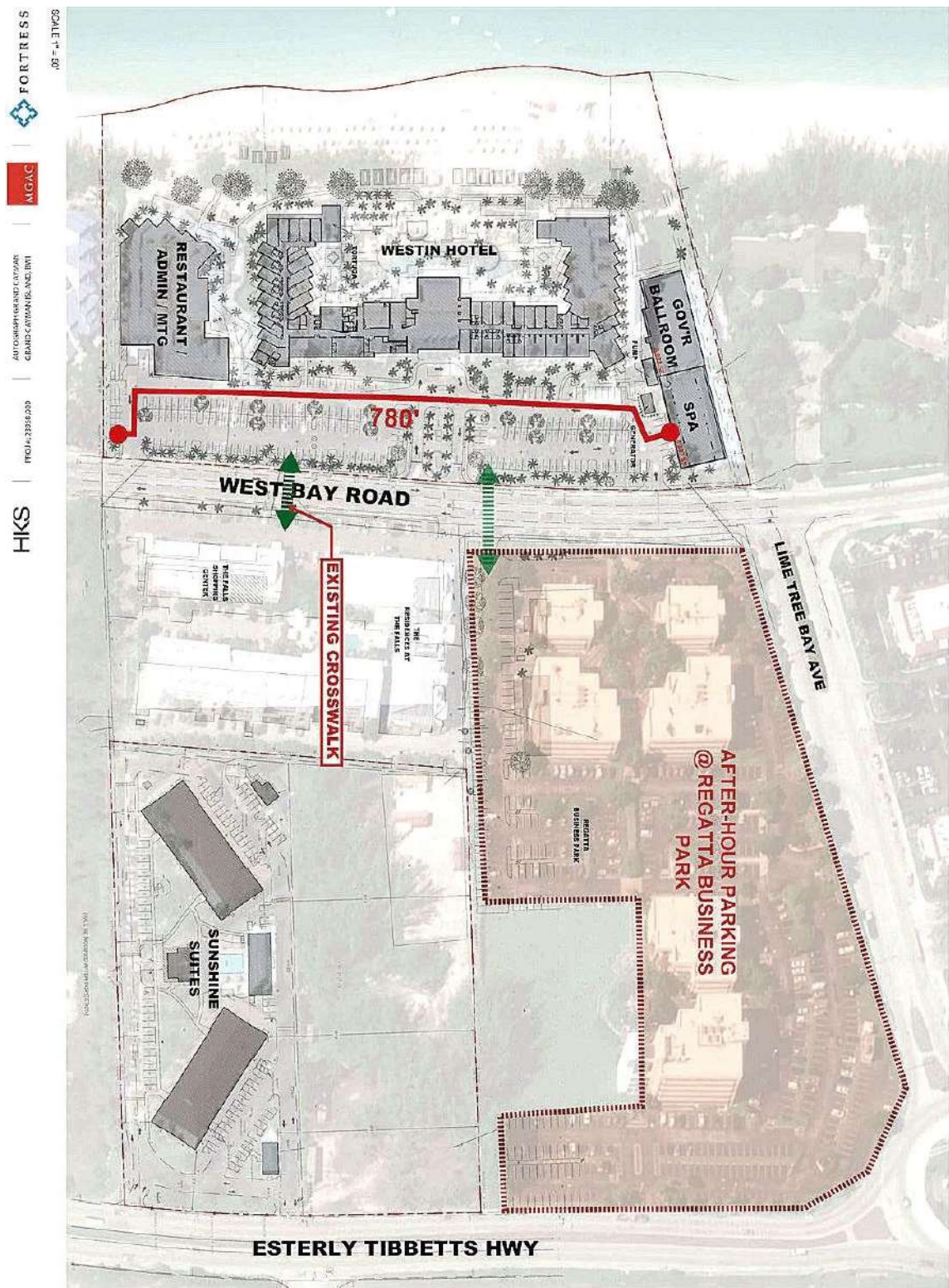
Parking Operational Plan: (refer to **Annexure C** attached)

Applicant intends as part of giving effect to the primary objective of creating and maintaining a comprehensive structural and integrated operational parking management plan, to deploy the following components (refer route map in attached Annexure ?):

- Valet Parking service for guests and resident - indicated as blue/orange routes
- Shuttle for employees - blue dashed routes;

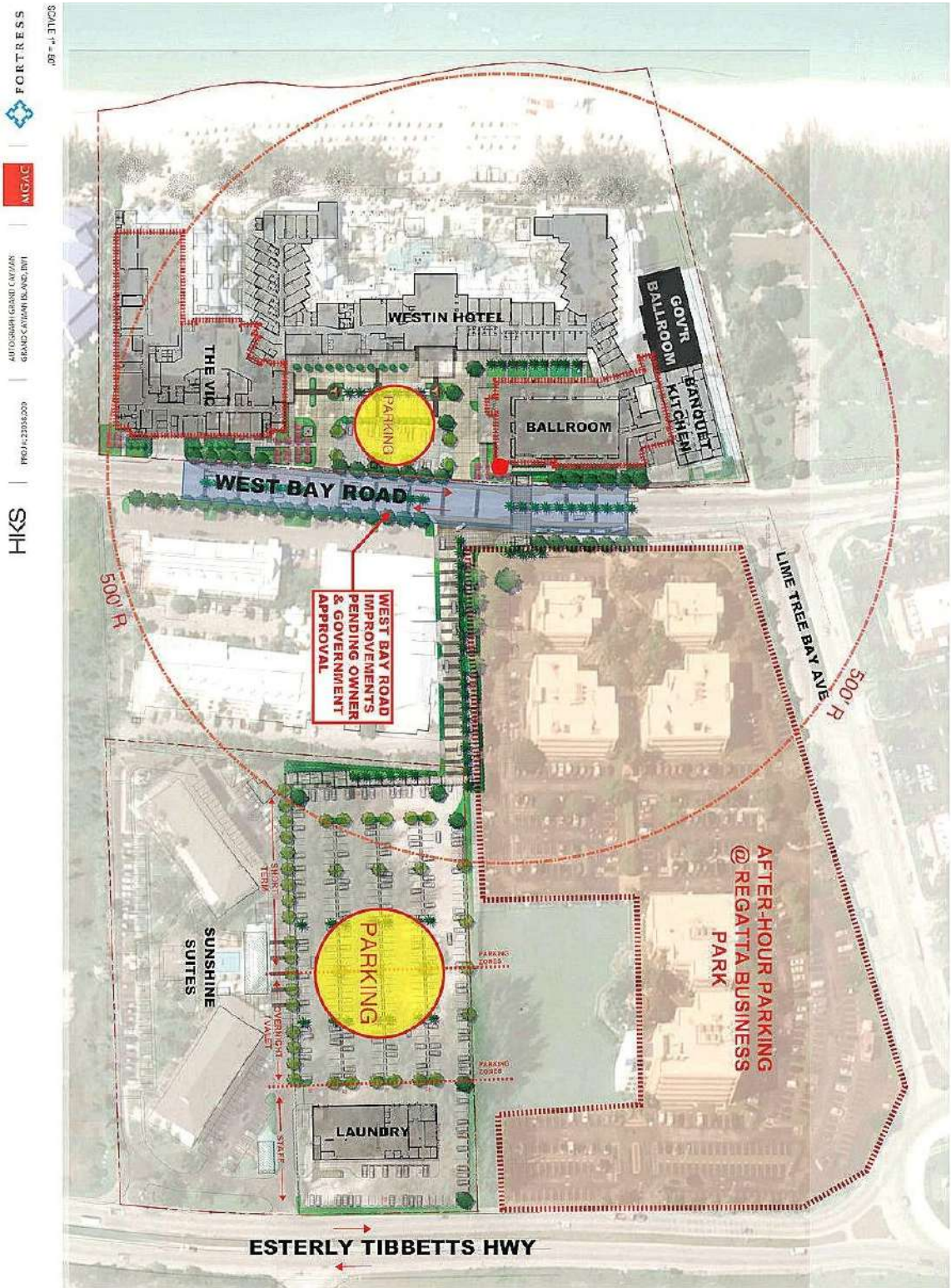
- Constant shuttle for self-park/local events (using electric carts) - indicated as solid blue routes
- Laundry Shuttle - off-peak delivery / drop off;
- Staging at the Westin Resort using 40 dedicated staging bays located in the proposed Forecourt of the resort as a operational 'hub';
- Valet Stand in the off-site parking lot - valets are dispatched using radio or WiFi communications;
- West Bay Road beautification initiative - the initial pioneer project based on NRA's 'Complete Street' principles and concepts to create a more amenable West Bay Road pedestrian experience through the use of landscape, traffic calming and incorporating a safe pedestrian and shuttle crossing point with user request and scheduled crossing control systems.

ANNEXURE A



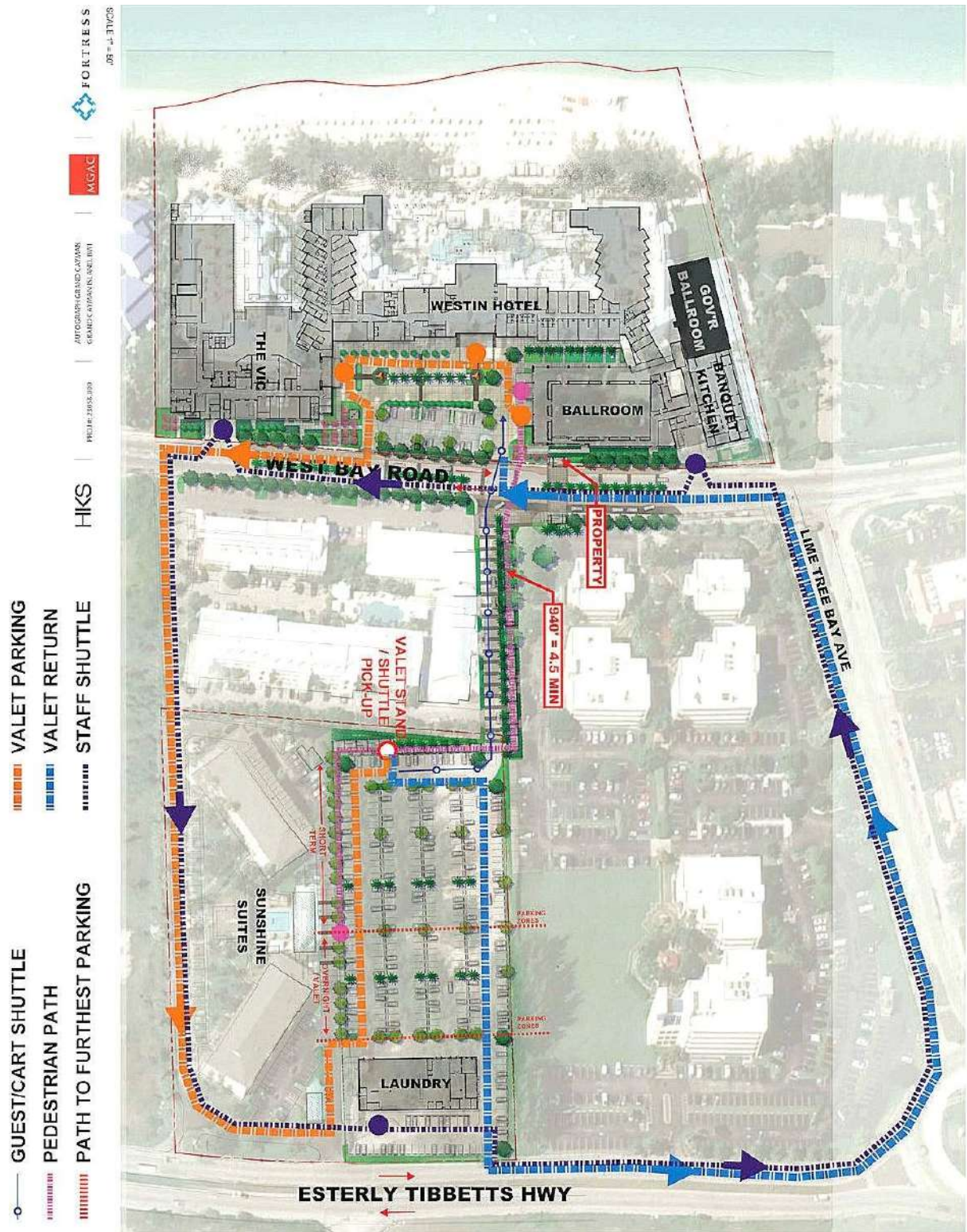


ANNEXURE B





ANNEXURE C



MEMO

24/08/2020

TO : Colleen Stoetzel, Planner  
FROM : Andrew Gibb, Architect of Record

**WESTIN+AGC RESORT:  
STAGE III PLANNING CONSENT APPLICATION (P20-0196) LAUNDRY  
COMPONENT**

---

Application was made on 25 October 2019 to CPA for planning consent<sup>1</sup> for a 9,970 sq ft building on parcel 11D37 intended *inter alia* as a dedicated in-house laundry facility with the capacity of handling up to 600 guest keys' equivalent laundry processing including washing, drying and pressing all linen and cotton softs required to serve those keys on a daily basis.

On further reconsideration (arising out of value engineering as well as a review of operational plans and a final estimate of guestroom capacity), Ownership found that it was a more efficient use of space to keep laundry on-site with the existing and proposed new Westin Resort facilities on parcel 11D45. By doing so, the need to transport laundry back-and-forth between the parcels on West Bay Road and Esterley Tibbetts Highway on a twice-daily basis, was eliminated- with the benefits of reduced road usage and increased safety. Retaining the laundry on-site at the Westin also makes more efficient use of staffing by keeping centrally located to the existing back of house. It also eliminates redundant mechanical equipment and utility hook-ups, making it more cost friendly and energy efficient.

By eliminating the Laundry on parcel 11D37, Ownership preserve the flexibility of this parcel for future and possible more efficient use such as additional parking provision, retail facilities or other similar development opportunities in the future.

In order to achieve the above, a temporary laundry is needed to serve the existing 343 key Westin Resort while demolition of existing Annex is effected prior to construction of the Annexe. This temporary laundry is to be dismantled and installed in new premises within the Hotel Annex once complete and the space will revert to BOH functions (hotel administration offices etc).

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<sup>1</sup> Applicant intends making application to CPA in due course to modify planning consent grant CPA/04/20 Item 2.5 (P19-1187) to omit this Laundry facility.

MEMO

27/08/2020

TO Colleen Stoetzel, Planner  
FROM Andrew Gibb, Architect of Record

WESTIN+AGC RESORT:  
STAGE III PLANNING CONSENT APPLICATION (P20-0196) STRATA PLAN  
NO. 12 'VILLAS OF THE GALLEON': OBJECTIONS CRANE BOOM SWING /  
SHADE & SUNLIGHT

---

The attached letter of objection from Priestleys Attorneys-at-Law dated 30 July 2020 and acting for objector Strata Plan No. 12 'Villas of the Galleon' (VotG) (Strata Corporation) refers.

We note the contents of the letter and the nature of the objections which are mostly general objections made against the development and which relate *inter alia* to an alleged negative impact on economic welfare of the Villas of the Galleon, noise pollution and the effect of construction work. We cannot address these general objections and will defer to the Central Planning Authority in this regard as the proposed development meets the constraints imposed by the Hotel/Tourism development zone as defined.

We wish to address two specific grounds for objections as made in the letter, and as highlighted in the attached copy (for your reference):

**OBJECTION R1: Negative impact on 'views and sunlight' enjoyed by VotG**

The attached shadow analysis indicates that other than a narrow strip south of the proposed hotel tower over the north boundary of parcel 11D1 (VotG) which occurs in the summer solstice, the tower itself does not cast a shadow at any other time of the year- we conclude that there is no negative impact on sunlight enjoyment by residents of VotG. We cannot comment on views, as there is no apparent change to the normal prospect (views) currently enjoyed by residents when substituting the existing restaurant block with the proposed hotel tower.

**OBJECTION R2: Tower crane boom oversailing VotG property**

Liability for damage to persons or property arising out of a tower crane used in support of construction activities is always covered under a competent Contractor's All Risk Insurance Policy that specifically includes and defines this



**WESTIN+AGC RESORT:**

**STAGE III PLANNING CONSENT APPLICATION (P20-0196) STRATA PLAN  
NO. 12 'VILLAS OF THE GALLEON': OBJECTIONS CRANE BOOM SWING /  
SHADE & SUNLIGHT 27/08/2020 Page 2**

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risk and consequential cover.

It is common practice to allow crane booms to oversail property adjacent to a construction site, provided best practice is adhered to when deploying the crane and associated equipment. A boom swing diagram and crane location diagram will form part of the construction site planning documentation normally required of Applicant prior to issue of a permit for construction, and which is also usually a condition of planning consent grant. This document will be made available to VotG Strata Corporation in due course for their inspection and comments.

Second Floor, Caribbean Plaza  
878 West Bay Road  
George Town  
P.O. Box 30310  
Grand Cayman KY1-1202  
Cayman Islands  
Tel. +1 345 946 1577  
Fax. +1 345 947 0826

Our ref:

30 July 2020

Director of Planning  
P.O. Box 113  
Grand Cayman KY1-9000

BY EMAIL to [planning.dept@gov.ky](mailto:planning.dept@gov.ky)

Dear Sir

Re: Planning application by Invincible Investment  
Block and Parcel 11D45  
Development of a new hotel annex, associated facilities and new conference facility

We represent the Proprietors of Strata Plan No. 12 (“Villas of the Galleon”) in respect of an application for planning permission by Invincible Investment (“The Applicant”) to develop a new hotel annex, associated facilities and new conference facility on Block and Parcel 11D45 (“The Site”).

Please accept this correspondence as the Villas of the Galleon’s formal objection to the application.

### Proposed Development

The Applicant has submitted a proposal for a \$150 million development for a 10 storey tower block adjacent to the Villas of the Galleon property.

### Legal Framework

Any proposed development within Grand Cayman is required to meet the prescribed criteria set out in the Development and Planning Law (2017 Revision) (‘Law’), The Development and Planning Regulations (as revised) and also conform with The Development Plan 1997, Planning statement (“Statement”).

Section 4.1 of the Statement provides “The requirements of the Law, Regulations, and this statement will be applied in considering applications to develop land

Section 1.2 of the Statement sets out “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 and subject thereto the environment ”

The proposed site is within the Hotel/Tourism Zone. Section 3.04 of the Statement prescribes the requirements for a proposed development within the hotel/tourism zone as follows:

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

The Authority shall apply the Hotel/Tourism Zone 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 required 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. ”

#### Grounds for objection to proposed development

##### Negative impact on economic welfare of Villas of the Galleon

In view of the scale and height of the proposed development and the location of the site being adjacent to the Villas of the Galleon there are concerns in respect to the effect this will have on the quality and character of the Villas of the Galleon.

##### SPECIFIC OBJECTION #1

The proposed 10 storey development will be visually prominent and incompatible with the surrounding area whilst also having potential to impact the views and sunlight of the adjacent property.

It is evident that the proposed development is designed to maximise the full development potential of the Site. With reference to the considerations at paragraphs a), b) and c) above we are concerned that the over-development of the Site will have a negative impact on Villas of the Galleon.

Guests who choose to vacation at Villas of the Galleon to enjoy the luxury and relaxation along with the attractive surroundings will be discouraged by the proposed development. We have concerns in respect to the consequences and loss of rental income for Villas of the Galleon.

Furthermore we have concerns that the scale and height of the proposed development will have a detrimental impact on the value of the property at Villas of the Galleon.

#### Noise pollution

Villas of the Galleon is presently marketed as a vacation destination which offers luxury accommodation for guests to come and relax. There are concerns in respect to the noise pollution which will inevitably be generated by the proposed development and the effect that this will have both on the residents at Villas of the Galleon and also on the vacationing guests.

#### Effect of construction work

SPECIFIC OBJECTION #2

In view of the scale of the proposed development there is a potential need for the use of a tower crane and we have concerns in respect to the impact of this on the properties at Villas of the Galleon and the potential to oversail our client's property.

Further to this we have concerns regarding the disruption and noise which will be generated during the construction of the development and the effect that this will have both on the residents of the Villas of the Galleon and also on the guests vacationing at the property.

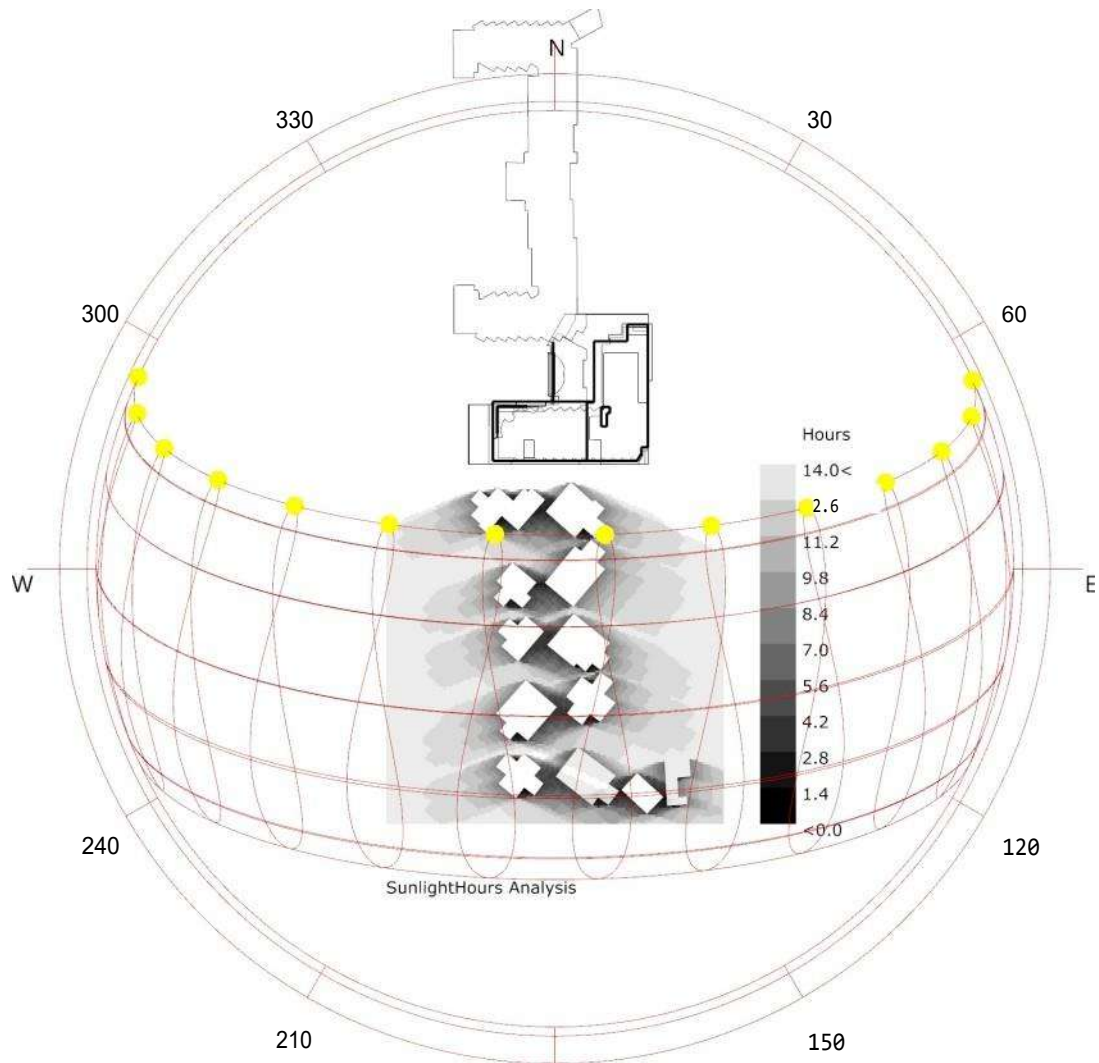
#### **Conclusion**

For the aforementioned reasons, Villas of the Galleon vigorously objects to the application.

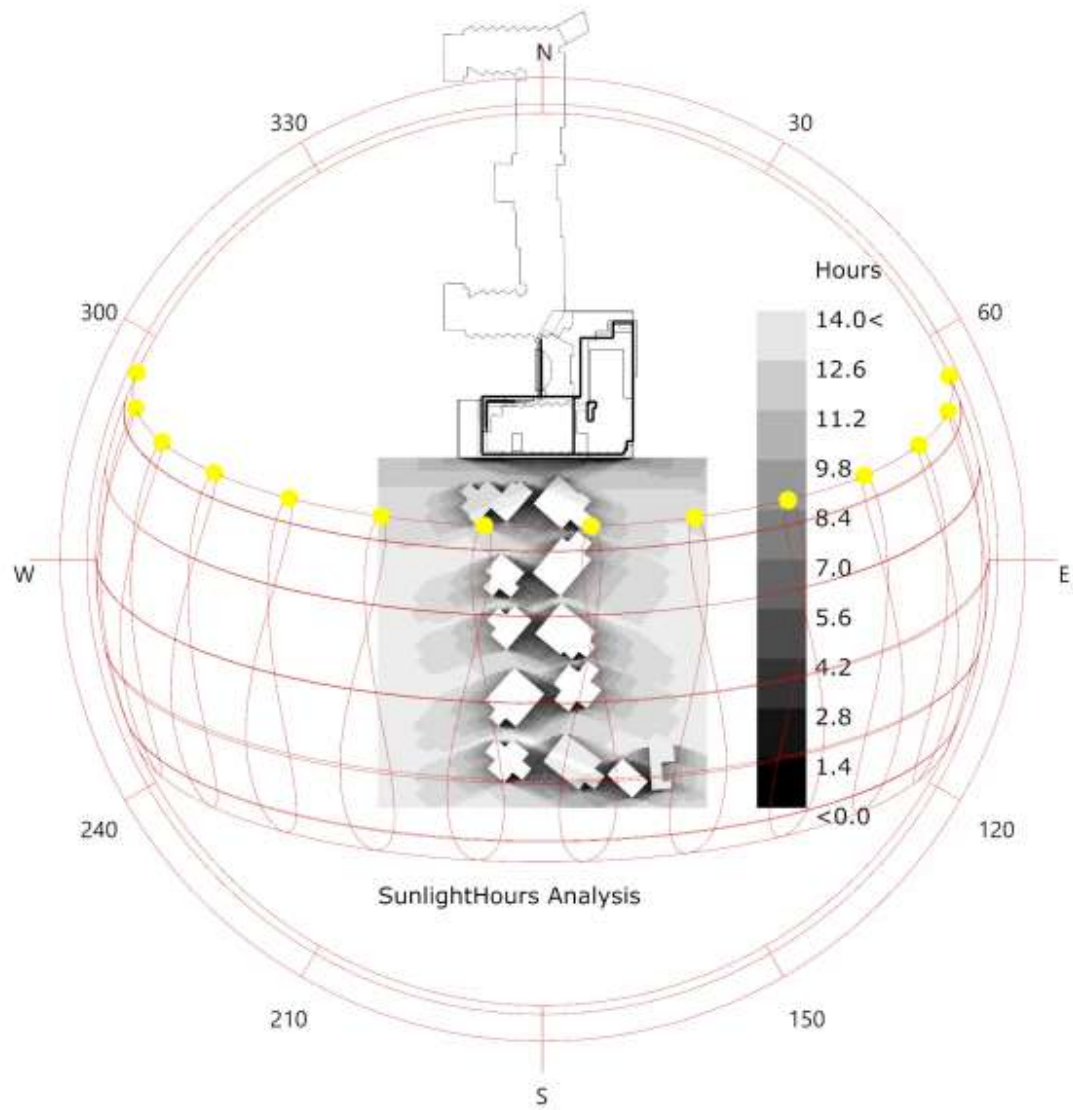
Yours faithfully,

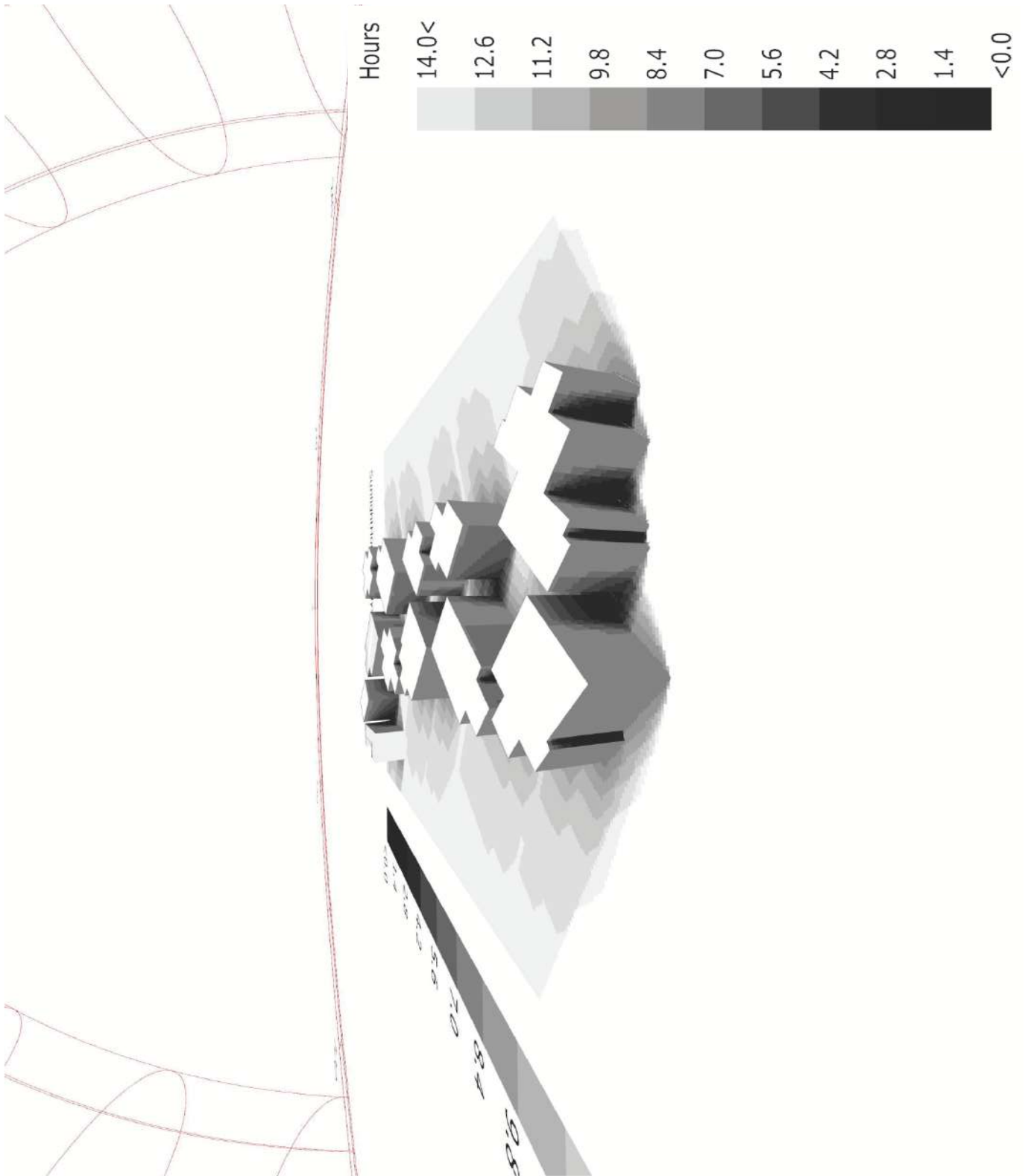
**PRIESTLEYS**

**Summer Day  
No Tower**



**Summer Day  
With Tower**

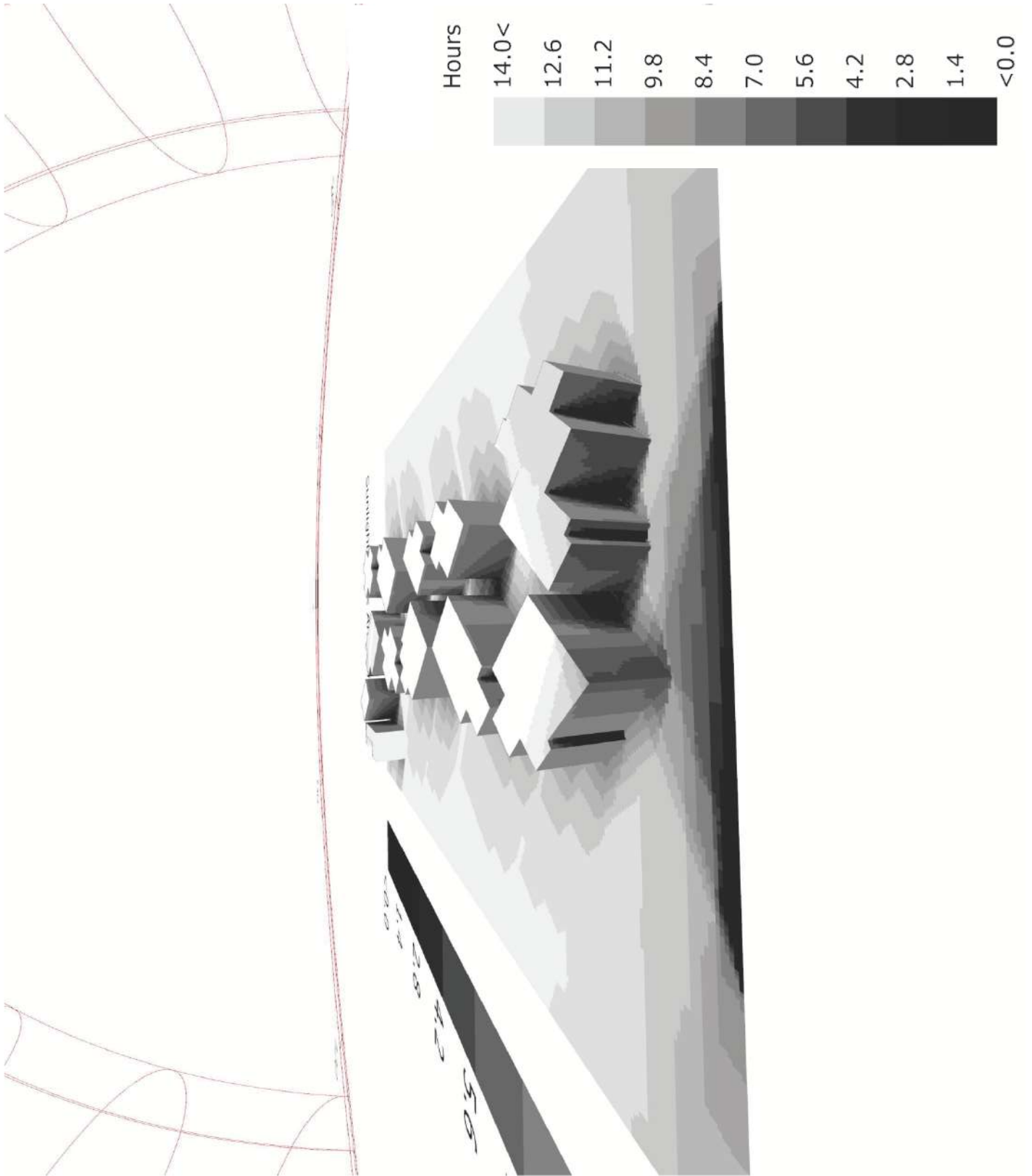




**Summer Day**  
**No Tower**

**view South from proposed Tower**

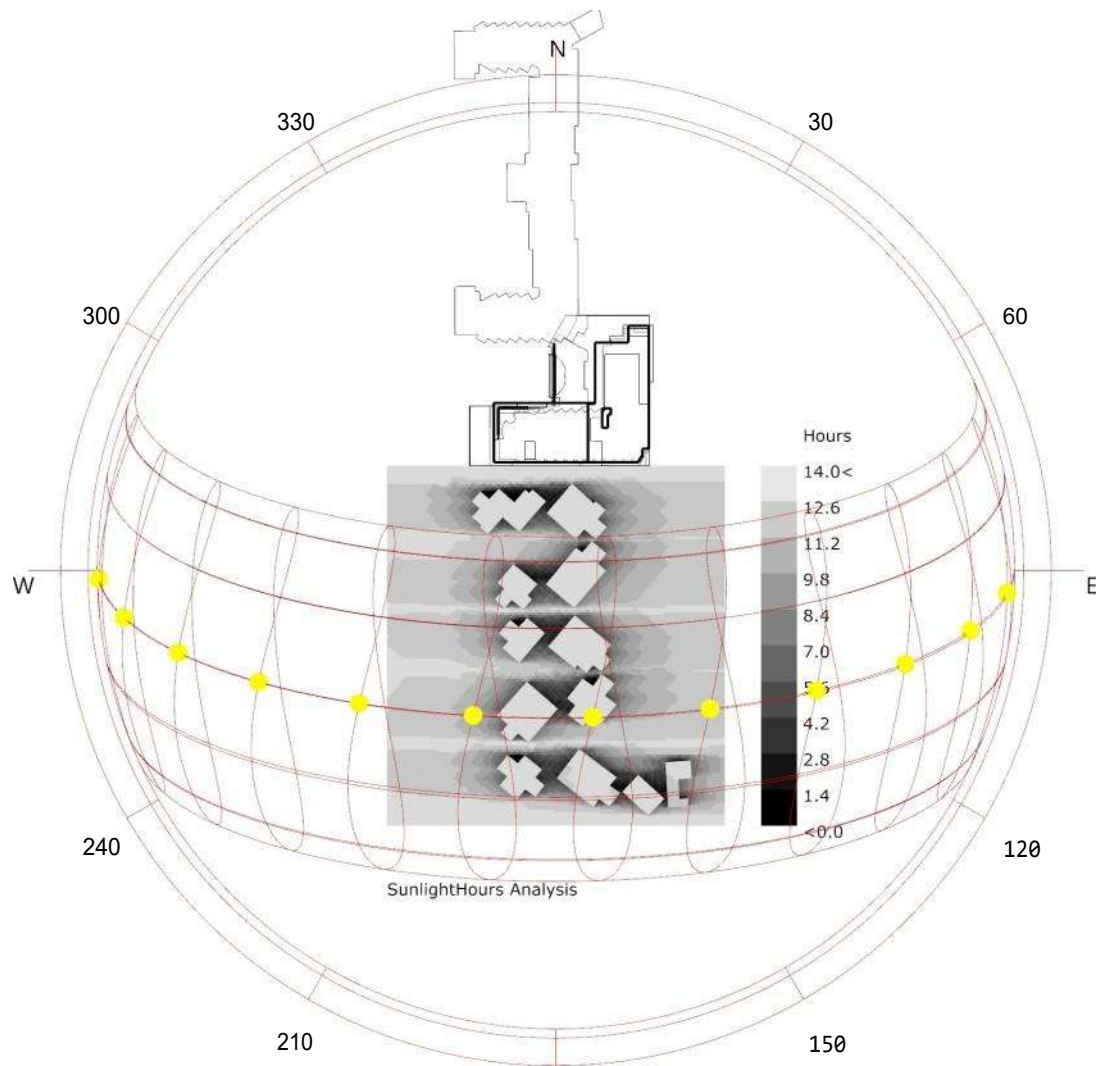




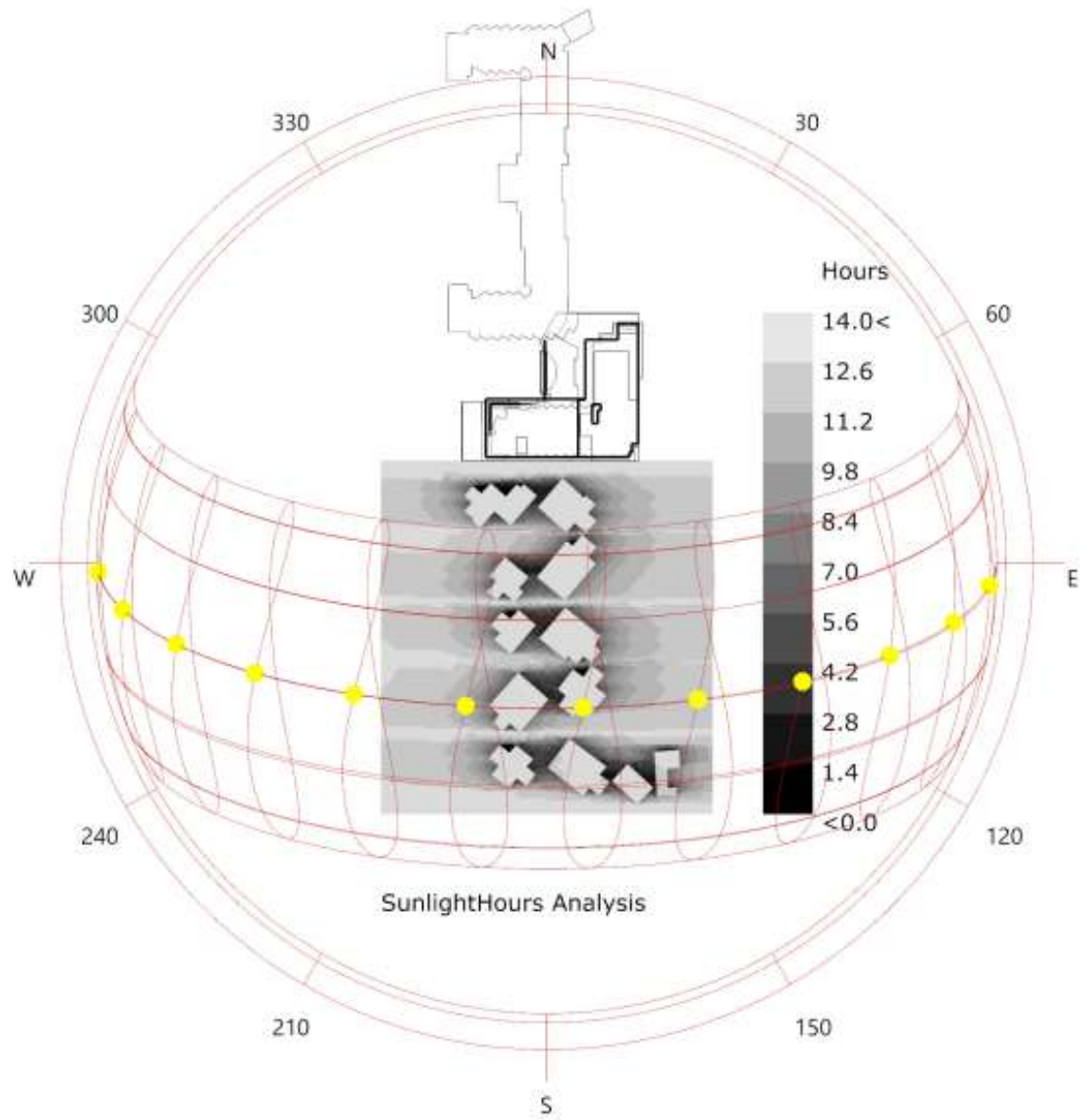
**Summer Day  
With Tower**

**view SOUTH from proposed Tower**

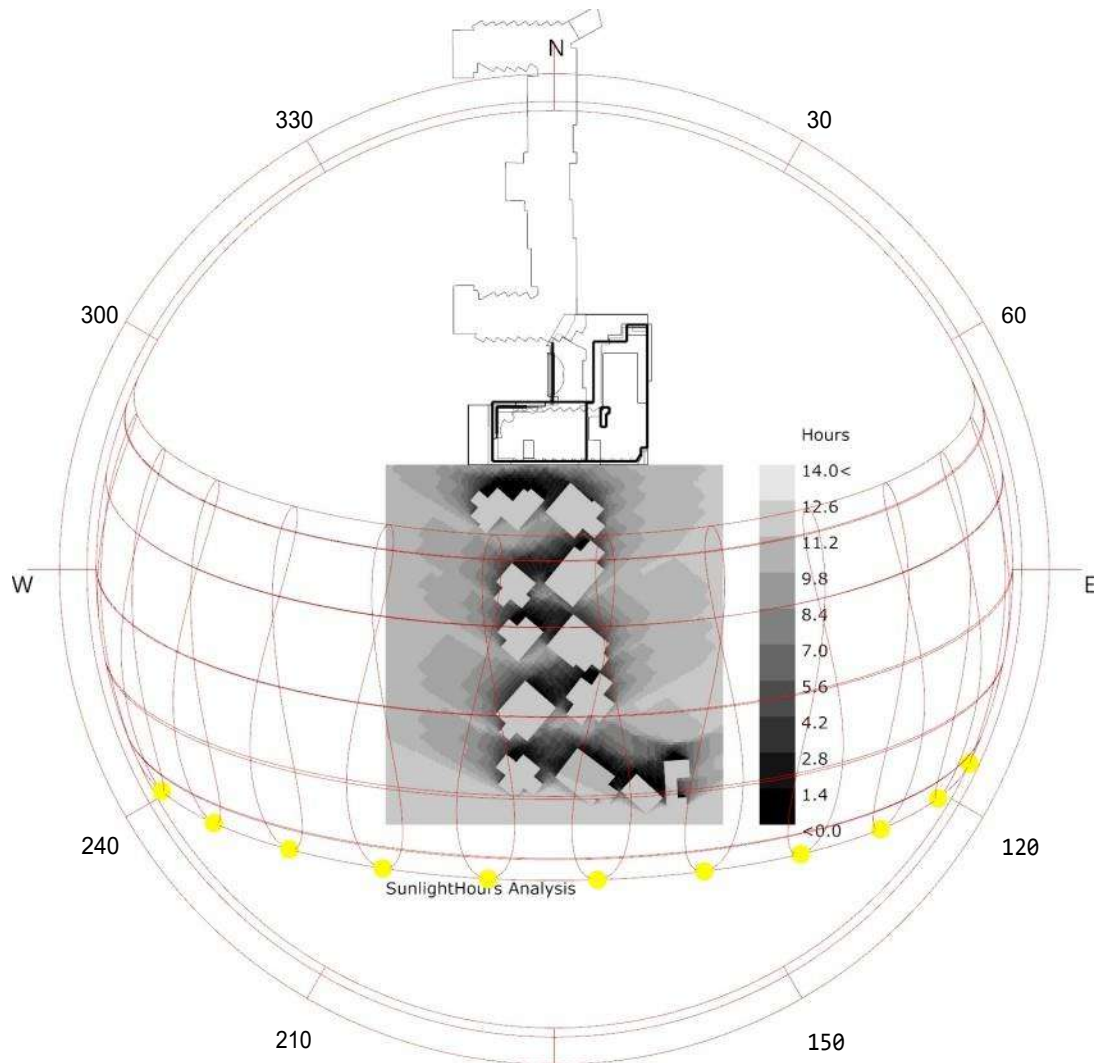
**Equinox Day**  
**No Tower**



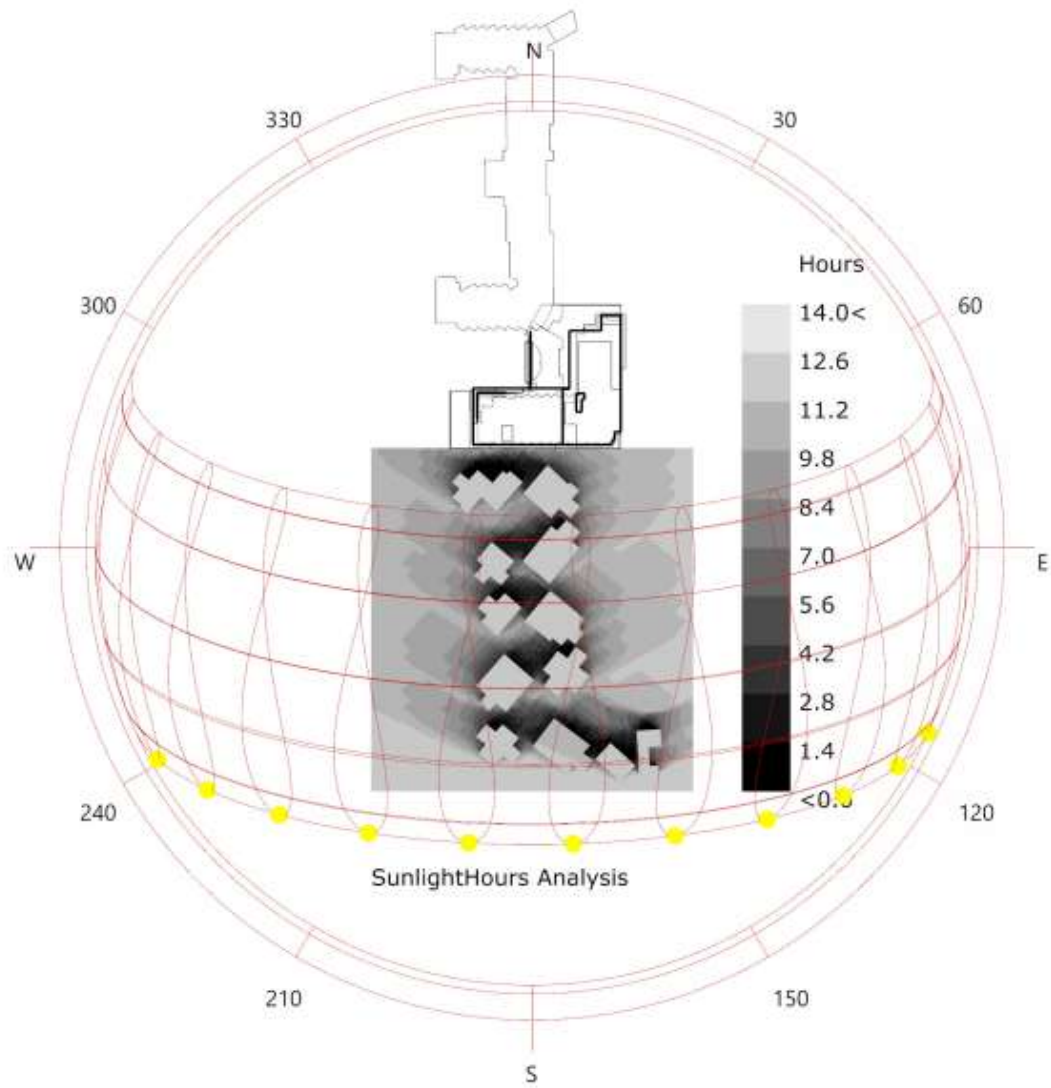
**Equinox Day**  
**With Tower**



**Winter Day**  
**No Tower**



**Winter Day**  
**With Tower**



## Appendix 'E'

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## Appendix E

THE DEVELOPMENT AND PLANNING LAW  
SECTION 15(4)  
THE DEVELOPMENT AND PLANNING REGULATIONS  
REGULATIONS 8(12A), 8(12B), 8(12C) AND 8(13)(d)

NOTICE OF APPLICATION FOR PLANNING PERMISSION

TO: NAME & ADDRESS

1 JACQUELINE ANGELA MIRANDA owner of Block and Parcel 15E240  
Joint Proprietor  
P.O. Box 1770 Grand Cayman KY1-1109 Cayman  
Islands

FROM: Darrell Player P.O. Box: 30742 KY1-1205

(Name of applicant - Please Print)

I hereby certify that a copy of this notice was served by Registered Mail on all the above registered properties on  
the Aug 28, 2020

Signed: Darrell Player Date: Aug 28, 2020

You are hereby notified that an application for planning permission for the purpose of Land Clearing

on Block and Parcel 15E239

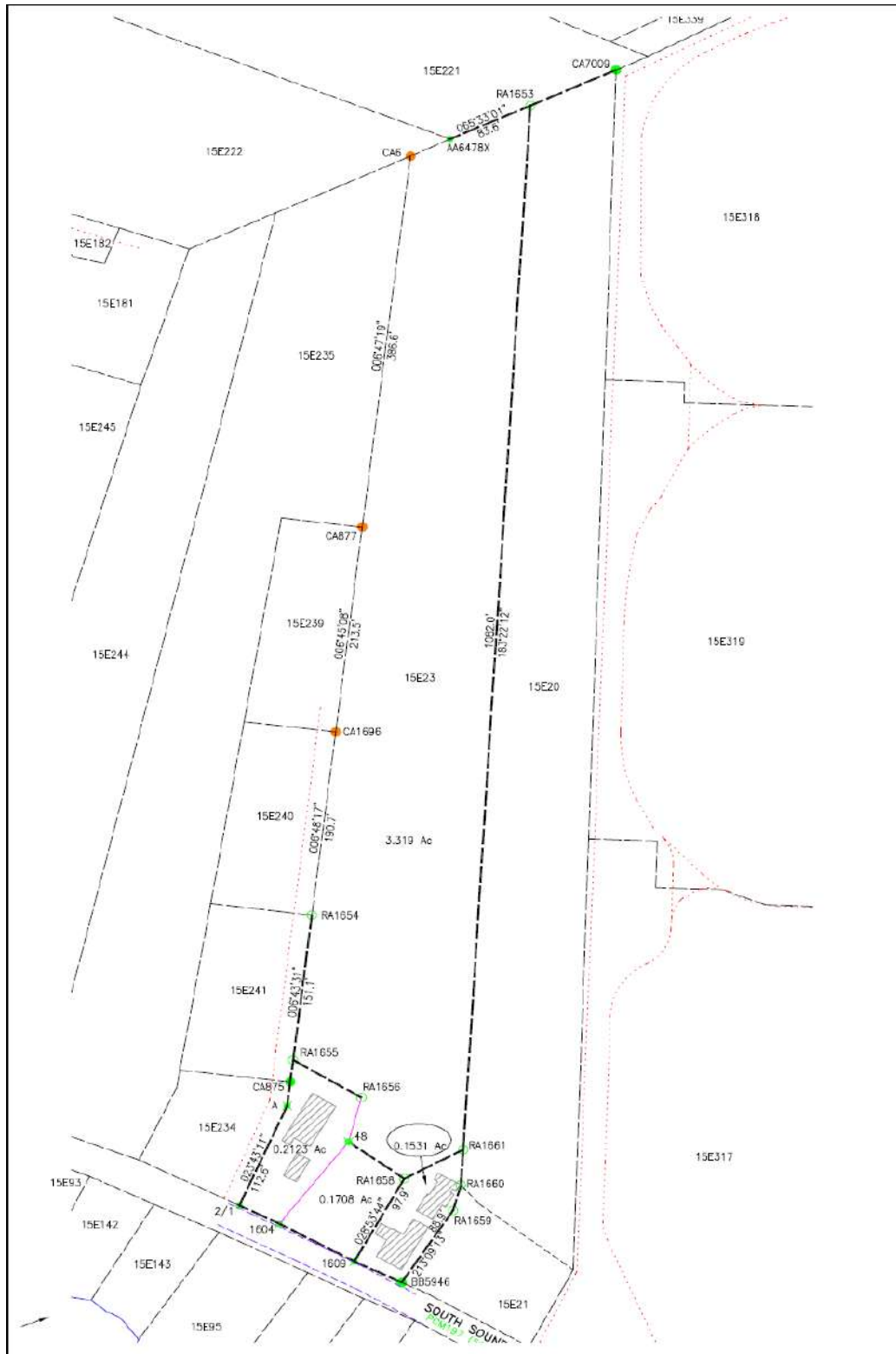
and owned by Darrell Player

has been submitted to the Central Planning Authority (CPA), Grand Cayman.

The application can be inspected at the Planning Department, located at the Government Admin. Building, 133 Elgin Avenue, George Town, Grand Cayman. If you wish to object or support the application you should do so in writing stating your precise grounds within **21 CALENDAR DAYS** of the **DATE OF POSTING**. Your comments should be addressed to the Director of Planning, P.O. Box 113, Grand Cayman KY1-9000, Cayman Islands, or via fax to **(345) 769-2922**, or e-mail to [planning.dept@gov.ky](mailto:planning.dept@gov.ky). **Please include your return address (typically a PO Box number).**

**NOTE: The notice must be sent not more than three days prior to the date upon which the application is submitted to the Department of Planning.**







## **Central Planning Authority**

**Minutes** for a meeting of the Central Planning Authority held on March 28, 2012 at 10:00 a.m. in the Conference Room, 1<sup>st</sup> Floor, Government Administration Building, Elgin Avenue.

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

**CPA/08/12**

**Mr. A. L. Thompson (Chairman)**

**Mr. Steve McLaughlin (Deputy Chairman) (except 2.6)**

**Mr. Peterkin Berry (apologies)**

**Mr. Peter Campbell**

**Mr. Dave Christian (apologies)**

**Mr. Ernie Hurlstone (absent)**

**Mr. Ray Hydes**

**Mr. Gillard McLaughlin (apologies)**

**Mr. Rex Miller**

**Mr. Allan Myles**

**Mr. Eldon Rankin (except 6.4)**

**Mr. Helbert Rodriquez**

**Mr. Antonio Smith**

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

**Mr. Ron Sanderson (Assistant Director of Planning (CP))**

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

### **List of Applications Presented at CPA/08/12**

1. 1	<b>Confirmation of Minutes</b> of CPA/07/12 held on March 14, 2012. ....	4
2. 1	<b>MAINELAND HOLDINGS LTD.</b> Block 14BH Parcel 92 (F05-0071) (P12-0030) (\$27,000) (BES) .....	5
2. 2	<b>RANDALL CHRISTMAN</b> Block 57E Parcel 27 (FA81-0173) (P12-0069) (CE10-0050) (\$10,000) (CS) .....	8
2. 3	<b>PAUL RANKIN</b> Block 38D Parcel 67 (FA83-0366) (P11-1130) (\$45,000) (BES) .....	14
2. 4	<b>POPEYES (BA-YOU HOLDINGS LTD)</b> Block 14C Parcel 4 (F09-0216) (P12-0137) (\$6,000) (DE) .....	18
2. 5	<b>DOSS SOLOMON</b> Block 13EH Parcel 4 (FA80-0068) (P12-0021) (\$8,300) (BES) ....	19
2. 6	<b>RONALD WILSON</b> Block 13D Parcel 211 (F91-0390) (P12-0220) (\$100) (DE) .....	20
2. 7	<b>ABSHIRE A. BODDEN</b> Block 32E Parcel 92 (F11-0371) (P12-0144) (\$10,354) (KA) ..	22
2. 8	<b>ABSHIRE BODDEN</b> Block 32E Parcel 90 (F11-0371) (P12-0151) (KA) .....	27
2. 9	<b>CELITA ZIMMER</b> Block 74A Parcel 115 (F11-0316) (P12-0211) (BES) .....	29
2. 10	<b>MARCO &amp; ANDREA MIRANDA</b> Block 15E Parcel 240 (F12-0041) (P12-0155) (\$202,160) (EJ) .....	32
2. 11	<b>DAVID WOLFE</b> Block 21E Parcel 147 (F02-0096) (P12-0214) (\$10,000) (EJ) .....	35
2. 12	<b>GENCORP EQUITABLE NATWEST CORP. LTD.</b> Block 23B Parcel 12 (F11-0212) (P11-0668) (\$150,000) (DE) .....	38
2. 13	<b>DONNA MARIE BUSH</b> Block 1D Parcel 161 (F12-0036) (P12-0126) (\$70,000) (DE) .....	41
2. 14	<b>KEL THOMPSON</b> Block 28C Parcel 523 (35B) (F11-0081) (P12-0207) (\$154,750) (KA) .....	46
2. 15	<b>KEL THOMPSON</b> Block 28C Parcel 523 (43B) (F11-0081) (P12-0208) (\$154,750) (KA) .....	48
2. 16	<b>KEL THOMPSON</b> Block 28C Parcel 523 (39B) (F11-0081) (P12-0209) (\$154,750) (KA) .....	50
2. 17	<b>KEL THOMPSON</b> Block 28C Parcel 523 (41K) (F11-0081) (P12-0210) (\$129,250) (KA) .....	52
2. 18	<b>KEL THOMPSON</b> Block 28C Parcel 523 (37K) (F11-0081) (P12-0206) (\$129,250) (KA) .....	54
2. 19	<b>CAYMAN SHORES DEVELOPMENT LTD.</b> Block 12D Parcel 95 (F10-0234) (P10-0849) (P12-0198) (\$27,500) (CS) .....	56
2. 20	<b>CAYMAN SHORES DEVELOPMENT LTD.</b> Block 12D Parcel 95 (F10-0234) (P12-0216) (\$30,000) (KA) .....	57
2. 21	<b>MORRITTS PROPERTIES</b> Block 73A Parcel 71 (FA79-0183) (P12-0136) (CS) ..	58
2. 22	<b>WAYNE EWERS</b> Block 22E Parcel 348 (F10-0143) (P10-0507) (\$460,000) (EJ) ...	60

2. 23	<b>SATIN WOOD GATE LTD.</b> Block 20E Parcel 83 Rem 1 (F11-0270) (P12-0201) (KA)	61
2. 24	<b>PINES RETIREMENT HOME</b> Block 14D Parcel 96 (FA80-0243) (P12-0167) (\$10,000) (CS)	63
2. 25	<b>JAMES SEDGLEY</b> Block 15D Parcel 86 (F97-0217) (P12-0238) (\$150,000) (EJ)	64
3. 1	<b>CARMILEE PEARSON &amp; EVALEE WEBB</b> Block 75A Parcel 152 (CE10-0074) (CE)	67
3. 2	<b>ANDRE YATES &amp; NATASHA A. BROWN</b> Block 38E Parcel 35 (CE12-0037) (CM)	68
6. 1	<b>YACHT CLUB</b>	68
6. 2	<b>DR. FOLEY</b> Block 14D Parcel 20 (FA94-0184) (P08-0874) (BES)	68
6. 3	<b>LESLIE HARVEY</b> Block 14E Parcel 744 (F12-0014) (P12-0050) (DE)	69
6. 4	<b>SIGN ENFORCEMENT</b>	69
7. 1	<b>HAMLIN STEPHENSON</b> Block 38B Parcel 507	70

**2. 10 MARCO & ANDREA MIRANDA Block 15E Parcel 240 (F12-0041) (P12-0155)  
(S202,160) (EJ)**

Application for a house.

**FACTS**

<i>Location</i>	Off South Sound Road
<i>Zoning</i>	<b>LDR</b>
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	17,528 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	2,128 sq. ft.
<i>Density</i>	2.5
<i>Allowable Density</i>	4
<i>Building Coverage</i>	12.14%
<i>Proposed Parking</i>	2
<i>Required Parking</i>	1
<i>Number of Units</i>	1

**BACKGROUND**

March 14, 2012 (CPA/07/12; **Item 2.8**) - The Authority adjourned the application in order that a revised plans showing the proposed house setback sufficiently to allow for the full width of the existing 30' vehicular right-of-way.

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

- 1) The applicant is required to apply for a Building Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Building Permit.
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for **Occupancy**) **prior to occupying the building(s).**

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].



## **LETTERS FROM APPLICANT**

### **Letter #1**

*"We have submitted an application on behalf of our client Marco Miranda and Jacqueline Miranda, who is desirous of constructing a three bedrooms residence, with the parcel being rectangle in shape and 96'-0" feet at its widest point, and provision been made to provide a thirty feet access over this parcel to another parcel (239) which is owned by the uncle of the applicant.*

*After have to make provision for the side set back which should confirm to the setback requirements, (ten feet) under the development and planning law (revision 2010) by allowing the proposed building to be built approximately 26'-11" from the side setback (East Boundary) which is considered part of the road access, maybe this could be considered on the merit that the parcel that this access services is at the end of the road and to the east side of the proposed application parcel 239 is still vacant.*

*Having provided the above explanation with regards to the application we would appreciate the Central Planning Authority board's approval for the proposed Residence as submitted."*

### **Letter #2**

*"Thanks for your response to my initial email. I am resending this email as I was unsure if this went through.*

*In addition to support our VROW amendment request from 30ft to 22ft, if my wife's uncle Denham Hurlston owner of Block & Parcel 15E 239 (or 17,532sq. ft) has submitted a signed letter of consent and agreement to the VROW amendment; I am not sure why we would be rejected from approval? (as attached PDF). From this, my uncle understands that he would forgo the possibility of building anything but a single home residence.*

*As it may not be realized, we are first time Caymanian home builders proudly trying to build a Cayman Style Home; however it is like our project has no value of consideration even though all property parcels concerned are our family (see attachment – TIF).*

*Thanks again for your time."*

## **LETTERS OF CONSENT**

*"I, Denham Hurlston Jr, owner of block and parcel 15E329, agree to the amending of the current vehicular right of way to the minimum allowed and considered by the Central Planning Committee. This request for consideration would be a reduction from the current 30 foot vehicular right of way to 22 feet or less.*

*If you should have any further questions please feel free to call 928-8967.*

*Thank you for your time."*

### **Letter #2**

*"I, Hank and Irma Hurlston, owner of block and parcel 15E324, agree to the amending of the current vehicular right of way to the minimum allowed and considered by the Central Planning Committee. This request for consideration would be a reduction from the current 30 foot vehicular right of way to 22 feet or less.*



*If you should have any further questions please feel free to call 949-6091 or 916-5508.*

*Thank you for your time."*

**Letter #3**

*"I, Una Judy Hurlston, owner of block and parcel 15E241, agree to the amending of the current vehicular right of way to the minimum allowed and considered by the Central Planning Committee. This request for consideration would be a reduction from the current 30 foot vehicular right of way to 22 feet or less.*

*If you should have any further questions please feel free to call 946-4346 or 917-0688.*

*Thank you for your time."*

**PLANNING DEPARTMENT ANALYSIS**

The applicant is seeking a favorable reconsideration from the Authority in regards to the proposed house.

**Zoning**

The property is zoned Low Density Residential and while the proposed use is a permitted use per Regulation 9 (8), the Department would offer comments on certain specific issues addressed below.

**Specific Issues**


March 14, 2012 (CPA/07/12; Item 2.8) the Authority adjourned the subject application in order that a revised plans showing the proposed house setback sufficiently to allow for the full width of the existing 30' vehicular right-of-way.


As proposed, the subject house does not meet the required 30' VROW and runs along the eastern boundary in favour of parcel 239, which would leave a 26' setback for the VROW. The applicant has received letters of consent from all of the owners of the affect parcels in relations to the subject VROW, given consent that the subject vehicular right of way be reduced from 30' to 22'.

The Department has concerns whenever there is a case to reduce access, mindful, that the affected parcel exists at 0.4025 acres (17,532 square feet) which could potentially hold a duplex.

---

The meeting adjourned at 12:35 p.m. The next regular meeting of the Central Planning Authority is scheduled for *Wednesday 11<sup>th</sup> April 2012 at 10:00 a.m.* in the Conference Room, 1<sup>st</sup> floor, Government Administration Building.

  
A. L. Thompson  
Chairman

  
Haroon Pandohie  
Executive Secretary

cc: All members of the Central Planning Authority



Cayman Islands

CENTRAL PLANNING AUTHORITY  
**FINAL CERTIFICATE OF FITNESS FOR OCCUPANCY**

**NAME OF APPLICANT:** MARCO & JACQUELINE MIRANDA

**ADDRESS:** P.O. BOX 1770, GRAND CAYMAN KY1-1109

**LOCATION:** SOUTH SOUND RD., GEORGE TOWEN

**BLOCK & PARCEL:** 15E240

**FILE NO:** F12-0041 **PROJECT NO:** P12-0155 **PERMIT\_NO:** B12-0227

**PERMIT ISSUED DATE:** 06-Jun-2012

**CERTIFICATE OF FITNESS DATE:** 19-Nov-2012

**TYPE OF PROJECT:** THREE BEDROOM HOUSE

This certificate issued pursuant to Regulation 34 of the Development and Planning Regulations (2008 Revision), and Section 106 of the Cayman Islands Building Code certifying that at the time of issuance the structure is in compliance with the approved plans, is fit for occupancy, and meets the requirements and conditions of the Central Planning Authority.

**SIGNED:**

*Haroon Pandante*  
For Haroon Pandante,  
Director of Planning

**DATE:** 19-Nov-2012

March 8, 2012

Hank and Irma Hurlston  
PO Box 1770 GT  
Grand Cayman  
KY1-1109

To Whom It May Concern:

We, Hank and Irma Hurlston, owners of block and parcel 15E234, agree to the amending of the current vehicular right of way to the minimum allowed and considered by the Central Planning Committee. This request for consideration would be a reduction from the current 30 foot vehicular right of way to 22 feet or less.

If you should have any further questions please feel free to call 949-6091 or 916-5508.

Thank you for your time.

Regards,

  
Hank Hurlston  
Irma Hurlston

March 8, 2012

Una Judy Hurlston  
PO Box 1770 GT  
Grand Cayman  
KY1-1109

To Whom It May Concern:

I, Una Judy Hurlston, owner of block and parcel 15E241, agree to the amending of the current vehicular right of way to the minimum allowed and considered by the Central Planning Committee. This request for consideration would be a reduction from the current 30 foot vehicular right of way to 22 feet or less.

If you should have any further questions please feel free to call 946-4346 or 917-0688.

Thank you for your time.

Regards,

A handwritten signature in blue ink, appearing to read 'Una Judy Hurlston', is written over a horizontal line.

Una Judy Hurlston

March 8, 2012

Denham Hurlston Jr.  
PO Box 1770 GT  
Grand Cayman  
KY1-1109

To Whom It May Concern:

I, Denham Hurlston Jr, owner of block and parcel 15E239, agree to the amending of the current vehicular right of way to the minimum allowed and considered by the Central Planning Committee. This request for consideration would be a reduction from the current 30 foot vehicular right of way to 22 feet or less.

If you should have any further questions please feel free to call 928-8967.

Thank you for your time.

Regards,

A handwritten signature in blue ink, appearing to read "Denham Hurlston Jr.", is written over a horizontal line.

Denham Hurlston Jr.

## APPENDIX 'F'





MEMO

11/11/2020

TO : The Chairman, Central Planning Authority  
 FROM : Andrew Gibb, Architect of Record

**WESTIN+AGC RESORT:  
 STAGE III PLANNING CONSENT APPLICATION (P20-0196)  
 AGENDA ITEM 2.1 CPA MEETING 19/20 (11 November 2020) pp 42, 43  
 APPLICANT'S EXPLANATORY NOTES**

Agenda item 2.1 prepared by the case planner has raised various items for discussion by CPA, but I would like to offer further comment on these items (refer pages 42 and 43 of the Agenda):

**A Parking Provision:**

Planner seems not to have based the parking provision assessment on the data table 'REQUIRED PARKING PROGRAM CALCULATION' found on Site Plan A1-014 but has rather derived an alternative parking requirement provision analysis based on the areas data table 'HOTEL ANNEX AND BALLROOM (CONFERENCE) AREA' found on the same Site Plan. We have respectfully corrected these derived parking provision requirements and have omitted bays historically allocated to areas to be demolished:

Use	Rooms/Area	P/Bays	Corrected?	P/Bays
Hotel Rooms (existing & proposed)	559 rooms	279.5	559 rooms	280
Restaurants	18,541 sf	62	18,541 sf	62
Conference Facility	18,410 sf	61.5	18,410 sf	62
Retail	2,937 sf	10	No new Retail	---
Spa & Salon	7,810 sf	26	7,810 sf	26
Off-Site Laundry Facility	14,498 sf	15	10,687 <sup>1</sup> sf	11
Credit for demolished area			(20,228 <sup>2</sup> sf)	(68)
<b>TOTAL REQUIRED</b>		<b>454</b>		<b>373</b>

<sup>1</sup> Actual approved area per application approved CPA/04/20 Item 2.5 (P20-0053)

<sup>2</sup> Parking credit based on 1 bay per 300 sf demolished area

TOTAL PROVIDED	35	35
TOTAL REQUIRED OFF-SITE	419	338
OFF-SITE REQUIRED (% TOTAL)	92.3%	90.6%

If CPA is minded to exclude the 50 parking bays allocated for outdoor dining for the ground floor restaurant (17 spaces), the lobby bar (7 spaces) and the spa and salon (26 spaces) as these spaces are for the exclusive use of hotel guests, the total required parking space requirements would be as follows

TOTAL REQUIRED	404	323
TOTAL PROVIDED	35	35
TOTAL REQUIRED OFF-SITE	369	288
OFF-SITE REQUIRED (% TOTAL)	91.3%	89.2%

Applicant has no issue if CPA prefers to adopt the planner's parking provision derivation as set out above and as corrected for the parking spaces provision 'lost' with the demolished area, in lieu of the parking provision analysis submitted by applicant in the form of the data table 'REQUIRED PARKING PROGRAM CALCULATION' found on Site Plan A1-014 in support of this planning consent application.

#### **B Safe Passage for Pedestrians & Vehicular Access (30'-0" ROW):**

Planner made reference to safety and accessibility issues that may arise due to pedestrians and vehicular traffic accessing the subject resort from the proposed remote parking area.

A plan file <PEDESTRIAN CONNECTION WALKWAY concept 200226.pdf> was uploaded on 02 March 2020 to illustrate to the planner and hopefully CPA, a possible scenario of proposed upgrades to this area to create a viable pedestrian connection. This illustration is reproduced for the CPA's convenience, as an Addendum to this Memo and can be found on **Page 4**.

Whilst the planning consent application grant CPA 04/20 Item 2.5 (P20-0053) for the off-site parking area is silent on traffic flow direction over this ROW, applicant may determine that traffic be one-way traffic (ingo only).

#### **C On-Site Laundry Facility vs Off-Site Laundry Facility**

Planner may have misapprehended the proposed incorporation of a Laundry facility in the planning consent application scope as submitted in lieu of a remote facility previously contemplated and for which planning consent was granted (CPA 04/20

Item 2.5)(P20-0053). For clarification purposes and for the avoidance of doubt in this regard, the following scenario represents the intention of applicant:

Laundry Facility (within Hotel Annex Back-of-House programme):

The 'final' resort laundry facility is intended as a 4,243 sq ft facility located on the ground floor of the Hotel Annex adjacent to the proposed Loading /Service Dock (southeast corner).

Temporary Laundry Facility (within Banquet Kitchen space):

Approximately 3,800 sq ft of space adjacent to the Banquet Kitchen in the 'old' Spa building, will serve as a temporary facility until the Hotel Annex is complete and its Laundry facility commissioned. This space will then be retrofitted as Hotel Administration space.

'Off-Site' Laundry & Stores facility (located on parcel 11D37):

Originally intended as a remote Laundry facility to serve both Westin components and Sunshine Suites resort and granted planning consent as a component under CPA 04/20 Item 2.5, applicant has decided that as it is no longer needed in this configuration, CPA will in due course be notified that it would be formally removed from the planning consent scope- most likely by way of an application to modify planning consent to substitute it with another service or back-of-house facility.

# ADDENDUM: ILLUSTRATION OF POSSIBLE PEDESTRIAN LINK FROM WEST BAY ROAD EAST TO OFF-SITE PARKING AREA



## APPENDIX 'G'

10 November 2020

Director of Planning  
Department of Planning  
133 Elgin Avenue  
Government Administration Building  
George Town, Grand Cayman

By email to [Egbert.Jackson@gov.ky](mailto:Egbert.Jackson@gov.ky), copied to [Haroon.Pandohie@gov.ky](mailto:Haroon.Pandohie@gov.ky)

Reference: Planning Application by Jean Karmitz – Raleigh Quay Block and Parcel 11C162

Dear Sirs,

We are the owners of a detached family home at 188 Raleigh Quay, Block and Parcel 11C163. We understand an application has been submitted for an additional meter for the separate building being built on the above referenced lot. The original plans for this separate building were approved by the Central Planning Authority on 3 September 2019 "on the premise that the guest house shares an electrical meter with the main house." We understand that this requirement was to maintain the classification of a single family home with a detached guest house. We were satisfied with the CPA's decision and therefore did not present an appeal.

We signed a letter written by the owner dated 13 March 2020 based on the plans approved in September 2019 by the CPA and verbal representations made by the owner, which were changed significantly between March and May 2020, and therefore this letter is no longer applicable and is rescinded.

Subsequent to the original CPA's approval, plans were submitted, and approved in May 2020, to significantly expand the separate building to include a second floor two bedroom addition, thus nearly doubling the total square footage from the originally approved 1,458sq ft., which now includes 3 bedrooms, a kitchen, lounge, garage and a pool. We understand that these plans were approved in May 2020 on the basis that the "guest house" would share an electrical meter with the main house. As a result of this significant expansion, with the "guest" house now being approximately the same size as the "main" house, it is even more important to abide by the CPA's decision for one electrical meter, in order to maintain the classification of single family home with detached guest house. Allowing a separate meter in these circumstances after the building is nearly complete, and 14 months after the CPA issued the condition of original approval, raises uncertainty as to whether there was ever an intent to abide by the CPA's decision.

In raising this objection, we are seeking to reinforce our agreement with the CPA's condition of planning approval requiring "the main house and detached guest house and garage shall share one electrical meter" in order to maintain the single family classification for this property consistent with the neighboring adjacent properties of similar lot sizes, and to prevent a precedent being made allowing 2 detached houses on one 10,000 sq ft lot. The fact that the building is already substantially complete should not affect the original requirement for one electrical meter.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan Sunley", written in a cursive style.

Susan Sunley