

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on **October 12, 2022 at 10:00 a.m. in Conference Room 1038, 1st Floor, Government Administration Building, and Elgin Avenue.**

24th Meeting of the Year

CPA/24/22

Mr. Ian Pairaudeau (Chair)
Mr. Handel Whittaker (Deputy Chair) (Acting Chair items 2.1 and 2.23)
Mr. Joshua Bernard
Mr. Gillard McLaughlin (left at 5:30)
Mr. Charles Russell Jr. (apologies)
Mr. Windel Scott (apologies)
Mr. Peter Campbell
Mr. Kenneth Ebanks (apologies)
Ms. Danette McLaughlin (left at 4:30)
Ms. Shakina Bush (left at 2:00)
Ms. Christine Maltman, MCIP, AICP
Ms. Celecia Bancroft
Mr. Ashton Bodden (left at 4:05)
Mr. Haroon Pandohie (Executive Secretary)
Mr. Ron Sanderson (Deputy Director of Planning – Current Planning)

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

List of Applications Presented at CPA/24/22

- 2.1 CRICKET SQUARE LTD (Chalmers Gibbs Architects) Block 14C Parcel 138 (P22-0716) (\$80,000) (JP) 5**
- 2.2 LORI MONCRIEFFE (DDL Studio Ltd.) Block 20E Parcel 272 (FA85-0043) (P22-0568) (\$1,029,875) (MW) 6**
- 2.3 CLIVE SMITH (Island Drafting) Block 43E Parcel 242 & 243 (P21-1215) (\$1,686,458) (NP) 17**
- 2.4 JHA (Paradise Drafting) Block 22D Parcel 150 (P22-0448) (\$5.0 million) (NP) 22**
- 2.5 AMANDA CRAIG (Cayman Survey Associates) Block 45A Parcel 80 (P22-0784) (\$10,000) (NP) 29**
- 2.6 INVINCIBLE INVESTMENT CORPORATION (Andrew Gibb Chartered Architect) Block 11D Parcel 45 (FA94-0233) (P22-0735) (\$153,184,000) (MW) 32**
- 2.7 HSA (PWD) Block 14E Parcel 675 (P22-0318)(\$9.3 million)(NP) 71**
- 2.8 EDDIE SCOTT (Whittaker and Watler) Block 20E Parcel 281 and 282 (P22-0643) (\$2 million) (JP) 76**
- 2.9 DHOWN HOMES LTD (TAG Ltd) Block 21C Parcel 121 (P22-0427) (\$3.6m) (JP) 88**
- 2.10 TECHNOWALL SYSTEMS LTD (Kozaily) Block 43D Parcel 21 (P22-0104) (\$2.0 million) (NP) 98**
- 2.11 STEFAN JOHNSON (Tony Lattie) Block 44B Parcel 353 (P22-0539) (\$530,000) (EJ) 104**
- 2.12 MILTON CLARKE (Craftmans Touch) Block 4D Parcel 456 (P22-0133) (\$500,000) (EJ) 107**
- 2.13 ROBERT ANTHONY (Robert Anthony) Block 32C Parcel 312 (P21-0658) (\$10,000) (EJ) 110**
- 2.14 STEVEN HOLDINGS LTD. (Darius Development) Block 33B Parcel 3 (P22-0596) (\$15,000) (EJ) 112**
- 2.15 POINT WEST (Declan O'Brien) Block 1E Parcel 47 (P22-0814) (\$20,000) (NP) 115**
- 2.16 DAMIAN PATRICK MAGEE (Luxury End Construction & Design) Block 12C Parcel 114 (P22-0053) (\$50,000) (EJ) 117**
- 2.17 HALCYON SEA LLC Block 33B Parcel 20 (P22-0558) (\$50,000) (AS) 120**
- 2.18 DON EBANKS (Oasis Pool & Spa) Block 25B Parcel 597 (P22-0468) (\$65,000) (MW) 124**
- 2.19 KARLO BARREDO (MKS International) Block 25C Parcel 341 (P22-0748) (\$25,000) (MW) 127**
- 2.20 CAYMAN SHORES DEVELOPMENT LTD. (Decco Ltd) Block 12D Parcel 95 Block 5 (P22-850) (\$10,000) (NP) 129**
- 2.21 ONE GT LIMITED. (Jeremy Hurst IRG) Block 14CJ Parcel 36 (FA81-0019) (P22-0837) (\$8,273) (MW) 130**
- 2.22 JOSEPH LORENZO JACKSON (Roland Bodden & Co.) Block 4C Parcel 519 (P22-0641) (JP) 131**

- 2.23 CRICKET SQUARE LTD (Chalmers Gibbs Architects) Block 14C Parcels 228, 229 and 96 (P22-0807) (\$150,000) (JP) 134**
- 2.24 GENE THOMPSON (TAG) Block 12C Parcel 190 (P22-835) (\$74,500) (NP) 136**
- 2.25 ELITE MARBLE & TILE Block 19A Parcel 17 (P17-1347) (\$800,000) (EJ) 137**
- 2.26 BENIECA THOMPSON (Dweainy Construction) Block 9A Parcel 852 (P21- 1236) (\$120,000) (JP) 144**
- 2.27 PUBLIC WORKS DEPARTMENT (TAG Ltd) Block 53A Parcels 102 and 103 (P22-0570) (\$271,875) (JP) 146**
- 5.1 Colonial Nesting Seabirds – Species Conservation Plan Consultation 158**
- 5.2 Rotary Club Banners for Music Extravaganza 158**
- 5.3 Mr. & Mrs. Robertson Block 33B Parcel 70 158**
- 5.4 Power of Entry Notice Block 22E Parcel 244 H15 158**
- 5.5 Trio Cayman Ltd Block 13EH Parcels 15 and 16 (P22-0177) 158**
- 5.6 LIV Development Block 15E Parcels 34 and 219 159**
- 5.7 Gelroy Connor Block 72C Parcel 152 (P20-0711) 159**

APPLICANTS ATTENDING THE AUTHORITY'S MEETING

Applicant Name	Time	Item	Page
Cricket Square	10:30	2.1	5
Lori Moncrieffe	11:00	2.2	6
Clive Smith	11:30	2.3	17
JHA Duplexes	1:00	2.4	22
Amanda Craig	1:30	2.5	29
Invincible Investments Corp	2:00	2.6	32

1. 1 Confirmation of Minutes CPA/23/22 held on September 28th, September 2022.

Moved: Handel Whittaker

Seconded: Christine Maltman

Confirmed

1. 2 Declarations of Conflicts/Interests

Item	Member
2.1	Ian Pairaudeau
2.20	Christine Maltman
2.21	Celecia Bancroft
2.23	Ian Pairaudeau
5.7	Gillard McLaughlin

2.0 APPLICATIONS

APPEARANCES (Items 2.1 to Item 2.6)

2.1 CRICKET SQUARE LTD (Chalmers Gibbs Architects) Block 14C Parcel 138 (P22-0716) (\$80,000) (JP)

Proposed car park and fencing.

Appearance at 10:30

Ian Pairaudeau declared a conflict and left the meeting room. Handel Whittaker sat as Acting Chair.

FACTS

<i>Location</i>	Martin Drive, George Town
<i>Zoning</i>	GC
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	0.3 ac. (13,068 sq. ft.)
<i>Current use</i>	Commercial/industrial
<i>Required parking</i>	1585
<i>Proposed parking</i>	1741

BACKGROUND

Cricket Square has extensive history with various development and car park applications. The most recent:

September 28, 2022 (**CPA/23/22; item 2.19**) application to modify planning permission to provide an additional 16 parking spaces approved (P22-0715)

Decision: It was resolved to adjourn the application at the request of the applicant and objector.

AGENCY COMMENTS

Comments from the National Roads Authority, Department of Environment and Fire Department are noted below.

Fire Department

Stamped approved drawings.

National Roads Authority

No comments received.

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.

OBJECTIONS

See Appendix A

PLANNING DEPARTMENT ANALYSIS

General

The application site is located off Martin Drive which is accessed from Shedden Road and is surrounded by a mixture of residential and commercial uses.

The application seeks planning permission to remove an existing structure and associated parking and replace with a formalised parking area. The resultant scheme will generate a total of 43 spaces (11 of which are carried over from the existing development). The proposal includes fencing around the site.

Zoning

The property is zoned General Commercial.

Specific Issues

1) Vehicular right of way (VROW) for 14CJ 66

A vehicular right of way, for the benefit of 14CJ 66, is located over 14CJ 138. The proposed fence and two parking spaces prevent passage along the VROW. An objection has been received from the benefactor of the VROW.

Members are invited to consider this aspect as part of their deliberations.

2.2 LORI MONCRIEFFE (DDL Studio Ltd.) Block 20E Parcel 272 (FA85-0043) (P22-0568) (\$1,029,875) (MW)

Change of Use from Duplex to (5) Unit Apartment Complex with 6' Concrete Boundary Fence

Appearance at 11:00

FACTS

<i>Location</i>	Corner of Randyke Way & Concord Ave., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	17,424 sq. ft.
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Existing Duplex
<i>Proposed building size</i>	6,131 sq. ft.
<i>Total building site coverage</i>	35.19%
<i>Allowable units</i>	6 units
<i>Proposed units</i>	5 units
<i>Allowable bedrooms</i>	9 bedrooms
<i>Proposed bedrooms</i>	9 bedrooms
<i>Required parking</i>	7 spaces
<i>Proposed parking</i>	9 spaces

BACKGROUND

November 1, 2010 – Addition to Duplex- the application was considered and it was resolved to grant planning permission.

August 3, 2022 – Addition & Change of Use of a Duplex to 5 Apartments with 6' Concrete Boundary Wall- the application was considered and it was resolved to adjourn the application.

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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) 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.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 10) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 12) 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.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons for the decision:

- 1) Per Regulation 9(8) of the Development and Planning Regulations (2022 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
 - There are no physical constraints on the site that would prevent the development of apartments.
 - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
 - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the lot size and site coverage, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required lot size and the maximum allowable site coverage per Regulations 9(8)(f) and (h) of the Development and Planning Regulations (2022 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 lot size and additional site coverage as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - b) The additional site coverage is due only to the trellis terraces, not the footprint of the primary structure.
 - c) 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
 - d) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997
- 4) The Authority is of the view that the proposed fence height is appropriate for the area and in keeping with the character of the area.
 - 5) The Authority is satisfied with the revised parking layout as presented to the Authority at the meeting.

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 & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least 1,750 US gallons for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>Proposed Apartments</i>	<i>2 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>300</i>
	<i>2 x 2-Bed Unit</i>	<i>225gpd/2-Bed</i>	<i>450</i>
	<i>1 x 3-Bed Unit</i>	<i>300gpd/3-Bed</i>	<i>300</i>
<i>TOTAL</i>			<i>1,050</i>

- *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 licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and*

grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

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

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytex CPP or ANSI/NSF-61 certified equivalent.*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole 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.*

Decommission Existing Septic Tank

The existing septic tanks shall be decommissioned as per the Water Authority's Best Management Practices (BMP's):

http://www.waterauthority.ky/upimages/download/BMPs_abandoned_WW_systems1_1423220782.pdf

Water Supply

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

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

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

National Roads Authority

As per your memo dated June 20th, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues.

There should be at least a 20-25 ft. or two (2) car lengths of stacking space at the driveway in front of the sliding gate.

Road Capacity Issues

The traffic demand to be generated by a residential development of five (5) apartment units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Concord Avenue and Randyke Way is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
<i>33</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>1</i>

Based on these estimates, the impact of the proposed development onto Randyke way and Concord Avenue is considered to be minimal.

Access and Traffic Management Issues

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

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

A six (6) foot sidewalk shall be constructed on Randyke way and Concord Avenue, within the property boundary, to NRA standards.

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

Stormwater Management Issues

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the 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 the 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 Randyke Way and Concord Avenue. 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 the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- *Sidewalk detail needs to be provided as per NRA specifications. See <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>*

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

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

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

Department of Environmental Health

Solid Waste Facility:

This development requires (5) 33 gallon bins.

The enclosure should be located as close to the curb as possible without impeding the flow of traffic.

Department of Environment

This review is provided by the Director of the Department of Environment under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The Department of Environment confirms that we have no comments at this time.

Fire Department

Approved for Planning Permit Only

APPLICANT'S LETTER

We write on behalf of our client, Lori Moncrieffe. As part of the planning application, we are requesting the following variances.

• **Lot Coverage**- Regulation 9(8)(e) states, “the maximum site coverage for apartments is thirty percent of the lot size;” The proposed site coverage would be 35.2%, a difference of 5.2% respectively.

• **Lot Size** - Regulation 9(8)(f) states, “the minimum lot size for apartments is 25,000 sq. ft.”. The proposed existing lot size would be 17,424 sq. ft., a difference of 7,576. sq ft. respectively.

The proposed development consists of reconfiguring, renovating and extending an existing dwelling to 5 apartment units. It is located on the block and parcel 20E 272 in the George Town area.

We respectfully seek planning permission for the proposed development, as shown on the drawings provided, for the following reasons:

• *The development is a family residence and most of the development will be occupied by the Moncrieffe family.*

• *The proposed apartments are consistent with the residential character of the surrounding area, following Section 8 (13) (b) (i) in the planning law*

• *The owners within a radius of 150ft have been notified, and the project will not be materially detrimental to persons residing or working in the vicinity of the property and the neighborhood; or to the public welfare, following Section 8 (13) (b) (iii) in the planning law.*

• *The development will help with the shortage of affordable housing in George Town.*

• *With the exceptions of the site coverage and lot size, the application complies with the Development and Planning Regulations (2021 Revision).*

• *There is sufficient infrastructure on this site and in the surrounding neighborhood, e.g., public road, water line, electrical service, etc., to support the residents of the proposed apartments.*

We have ensured that the project complies with all other requirements for Low-Density Residential developments.

We trust this explanation satisfies any concerns that the board members may have, and they will propose a favorable decision to grant this variance request.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Change of Use from Duplex to (5) Unit Apartment Complex; with a 6' Concrete Boundary Fence to be located on the corner of Randyke Way & Concord Ave., George Town.

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

Zoning

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

Specific Issues

1) Suitability

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

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

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

- 20E 275:- Duplex
- 20E 310:- Apartments (Randyke Gardens)
- 20E 85REM1:- Apartments (Mangrove Pointe)
- 20E 219:- Apartments
- 20E 83REM4:- Townhomes (Approved)
- 20E 246:- Apartments
- 20E 245:- Apartments
- 20E 248:- Apartments (Grove Side Apartments)
- 20E 252:- Apartments

2) Lot Size

Regulation 9(8)(f) states *“the minimum lot size for guest houses and apartment buildings or townhouses is 25,000 sq. ft.”* The subject lot 20E 272 is currently 0.40 ac or 17,424 sq. ft., a difference of 7,576 sq. ft. respectively.

3) Site Coverage

Regulation 9(8)(h) states *“the maximum site coverage is 30% of the lot size”*. The current proposed apartment development would cover 35.19% of the proposed lot. A difference of 5.19% over the maximum allowed.

4) Fence Height

The CPA fence guideline 4.3.1 stipulates that *“In residential and tourism-related zones, no part of a solid wall or fence should exceed 48 inches in height.”*

The applicant has proposed a concrete fence surrounding the proposed development which would be 6' in height a difference of 2'-0" respectively.

5) Parking Layout/ NRA Concerns

The proposed development meets the requirement for parking spaces, however the proposed parking located in front of Unit 1 only has approximately 8'-0" of reversing area for vehicles parked which in turn would require vehicles leaving the development to reverse into the main access road. NRA has submitted comments regarding the

stacking space at the front of the driveway sliding gates.

“There should be at least a 20-25 ft. or two (2) car lengths of stacking space at the driveway in front of the sliding gate.”

The Authority should access under Section 8(13) if there are exceptional circumstances and sufficient reasons to grant the lot size & site coverage variances

SUPPLEMENTAL ANALYSIS

The Board should be reminded the above mentioned application was seen on August 03, 2022 (CPA/19/22; Item 2.7) and it was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the lot size, site coverage, fence height and sliding gate/ parking layout.

At 11:00, Lori Moncrieffe appeared as the applicant and Oana Gruia appeared as her agent. Summary notes are provided as follows:

- Ms. Moncrieffe provided several comments:
 - they have a family of 5 and her Mom wants all of her kids to have their own home and this is how to achieve that goal
 - if she doesn't live there they will still get money to support her Mom
 - she worked with DDL to make sure her Mom is comfortable in her own space
 - the porch location and parking were designed with her Mom in mind
 - Randyke is low and there is flooding
 - they want security as the area has changed, there is a lot more traffic and people so they want a 6' fence
 - with a 6' fence people can't look in
 - she asked if there were any questions
- The Authority asked about NRA's comments regarding reversing onto the road. Ms. Gruia explained that they have revised the site plan and have NRA's approval. The Authority reviewed the revised plan.
- The Authority noted that the sliding gates may be a concern. Ms. Gruia noted that the NRA says the impact of the gates will be minimal, but they can be removed if needed.
- The Authority noted that the NRA wants a gentle hump at the driveway and how will that provided given the driveway design. Ms. Moncrieffe explained that this site doesn't usually get flooded because they built up the driveway. The Authority noted that NRA will want it for drainage and Ms. Moncrieffe replied she will have to leave it up to the architect to address.
- The Authority asked if the gates were removed would that cause a security problem. Ms. Moncrieffe replied she needs to stop people from walking into the property. She noted she can address this issue with extra security. She also noted that regarding the hump, she would prefer to have the gates, but if that is a no go she will have to address the issue somehow.
- Ms. Gruia explained that the extra site coverage is due to the covered pergolas, they are covered with trellis.

2.3 CLIVE SMITH (Island Drafting) Block 43E Parcel 242 & 243 (P21-1215) (\$1,686,458) (NP)

Proposed Apartments

Appearance at 11:30 a.m.

FACTS

<i>Location</i>	Tonbridge Drive in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	30,914 sq ft (combined)
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Apartments
<i>Building Footprint</i>	7,311 sq. ft.
<i>Building Area</i>	9,636.9 sq. ft.
<i>Site Coverage</i>	23.7%
<i>Number of Units Allowed</i>	10
<i>Number of Units Proposed</i>	11
<i>Number of Bedrooms Allowed</i>	17
<i>Number of Bedrooms Proposed</i>	15
<i>Parking Required</i>	17
<i>Parking Proposed</i>	20

BACKGROUND

August 17, 2022 – (CPA/20/22; Item 2.10) – The Authority resolved to adjourn the application and invite the applicant in to discuss the suitability for apartments and the proposed apartment unit density.

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

- 1) In accordance with Regulation 9(8) of the Development and Planning Regulations (2021 Revision), the Authority is of the opinion that the subject site is not a suitable location for apartments as the intensity of use from the apartments, including vehicular/pedestrian traffic and general human activity, will not be consistent with the character of the surrounding low density area and this will detract from the ability of the neighbouring land owners to enjoy the amenity of the area. The Authority reviewed the existing land uses in the area and noted that the vast majority of the lots are either vacant or developed with single family dwellings. It appears clear that the subdivision was designed for single family dwellings/duplexes and there is a reasonableness to expect that the lots will be

developed in that manner with a resultant intensity of use which is consistent with the surrounding neighbourhood.

- 2) The application does not comply with the maximum allowable number of apartments per Regulation 9(8)(c) of the Development and Planning Regulations (2021 Revision) and the Authority is of the opinion that pursuant to Regulation 8(13)(b), the applicant failed to demonstrate that there is sufficient reason and exceptional circumstance to warrant allowing the additional apartment unit.

AGENCY COMMENTS

Agency comments received to date have been provided below:

Department of Environment

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

Based on the 2018 aerial imagery, the application site at that time consisted of a regrowth of wetland vegetation as shown in Figure 1.



Figure 1: LIS 2018 aerial imagery showing the application site outlined in red with wetland regrowth.

However, Google imagery confirms that the application site has since been cleared and is now man-modified and of limited ecological value (Figure 2).

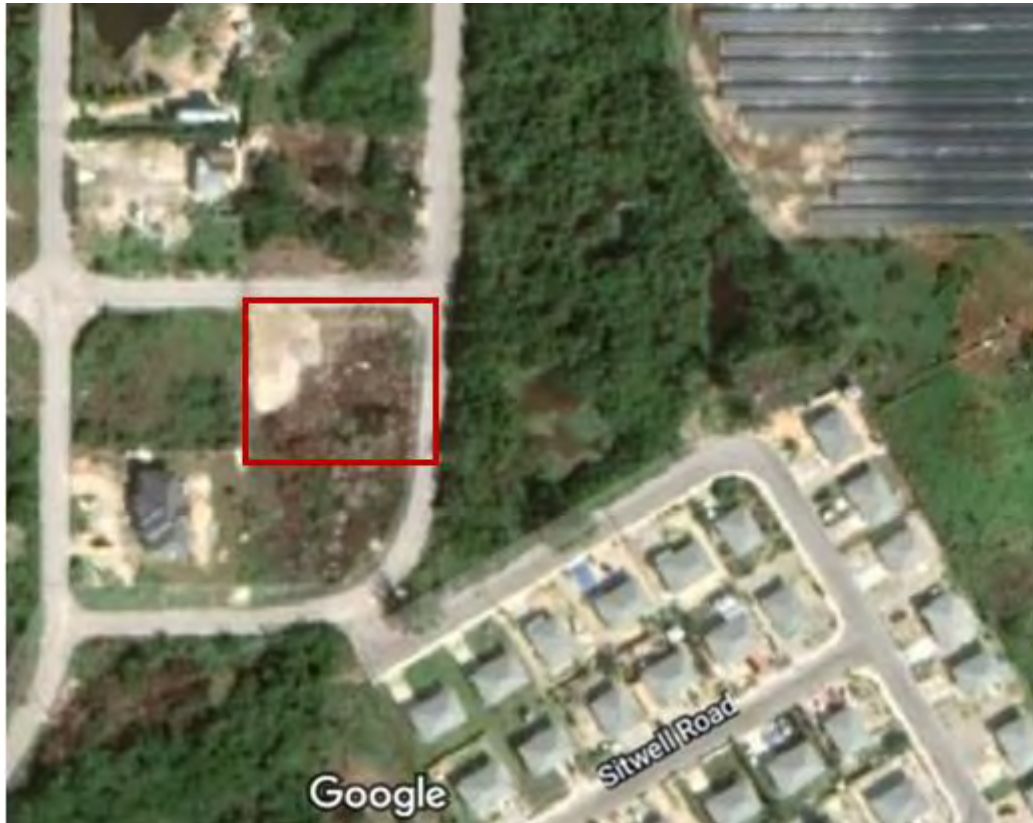


Figure 2: Google imagery showing the application site outlined in red cleared and partially filled.

Given the area is a converted wetland habitat, the parcel and surrounding area are relatively low-lying. It is unfortunate that the wetland vegetation was cleared prior to consultation as the Department would have recommended the retention of the wetland vegetation along the parcel boundaries to act as natural swales and assist with on-site drainage. Nevertheless, we still recommend that stormwater be managed on-site to avoid run-off and prevent the flooding of adjacent properties and the road.

We also recommend that the applicant plants and incorporates native vegetation into the landscaping scheme. Native vegetation is best suited for the habitat conditions of the Cayman Islands, requiring less maintenance and less supplemental irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.

Department of Environmental Health

DEH has stamp approved the drawings.

Fire Department

The Fire Department has approved the drawings.

Water Authority

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

Wastewater Treatment and Disposal

The developer, or their agent, is required to submit an Onsite Wastewater Treatment Proposal, per the attached Form, which meets the following requirements. Water

Authority review and approval of the proposed system is a condition for obtaining a Building Permit.

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 1,950 US gallons per day (gpd), based on the following calculations.***

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD/BLDG</i>
<i>Building A</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>600</i>
	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
<i>Building B</i>	<i>3 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>450</i>
	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
<i>TOTAL</i>			<i>1,950 GPD</i>

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

Water Supply:

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

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

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

APPLICANT'S LETTER

We have submitted an application on behalf of Clive Smith on the above-mentioned block and parcel who is desirous of constructing eleven (11) Apartments.

The number of apartments permitted based on the registered area is 10 apartments but our client is desirous of obtaining eleven (11) due to the calculated area which placed the allowable requirements at 10.65 apartments, which would beg us to request a variance to allow eleven apartments round off above rather than applying for ten apts. under the Planning Law regulation 8 (f) of the development which would allow for the building of these proposed apartments approval in order to move forward with the construction of the apartments.

Notwithstanding regulation 8 (13) (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, nor to the public welfare;

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

We would appreciate the Board's decision to this request and we await your favourable response at your earliest convenience.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Tonbridge Drive in Bodden Town.

The proposal is for 11 apartments with 15 bedrooms.

Adjacent properties were notified by Registered Mail and no objections have been received.

There do not appear to be apartments in the area.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Number of Apartments

Regulation 9(8)(c) permits a maximum of 15 units per acre.

With the parcels combined, a maximum of 10 apartments are permitted and the applicant is seeking approval for 11 units.

The applicant has submitted a variance letter and the Authority should consider if a variance is warranted in this instance.

2) Suitability

There do not appear to be apartments in the area.

At 11:30, Clive Smith appeared as the applicant and Arnold Berry appeared as his agent. Summary notes are provided as follows:

- The Authority noted there are concerns regarding suitability and the number of units.
- Mr. Berry provided several comments:
 - the two lots combined will be over 30,000 square feet
 - it is an issue of rounding up, once you pass 50% of density then you round up, they have always done that, which is why they are asking for 11 units, not 10
 - regarding suitability, this is a young subdivision which is growing and there is a mix of uses with some duplexes
 - he gets inquiries from people wanting to do apartments in this area
 - there are no restrictions in the subdivision for apartments
 - he feels these are suitable parcels for apartments with 11 instead of 10
- The Authority asked if there are other apartments in the subdivision. Mr. Berry replied there are some duplexes and 3 meter arrangements going on. He noted there are some apartments in the general area on the main road.
- The Authority asked if the nearby development is a strata subdivision and Mr. Berry replied that is a Government housing scheme.
- The Authority asked if Mr. Smith owns the land and he replied that he did.
- The Authority asked how will the mix of uses with houses, apartments and duplexes work. Mr. Berry replied it will be like the Prospect area, he can see the same thing eventually happening here.

2.4 JHA (Paradise Drafting) Block 22D Parcel 150 (P22-0448) (\$5.0 million) (NP)

Proposed 2 Duplexes, 2 Cabanas, Dock, Seawall, 4 LPG Tanks (100 gallon)

Appearance at 1:00

FACTS

<i>Location</i>	Woodstock Road, Savannah
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No objections
<i>Parcel size</i>	25,264.8 sq ft
<i>Parcel size required</i>	25,000 sq ft
<i>Current use</i>	Vacant
<i>Proposed use</i>	Two Duplexes
<i>Building Footprint</i>	7,040 sq. ft.
<i>Building Area</i>	19,240 sq. ft.
<i>Site Coverage</i>	28.5 %

BACKGROUND

August 17, 2022 (CPA/20/22; Item 2.36) – The Authority resolved to adjourn the

application in order to allow the applicant to demonstrate that the proposal complies with Regulation 8(2)(c) and the definition of height contained in the Regulations.

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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (7-8) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) The construction drawings for the proposed swimming pool filtration system 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 filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.

- 9) 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.
- 10) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 11) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 12) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.
- 13) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 14) 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 seven feet (7') above mean sea level.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons for the decision:

- 1) With the exception of the building height, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The Authority is of the view that given the definition for the “height of a building”, the elevation drawings show that in several locations the vertical distance measured from the highest point of the building to the finished grade directly below that point when measured within five feet from the building exceeds the maximum allowable forty feet.
- 3) The proposed application does not comply with the maximum allowable building height per Regulation 8(2)(c) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there

is sufficient reason and exceptional circumstance to allow the additional height as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
- 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.

AGENCY COMMENTS

Agency comments received to date have been provided below:

Department of Environment

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

The application site is man-modified with regrowth. The applicant is encouraged to retain native vegetation where possible and incorporate them into the landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

Best management practices should be adhered to during construction to prevent any impacts to the canal. If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the DoE recommends the inclusion of the following conditions in any planning permission:

- 1. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas*
- 2. All construction materials and debris shall be stockpiled at least 20 feet from the canal edge to prevent material from entering the canal and to reduce the possibility of rainwater runoff washing material into the canal.*
- 3. A minimum dock height of 4 feet and the installation of dock decking with a minimum of ½ inch spacing between decking boards to allow light penetration to occur to support marine life under the dock.*
- 4. The dock construction area shall be fully enclosed with silt screens with a 4-ft minimum skirt depth to contain any sedimentation or debris arising from construction of the dock as depicted by the submitted site plan.*
- 5. The silt screens shall remain in place until the water contained inside the screens has cleared to the same appearance as the water immediately outside of the screens.*

Department of Environmental Health

DEH has no objections to the proposed in principle.

1. This development require 4 (33) gallon bins and an enclosure built to the department's requirements.

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Table 1: Minimum Enclosure Dimensions

Number of Containers 4

Minimum Dimensions (feet)

Width 5

Height 5

Width 2.5'

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

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

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
Duplex 1	2 x 4-Bed Units	375gpd/4-Bed	750
Duplex 2	2 x 4-Bed Units	375gpd/4-Bed	750
Cabana 1	104 sq. ft.	0	0
Cabana 2	104 sq. ft.	0	0
TOTAL			1,500 GPD

- 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 licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4''.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.

- *To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL. If septic tank is located less than 100ft. from the canal, a minimum invert of 5'8" shall be used instead. 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). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole 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.*

Traffic Rated Tank and Covers

*The drawings indicate the septic tank is proposed to be located within a traffic area. **Therefore, a traffic rated tank and covers are required.** The Water Authority requires that manhole covers be traffic rated heavy duty to meet AASHTO H-20 loadings of 16,000lb wheel loads and sealed with a gasket or O-ring. Covers and frames shall be manufactured from ductile iron or gray iron complying with the requirements of ASTM A-48 Class 35.*

Water Supply

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located on Woodstock Road in Prospect.

The proposal is for 2 duplexes, 2 cabanas, a dock and seawall, and 4 100 gallon LPG tanks.

Adjacent properties were notified by Registered Mail and no objections have been received.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Height of the Building

Regulation 8(2)(c) states that the maximum height of a building in a Low Density Residential zone is three storeys or 40 feet.

The definition of height states the following: "means the vertical distance measured from the highest point on a proposed or existing building to the to the proposed finished grade directly below that point."

The definition of finished grade states the following: "means the highest grade within five feet of the building and includes natural grade when no terrain alteration is proposed."

The Authority should discuss whether the proposed duplexes satisfy the maximum height Regulation (8(2)(c)).

At 1:00, Mr. & Mrs. Jha appeared as applicants and John Yeo appeared as their agent. Summary notes are provided as follows:

- There was a general discussion regarding building height, including the definition of it and how it is applied to this design. Mr. Yeo's view is that the building complies with building height given his interpretation of the definition and that he has at least 12 other applications that were approved like this.
- The Authority asked what other uses are in the area. Mr. Yeo replied there are houses, apartments and duplexes.
- The Authority reminded the agent on two occasions that building height is not a calculation of averages and that we are not dealing with a Code definition but a definition in the Planning Regulations. The Authority complimented the agent on dealing with vertical facades and noted that it's just a matter of dealing with the height of the building.
- The Authority referred to the roof plan and Mr. Yeo noted the 39' 7" level and pointed out the tiers in the roof.
- There was a general discussion regarding the proposed finished grade in relation to each tier of roof above it.

- The Authority asked if the building is 2 or 3 storeys and Mr. Yeo replied it is 3.

2.5 AMANDA CRAIG (Cayman Survey Associates) Block 45A Parcel 80 (P22-0784) (\$10,000) (NP)

Proposed 5 Lot Subdivision

An appearance was scheduled for 1:30, the applicant was present and available for the meeting, but the objector was not.

FACTS

<i>Location</i>	Rum Point Road in North Side
<i>Zoning</i>	Medium Density Residential
<i>Notification Results</i>	Objector
<i>Parcel size</i>	95,832 sq ft
<i>Parcel size required</i>	7,500 sq. ft. for dwellings 20,000 sq. ft for apartments
<i>Parcel width required</i>	60 feet for dwellings 100 feet for apartments
<i>Proposed lot sizes</i>	14,374 to 18,730 sq. ft.
<i>Current use</i>	Vacant

Decision: It was resolved to adjourn the application and re-invite the applicant and objector to appear before the Authority to discuss details of the application.

AGENCY COMMENTS

Department of Environment

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

The portion of the application site located north of Rum Point Drive is adjacent to a No Dive Zone which is a Marine Protected Area under the National Conservation Act. The application site consists of a mixture of primary habitat including costal shrubland, dry shrubland and seasonally flooded mangrove habitat as shown in Figure 1.

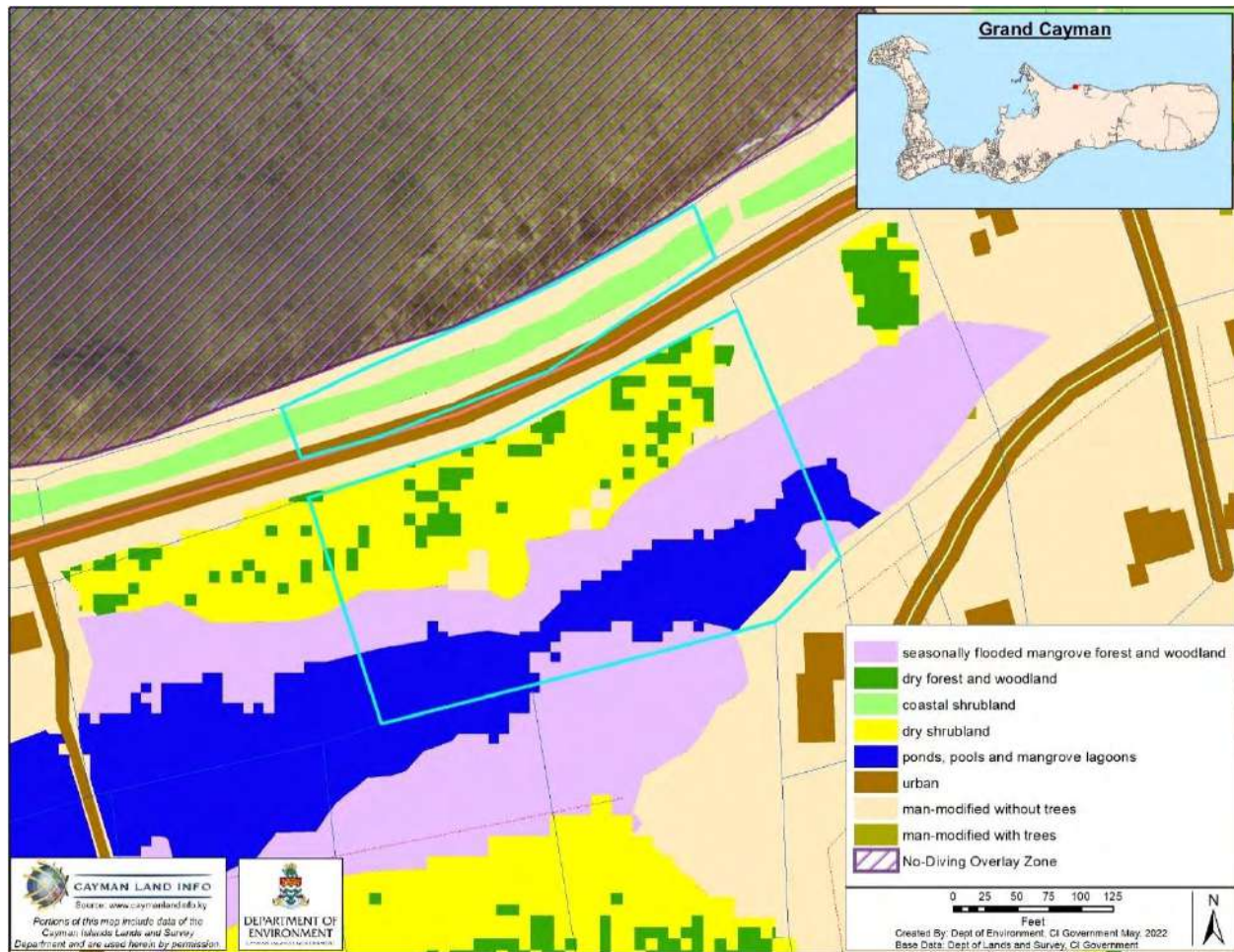


Figure 1: DoE Habitat Map for Block 45A Parcel 80.

Primary habitat is mature habitat in its natural state, otherwise uninfluenced by human activity where ecological processes are not significantly disturbed. These habitats are often very old, existing long before humans and may consist of many endemic and ecologically important species. Primary habitat is in severe decline and becoming a scarce and highly threatened resource as a result of land conversion for human activities.

*We note that the application is for a subdivision, we would **not** support the clearing of this site at this time. Land clearing should be reserved until the development of individual lots is imminent (through the granting of planning permission for development on those particular lots). This allows the opportunity for the individual lot owners to retain as much native vegetation as possible. Clearing the entire site prematurely removes the choice from the individual lot owners and removes the value the habitat could provide in the time between the preparation of a subdivision and the development of an individual lot.*

The DoE also notes that the Applicant confirms in their cover letter that “they intend to leave the pond on the southern portion of the development in its natural state, with no filling”. The DoE supports the retention of the pond and recommends the retention of the pond be included as a condition of the planning permission. In addition, we also recommend that the applicant includes the retention of the pond in covenants for the subdivision.

If the Central Planning Authority or Planning Department is minded to grant planning permission for the proposed subdivision, the following should be included as conditions of approval:

- 1. The existing pond shall be retained in its natural state and shall not be filled.*
- 2. There shall be no land clearing, excavation, filling or development of the resultant parcels without planning permission for such works being granted.*
- 3. Any future development, clearing, filling or excavation of the resultant parcels shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

Water Authority Cayman

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

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.*

Stormwater Management

The Water Authority notes that future lots C2, D2 and E2 all intersect with the North Side fresh water lens. Future development of these parcels should take into consideration the following:

*This development is located over the North Side fresh water lens or within the 500m buffer zone of the lens. In order to protect the fresh water lens, the Water Authority requests that stormwater drainage wells are drilled to a maximum depth of **80ft.** instead of the standard depth of 100ft as required by the NRA.*

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.

OBJECTION

Please accept this email as objection on condition for the subdivision as proposed on 45a80. I am the owner of 45a38/43 and caretaker of 45a37. The pond is a run off

catchment which affects all the parcels surrounding it. It is my view for five lots to be subdivided and the potential for residential construction on these parcels, this will have an adverse effect on the water catchment in the pond and cause flooding and surface retreat for the other parcels bordering the pond.

I feel an EIA as minimum is required to ensure that water run off implications are adequately considered along with damaging impact on the wild life in the pond and surrounding area for such a dense five lot subdivision as proposed.

Thanking you in advance for your consideration.

APPLICANTS LETTER

Please find attached our Application to Subdivide 45A 80 into 5 lots from the sea to the back boundary by bridging across the road.

All lots exceed the requirements for Medium Residential Zoning, but our client wishes to confirm that they intend to leave the pond on the southern portion of the development in its natural state, with no filling.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in North Side on Rum Point Drive.

The property is currently vacant and the application is to divide the property into five residential lots. Each of the proposed lots exceed the minimum requirements for lot area and lot width.

Access to the proposed properties is from Rum Point Drive.

Zoning

The property is zoned Medium Density Residential.

2.6 INVINCIBLE INVESTMENT CORPORATION (Andrew Gibb Chartered Architect) Block 11D Parcel 45 (FA94-0233) (P22-0735) (\$153,184,000) (MW)

Hotel Annex & Related Facilities, New Conference Facility, Change of Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Swimming Pools.

Appearance at 2:00 p.m.

FACTS

<i>Location</i>	West Bay Rd., West Bay
<i>Zoning</i>	Hotel Tourism
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	8.6 ac. (374,616 sq. ft.)
<i>Parcel size required</i>	½ ac. (21,780 sq. ft.)
<i>Current use</i>	Existing Hotel
<i>Proposed building size</i>	213,884 sq. ft.
<i>Total building site coverage</i>	36.4%
<i>Allowable units</i>	-
<i>Proposed units</i>	-
<i>Allowable bedrooms</i>	559 bedrooms
<i>Proposed bedrooms</i>	559 bedrooms
<i>Required parking</i>	451.5 spaces
<i>Proposed parking</i>	385 spaces

BACKGROUND

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

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

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

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

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

April 12, 2017 (CPA/08/17; Item 2.15) The Authority granted planning permission for modification to CPA Condition of Approval; 1,212 sq. ft.

December 18, 2019 (CPA/26/19; Item 5.1) The Authority granted planning permission for a Conversion of Two Retail Spaces and a Children's Activity Area to Sushi Eatery and an Expanded Coffee Bar.

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 application was adjourned in order for the applicant to notify the leasehold owners that fall within the required notification radius.

November 11, 2020 (CPA/19/20; Item 2.1) – the application was considered and it was resolved to refuse planning permission for the Hotel Addition, Conference Facility & Modifications to an Existing Hotel.

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

- 1) The applicant is required to submit a Traffic Impact Assessment (TIA) based on the requirements of the National Roads Authority and approved by the Central Planning Authority. The Assessment will assist the Authority in making a fully informed decision regarding traffic impact, including the proposed off-site parking, and the pedestrian/vehicular interface along West Bay Road. Prior to commencement of the study, the Terms of Reference for the TIA shall be approved by both the NRA and CPA.

AGENCY COMMENTS

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

Water Authority

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

Existing Water Authority Infrastructure

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

*The developer is advised that the Water Authority has existing wastewater infrastructure along the boundary between parcel 11D37 and 11D113 (erroneously identified as 17D262 on the site location plan A1-104; parcel subdivided in February 2020). Unfortunately, as this 6-inch sewer force main was installed more than 30 years ago (i.e., before the advent of GPS equipment), **the exact location of this force main is unknown**, and therefore it could be on either property.*

*As access to the wastewater infrastructure must be maintained at all times to accommodate maintenance and repair, **no structures shall be built over this pipeline**, and adequate space provided for maintenance vehicles and backhoes.*

- ***The developer shall notify the Water Authority's Engineering Department at 949-2837, EXT: 3003, 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)*
 - *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 developer shall submit plans for the infrastructure to the Authority for approval.*

- *The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.*
- ***The developer shall notify the Water Authority's Customer Service Department at 814-2144 to make application for sewerage service additions.***

** The existing Westin Hotel already has a connection to the public sewerage system via a sewer manhole on parcel 11D45. Please note that this manhole is very close to the south end of the proposed new ballroom. The proposed new laundry facility will need to be connected, via a wastewater pump station, to the 6-inch sewer force main situated along the boundary between parcel 11D37 and 11D113*

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

Grease Interceptor Required

A grease interceptor with a minimum capacity of 6,000 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 two tanks are used to achieve the required capacity, they shall be installed in series with the larger tank first (600 US gallon minimum).

Elevator Installation

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

Lint Interceptor Required - Commercial, Institutional & Coin-op Laundries

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

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

Generator and Fuel Storage Tank(s) Installation:

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

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

Water Supply

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

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

National Roads Authority

As per your memo dated August 2nd 2022 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 249,640 sq.ft. and 18,410 sq.ft. of conference space for a total area of 290,846 sq. ft. of Resort area onto both West Bay Road and the Esterley Tibbetts Highway (ETH) could be considered moderate to 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 crossing(s) as part of the Complete Streets Project will need to go to the Traffic Management Panel for ultimate approval.***

The proposed parking management and operational plan version 2 is acceptable to the NRA.

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 placed in parking spaces such that the length of the parking space is not reduced below the sixteen (16) feet minimum.

Stormwater Management Issues

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and use of alternative construction techniques. However, it is critical that the development be designed so that*

post-development stormwater runoff **is no worse than** pre-development runoff. To that effect, the following requirements should be observed:

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

In order for the department to complete the environmental health assessment of this application the following additional information is required:

1. The applicant must submit the following for review and approval:
 - a) Detailed floor plans for the 3 Meal restaurant, Sky Bar, pool bar and restaurant; all kitchens within this proposal.
 - b) Detailed floor plans for the Salon
 - c) Each treatment room shall have a hand wash sink installed.
 - d) Approved BCU mechanical drawings for the kitchen hoods.
 - e) Mechanical drawings for the laundry
2. In addition, a swimming pool application for the new pool and the Spa pool must be

submitted for review and approval prior to constructing the pool.

3. The purpose of the underground cistern should be stated.

Department of Environment

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

EIA Screening Background

*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 the Seven Mile Beach Marine Reserve (a Protected Area under the National Conservation Act (NCA)). It is located on a turtle nesting beach; approximately 253 feet from **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 Act (2013)).*

The DoE reviewed and provided comments for two similar proposals from the Applicant in 2020. Both applications were screened for an Environmental Impact Assessment (EIA) given the scale and location of the project, 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 NCA.

The modifications from the previous proposal have been reviewed and the current proposal is not likely to have additional significant effects and the identified environmental aspects detailed in the Screening Opinion do not change. Therefore, EIA Screening Opinion dated 03 July 2020 remains valid.

*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 minimise those adverse effects.*

Impacts on 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 NCA, as being 'protected at all times'. There are currently adverse impacts from the existing resort to nesting and hatchling sea turtles from the artificial lighting which directly illuminates the nesting beach. 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 are likely to be amplified due to the cumulative increase in lighting.

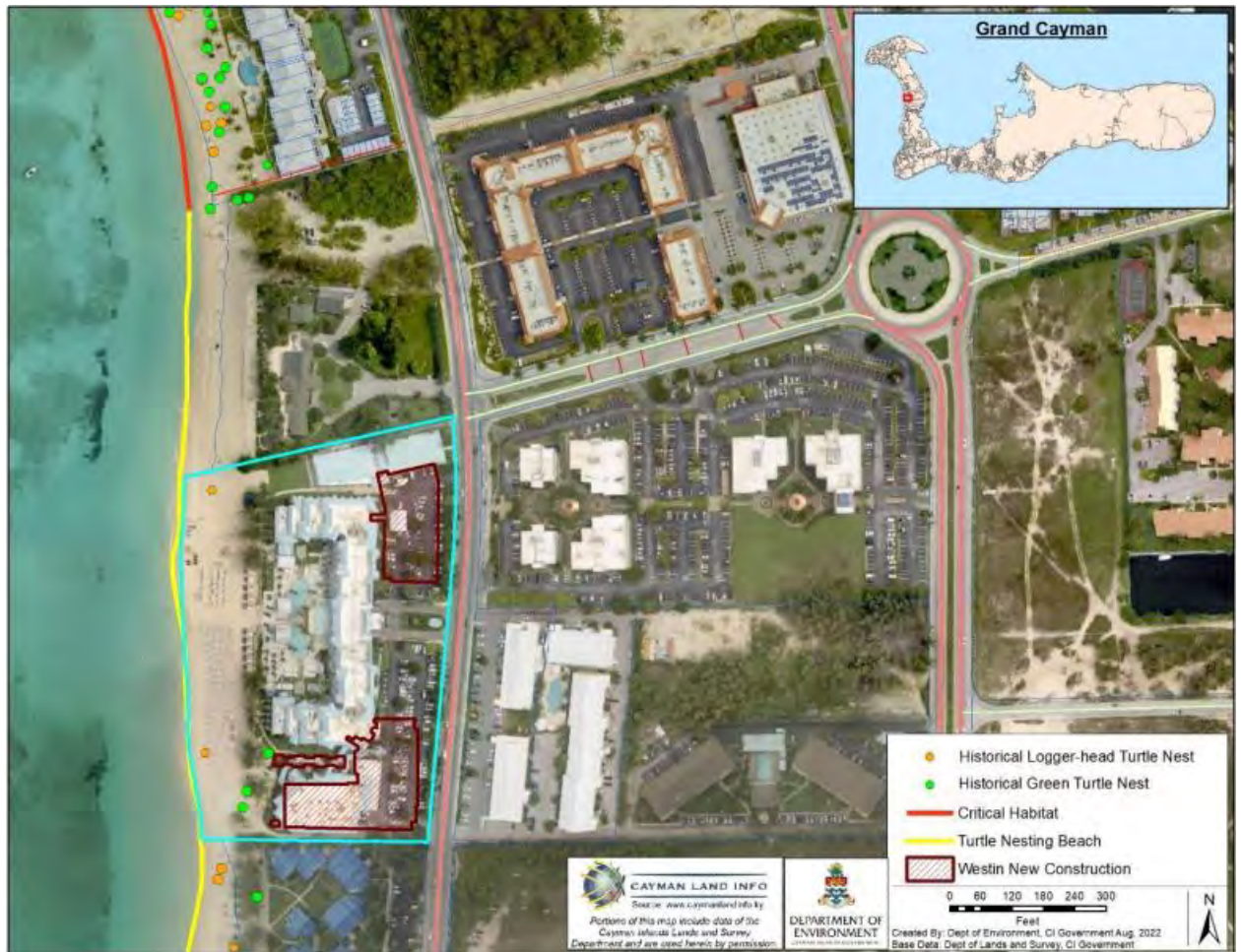


Figure 1: LIS 2018 aerial imagery with the outline of the proposed new buildings from the Applicant's site plan overlaid. Green sea turtle nests are shown in green and Loggerhead turtle nests are shown in orange. The red line delineates the designated critical sea turtle habitat.

The DoE welcomes the removal of the hard structures (including portions of the proposed pool deck, the proposed outdoor seating area, walkways and the proposed fire lane) which were previously included in the 2020 proposal and located within the 130-foot coastal setback and areas which previously experienced turtle nesting.

The DoE reached out to the Applicant's agent to confirm that these structures will not be added at a later stage and received the following response:

"We have taken the walkways and fire lane access route off the application documentation until we have properly resolved with the Fire Department how appropriate lanes and turnaround geometry can be effected within the 130'-0" setback zone to their and the satisfaction of the Central Planning Authority in due course- this would require the input of landscape designers and be the subject of an entire beach walk installation exercise."

Any hard structures located within the 130-foot setback i.e. the fire lane on the beach will decrease the size of the potential turtle nesting habitat. The DoE strongly recommends that all hard structures including the fire lane and any future walkways be designed to meet the minimum 130-foot coastal setback rather than encroaching on the nesting beach.

We have also found that large objects and 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 DoE 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 (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.¹

We are not aware of any climate-resilient design features or alternative forms of energy being proposed with this application. However, the DoE 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.*

o 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.

¹ Climate Studies Group. (2014). Climate Profile for the Cayman Islands. The University of the West Indies for Smith Warner International Ltd.

o 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.

Construction Debris Impacts on Marine Protected Area

We have experienced developments along the coast inadvertently polluting the marine environment from wind-borne debris. The DoE has witnessed and experienced complaints from members of the public regarding pollution from expanded polystyrene (EPS) beads on construction sites around the island.

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 when it enters the food chain. EPS beads that 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.

We strongly recommend that Best Management Practices are adopted during the construction process to ensure that construction-related debris does not enter the MPA.

Impacts Regarding the Removal of Sand Reserves

Although the subject parcel is predominantly 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 of 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.

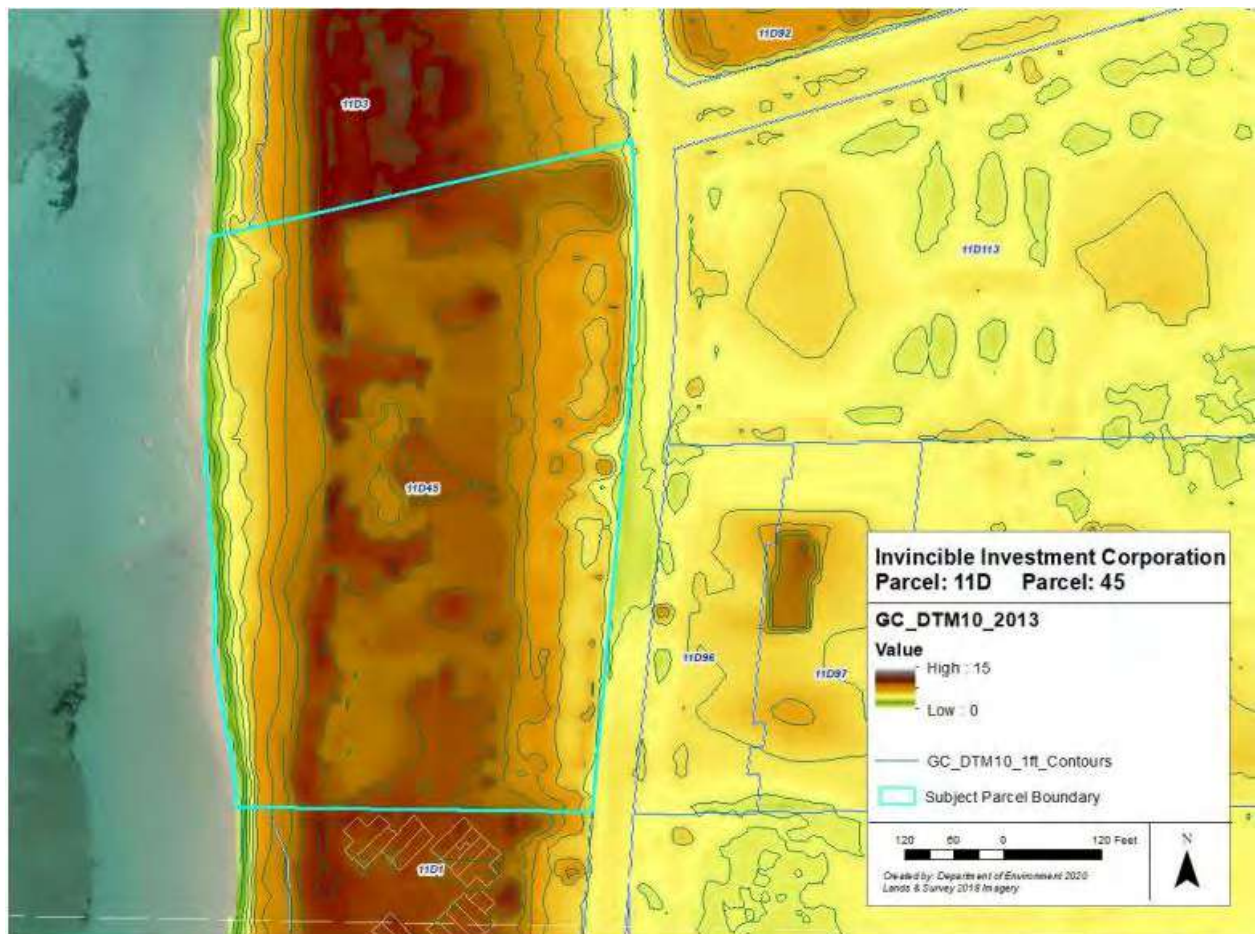


Figure 14: Digital Terrain Model (DTM) for the application site. The higher areas of the site are indicated in red and orange and show the beach ridge and sand reserves within the site.

CONCLUSION & RECOMMENDATIONS & DIRECTED CONDITION

This application has been screened for an EIA under section 43(2)(c) of the National Conservation Act. 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.

DIRECTED CONDITION

The site is adjacent to an MPA. Without appropriate environmental management practices, the construction of the proposed development is likely to cause an adverse effect on a Protected Area under the NCA, namely the discharge of dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area (Section 2(f) of the NCA). The construction-related impacts as a result of stockpiling excavated sediments and construction materials too close to the water must be mitigated through the inclusion of conditions as directed under Section 41(5) of the NCA.

*Therefore, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE **respectfully directs** that the following condition be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:*

1. All construction materials shall be stockpiled a minimum of 75ft from the Mean High Water Mark.

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

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

2. The applicant shall, prior to the issuance of a Building Permit, prepare and submit a turtle friendly lighting plan which minimises 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 <https://doe.ky/marine/turtles/tfl/>.

3. Prior to the commencement of works, the applicant or applicant's agent 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.

4. Beachside construction fencing associated with the works shall be installed and positioned at least 75 feet from the coastal property boundary and as far landward as possible to minimise impacts on the turtle nesting habitat. 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 from entering the construction site or digging under the fencing. The property owner shall contact the DoE to check for the presence of turtle nests prior to the installation of the fence and written approval shall be obtained from the DoE that no nests will be impacted by the installation of the fence. The DoE shall inspect the fence after installation and written approval shall be obtained from the DoE that the installed fence is suitable for the exclusion of turtles.

5. All construction material shall be stockpiled landward of the beachside construction fencing.

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 yearly) without the express consent of the DoE.

7. If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the turtle nesting beach and adjacent Marine Protected Area offshore.

8. Exterior lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the turtle friendly lighting plan which has been reviewed and approved by the DoE.

9. Once construction is complete and the exterior lighting fixtures and specifications for visible light transmittance have been installed, prior to the issuance of the Certificate of Occupancy, the DoE will inspect the exterior lighting and/or specifications for visible light transmittance for compliance with the approved turtle friendly lighting plan.

10. Any sand excavated during construction shall be retained on-site and beach quality sand shall be placed along the active beach profile. If sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of the DoE is required to ensure that turtle nests are not adversely impacted.

11. If there is an excessive quantity of sand that cannot be accommodated on-site, and the applicant would like to move such sand off-site, it should be the subject of a separate consultation with the National Conservation Council.

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

12. 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.

13. 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.*

Additional Recommendations to the Applicant

The DoE recommends that, wherever possible, sustainable design features are included in 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 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 providing 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.*
 - o *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.*
 - o *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.*
- *The removal of large structures such as beach chairs from the nesting beach overnight during the turtle nesting season (May-November yearly) to allow the turtles room to nest.*

Updated Screening Opinion for Invincible Investment Corporation Proposed Westin Stage III Hotel Annex & Conference Facilities

03 July 2020

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). 2*
- 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.

The screening criteria include:

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

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

The Site

The site is located at Block 11D Parcel 45 and is the current location of the Westin Grand Cayman Seven Mile Beach Resort and Spa. The application site is owned by the Crown and leased to the applicant. It is an area of 8.6 acres located on Seven Mile Beach. 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). The site location and its proximity to proposed critical turtle nesting habitat in the area are shown in Figure 1.

The existing development is not considered to be an architectural heritage asset and currently forms a 5-storey hotel consisting of 343 guest rooms, a pool, a spa facility, 10,000 sq. ft. of meeting and conference space and 2 restaurants. The existing landscaping and hard structures are set back approximately 120 to 160 feet from the Mean High-Water Mark.

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



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 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 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.*

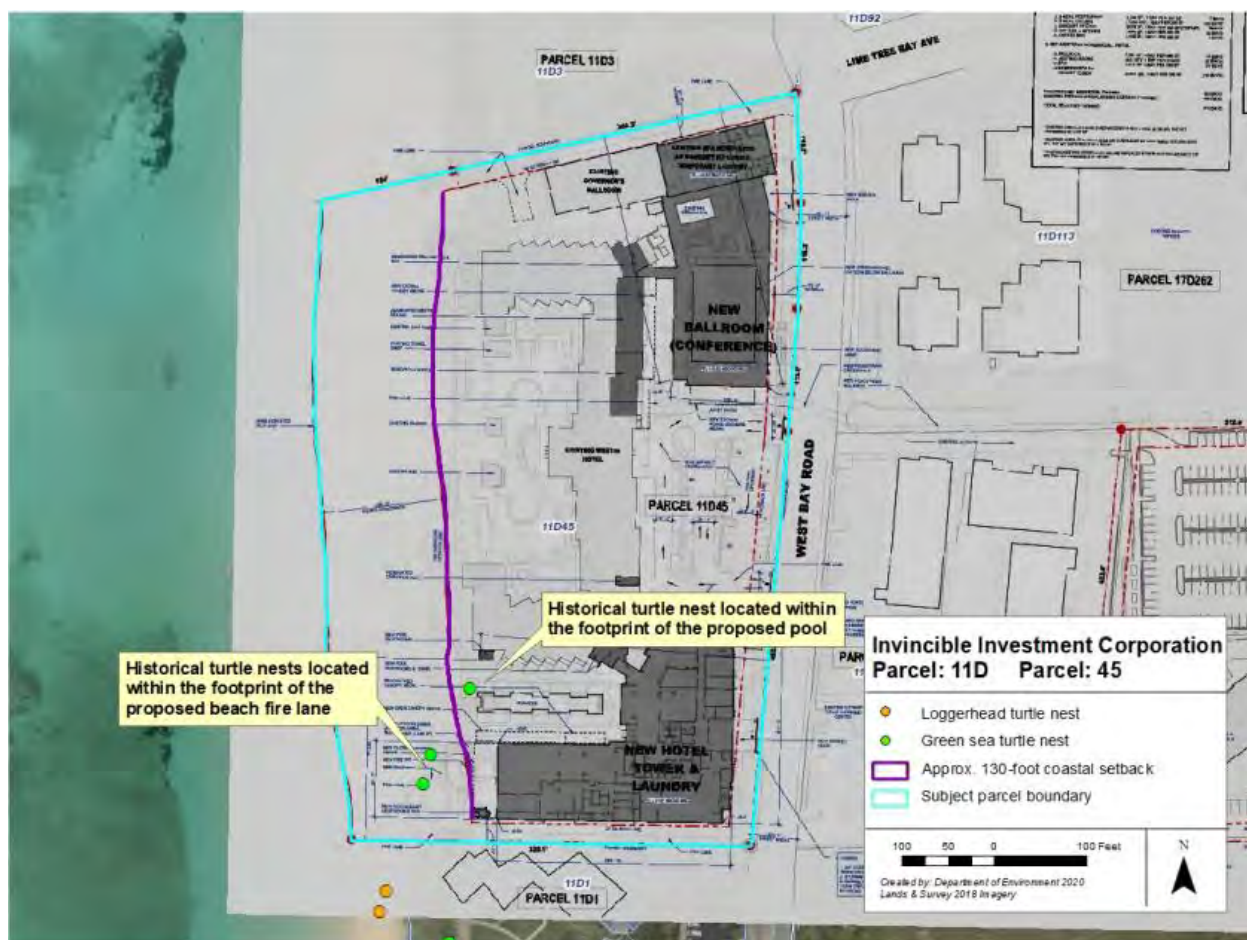


Figure 2: LIS 2018 aerial imagery with the Applicant's site plan overlaid. The approximate minimum coastal setback of 130 feet is shown in purple. Green sea turtle nests are shown in green and Loggerhead turtle nests are shown in orange. Note that all historic nests on the site are within the proposed 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 nonnative 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 economy¹.

The proposed development is likely to both contribute to climate change and be affected by climate change. The proposed development is likely to contribute to climate change

during construction and operation. There will be vehicle movements and resource consumption associated with construction and operation.

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.²

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).

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

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



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).

Fire Department

Please advise if Fire well and Hydrants or existing or Proposed as some depicted is not accessible by Fire department.

Department of Tourism

1. Project at a Glance

The Department of Tourism has been asked to provide comments on the Planning Application for the project named “Amended Application for Planning Consent: Motivation” Westin Grand Cayman Resort located at Block 11D Parcel 45.

2. Tourism Recommendations

Please accept this additional communication as an update to the 6th of September 2022 Memo from the Cayman Islands Department of Tourism (CIDOT). The applicant contacted CIDOT to provide additional information on the proposed upgraded development project at the Westin Resort.

I received a detailed presentation and was informed that this presentation would also be shared on the 12th of October 2022 hearing of the Central Planning Authority meeting. It is with this reference I append to the department’s contribution for this project’s technical review.

The investment to grow room capacity by building a new tower increases the room stock on-site by 39%. The additional rooms will be critical to the future growth of the tourism stayover volume in the Cayman Islands. The proposed 216 new rooms are of significant value in the hotel category of the destinations’ total room stock and will further develop the Cayman Islands agility in the Caribbean marketplace to drive more business.

The addition of the Autograph brand will support brand awareness of the destination and expanded visitor profiles to the Cayman Islands. This brand will assist the flattening of seasonality as we work towards a more even flow of stayover visitors year-round. The amenities about luxury hotel design, restaurant concepts, increased spa services and fitness centre are all product enhancements that will support the attractiveness of the hotel category. This will support business conversion from other

competing destinations and bring new business to our jurisdiction. I place importance on the competitive edge that this upgrade and expansion project will deliver on increasing meeting and incentive group business with larger meeting spaces to host larger groups in the destination. The new ballroom meeting space will position the Cayman Islands against our fiercest competitor with like for like product provisions that is Aruba. The destinations' goal is to ensure we can attract groups of 800 – 1500 persons at one time. The proposed meeting space will deliver that for the Cayman Islands tourism product.

Finally, the concern expressed in CIDOT's letter dated 6th September 2022 relating to the off-site parking and safety have been satisfied. CIDOT received new detailed information with new renderings and drawings of the visitor experience with the proposed walkways and collaborative provisions forged with the Invincible Investment Corporation neighbours in adjacent developments. The CIDOT is keen to see a more pedestrian friendly corridor with an emphasis on visitor experience on Seven-Mile Beach.

We welcome the consideration of this tourism investment and expansion of the existing Westin Resort site to the Cayman Islands tourism product mix.

CIAA

No objection on current design (3-8-22)

APPLICANT'S LETTER

We act for Applicant /Owner /lessee Invincible Investment Corporation as agent, and hereby make application to the Central Planning Authority for planning consent for

- a new 10 storey Hotel Annex including a Spa; and*
- a new Conference facility with ancillary banquet kitchen*
- existing Westin Resort change-of-use space to new meeting rooms, 'back-of-house' services and a Kid's Club facility;*

at the Westin Grand Cayman Resort, West Bay Road, Seven Mile Beach (parcel 11D45). The application includes two new guest swimming pools at 1 st floor and 10th floor decks respectively.

DEVELOPMENT SCOPE:

A New Hotel Annex:

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

Approximate area: 195,414 sq ft

B New Conference Facility:

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

Approximate area: 18,410 sq ft

C Change of Use (existing Westin Resort):

C1 18 existing guestrooms in Westin Resort to be retrofitted as

6 guestrooms to meeting space

2,139 sq ft

3 guestrooms as hotel guest-only 'Kid's Club' facility	1,063 sq ft
9 guestrooms as hotel guest-only facilities or 'back-of-house', services /corridor space	3,215 sq ft
C2 Existing retail space in Westin Resort (existing Spa) to be retrofitted as a <u>banquet kitchen</u> for general resort catering requirements as well as specific catering for banquets to be hosted in the Conference facility	3,578 sq ft
C3 Existing retail space in Westin Resort (existing Spa) to be retrofitted as a temporary laundry /'back-of-house' operation ¹	2,901 sq ft

Total approximate area: 12,896 sq ft

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 in due course to modify planning consent grant CPA/04/20 Item 2.5 (P19-1187) to omit this Laundry facility.**

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
Total Existing Building Coverage:		95,664 sq ft
Total Building Coverage %:	25.54%	
less:		
Total Demolitions:		(23,071) sq ft
add:		
New Hotel Annex (Tower):		34,506 sq ft
New Conference Facility (Ballroom):		18,410 sq ft
New Covered Walkways:		10,971 sq ft
New Total Building Coverage:		136,480 sq ft
New Total Building Coverage %:	36.43%	
Existing Walkway, Roads & Decks Coverage:		101,720 sq ft
Existing Walkway, Roads & Decks Coverage %:	27.15%	
less demolitions /breakup:		(38,044) sq ft
New Total Walkway, Roads & Decks Coverage:		63,676 sq ft
New Total Walkway, Roads & Decks Coverage %:	17.00%	

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
Total Proposed Guestroom Provision %:	100.00%

Development Area (Gross):

Existing:

Total existing Building Area:	213,955 sq ft
less: demolitions	(23,071) sq ft
Total amended existing Building Area:	190,884 sq ft

Proposed:

New Hotel Annex Area:	195,474 sq ft
New Conference Facility Area:	18,410 sq ft
Total Proposed Planning Consent Area:	213,884 sq ft

Total Change-of-Use Area:	12,896 sq ft
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PARKING PROVISION ANALYSIS:

Parking provision required on parcel 11D45 for existing Resort 2 :	198 bays
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New parking provision requirements:

Additional guestroom allocation (216 guestrooms \pm 1 bay / 2 rooms):	109 bays
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Restaurant Facilities (net new /adjusted areas)	45 bays
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3-Meal Restaurant 1 bay /200 sq ft 2,834 sq ft:	15 bays
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3-Meal Kitchen 1 bay /200 sq ft (1,182 sq ft):	(6) bays
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Banquet Kitchen 1 bay /600 sq ft 3,578 sq ft:	6 bays
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Sky Bar + Kitchen 1 bay /200 sq ft 4,291 sq ft:	22 bays
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Foyer Coffee Bar 1 bay /200 sq ft 1,271 sq ft:	8 bays
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Event Space (net new /adjusted areas)	16 bays
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Conference 1 bay /300 sq ft 7,297 sq ft:	25 bays
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Meeting Rooms 6 1 bay /300 sq ft (2,656 sq ft):	(9) bays
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Retail Space	17 bays
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New Spa 1 bay /300 sq ft 7,810 sq ft:	27 bays
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Reverse exist Spa 1 bay /300 sq ft (2,901) sq ft:	(10) bays
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Total Additional Parking Bay Provision required:	187 bays
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Total Parking Provision required:	385 bays
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- ² Refer to Exhibit A 'Existing Parking Provision Analysis' dated 26 July 2022
- ³ 4,950 sf demolished replaced by new 7,784 sf facility
- ⁴ 5,198 sf demolished replaced by new 4,016 sf facility
- ⁵ difference between 1 bay /300 sf retail (spa) and 1 bay /200 sf restaurant (kitchen)
- ⁶ existing conference venue in restaurant block to be demolished

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

Off-Site Parking Allowance (s.8(1)(c) Development & Planning Regulations 2022):

This Regulations provides that in a Hotel/Tourism zone, 50% of the parking spaces may be located not more than five hundred feet from the respective building, as part of a Parking Management Strategy prepared to the satisfaction of the Central Planning Authority.

<i>Total Required Parking:</i>	385 bays
<i>50% Parking to be located on subject parcel 11D45:</i>	193 bays
<i>50% Parking to be located on remote parcel 11D37:</i>	192 bays

The draft Westin Resort Parking Management Strategy (subject to review and acceptance by the Central Planning Authority) is submitted to the Authority in fulfilment of Regulation 8(1)(c), Development & Planning Act (2021 Revision) as part of this application for planning consent.

Off-Site Parking Location Parcel 11D37:

Parcel 11D37, also leased by Applicant, is the site intended for locating the off-site parking provision provided for under Regulation 8(1)(c) and is located within 500ft of the Resort buildings as intended by the regulation.

Parking Provision Variance Motivation- 90% Off-Site Parking Provision Allowance:

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 50% 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:

<i>Total Required Parking:</i>	385 bays
<i>approx 9% Parking to be located on subject parcel 11D45:</i>	35 bays
<i>approx 91% Parking to be located on remote parcel 11D37:</i>	350 bays
<i>Total Provided Parking:</i>	385 bays
<i>Total parking provision on parcel 11D37:</i>	443 bays
<i>existing parking provision</i>	85 bays
<i>additional parking (planning consent P20-0053):</i>	358 bays
<i>less parking allocations:</i>	(93) bays
<i>Sunshine Suites (132 guestrooms):</i>	66 bays
<i>Sunshine Grill (approx 2,280 sq ft restaurant):</i>	12 bays

Laundry facility (consent P20-0053):

15 bays

*Unallocated bays on parcel 11D37 available for
additional Regulation 8(1)(c) parking in favour of*

Westin Resort 'overflow' requirements:

350 bays

We motivate the grant of this variance in Applicant's belief that

- the development proposal as comprised in this application for planning consent, 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 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 so that parcels west of West Bay Road will enjoy significantly enhanced amenity due to such re-allocation of parking provision.*

Applicant also believes 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, the level of amenity for both guests and residents in this important hospitality and residential precinct of Seven Mile Beach be significantly enhanced.

Our proposed specific developmental responses in enhancing amenity in this regard are inter alia 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; and to*
- 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.*

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

Applicant Response to DOE

The Director of Environment's comments on behalf of the National Conservation Council are noted and commended.

DIRECTED CONDITION

Applicant recognises and supports this directive to CPA to impose this Directive as a condition of planning consent.

- 1. All construction materials shall be stockpiled a minimum of 75ft from the Mean High Water Mark.*

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources in the adjacent Marine Protected Area.

RECOMMENDED CONDITIONS

Applicant agrees with the imposition of the following conditions of planning consent as recommended by the Department of Environment (DoE):

- 2. The applicant shall, prior to the issuance of a Building Permit, prepare and submit a Turtle Friendly Lighting Plan which minimises the impacts of artificial lighting on sea turtles. The plan shall be reviewed and approved by the DoE in accordance with their published advisory "Turtle Friendly Lighting: Technical Advice Note" dated September 2018.*

- (i) Exterior lighting and/or specifications for visible light transmittance shall be installed and maintained in accordance with the above Turtle Friendly Lighting Plan.*
- (ii) On completion of construction and exterior lighting fixtures and specifications for visible light transmittance have been installed, DoE shall, prior to the issuance of the Certificate of Occupancy by the Department of Planning, inspect the exterior lighting and specifications for visible light transmittance thereof, for compliance with the above Turtle Friendly Lighting Plan.*

- 3. Prior to the commencement of construction work, applicant shall contact DoE to check for the presence of turtle nests for written approval that no nests will be impacted by the commencement of such work.*

4. Beach-side construction fencing associated with the works shall be installed and positioned by applicant at least 75 feet from the coastal property boundary and as far landward as possible to minimise impacts on the turtle nesting habitat. 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 from entering the construction site. Written approval shall be obtained by applicant from DoE that no nests will be impacted by the installation of the fence. DoE shall inspect and approve the fence after installation for suitability for the exclusion of turtles.

- 5. All construction material shall be stockpiled landward of the beach-side construction fencing.*

6. No construction work, vehicle access, storage of equipment and materials or other operations shall take place on the beach seaward of the construction fencing during turtle nesting season (01 May to 30 November annually) without the express consent of DoE.

- 7. If the construction contemplates using insulating concrete forms, measures (such as screens or other enclosures along with vacuuming) shall be deployed to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not*

impact the surrounding areas or pollute the turtle nesting beach and adjacent Marine Protected Area.

8. Any beach sand excavated during construction shall be retained on-site and shall be placed along the active beach profile.

(i) If beach sand is to be placed on the beach during turtle nesting season (1st May – 30th November yearly), the express consent of DoE is required to ensure that turtle nests are not adversely impacted.

(ii) If there is an excess of beach sand that cannot be accommodated on-site, the removal of such sand off-site by applicant if so desired, shall be the subject of a separate consultation with the National Conservation Council.

OBJECTIONS

Letter of No Objection

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”).

On 25 August 2022, we sent a notice of objections by email to the email address: planning.dept@gov.ky

We are pleased to notify you that following constructive and helpful discussions with The Applicant, we are instructed by our clients, Villas of the Galleon to withdraw the notice of objections dated 25 August 2022 in its entirety.

PLANNING DEPARTMENT ANALYSIS

Please note that subsequent to the Agenda being finalized and published, the Department became aware of several errors contained in the Planning Department Analysis. As a result, the Authority was presented with an Errata which contained the corrected report. The Errata was approved and the report is found below.

General

The applicant is requesting planning permission for a Hotel Annex & Related Facilities; New Conference Facility, Change of Use (Banquet Kitchen, Meeting Rooms, Retail) & 2 Swimming Pools. 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.

Zoning

The property is zoned Hotel Tourism

Specific Issues

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

Based on the information provided by the applicant, the overall development requires 385 parking spaces. A breakdown of the required number of spaces per use is provided below.

Parking spaces existing on site	198 spaces
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Hotel Rooms (additional proposed)	216 beds	109 spaces
Restaurants (net effective additional area)	9,600 sq. ft.	45 spaces
Conference Facility (net additional area)	4,641 sq. ft.	16 spaces
Spa & Salon (net additional area)	4,909 sq. ft.	17 spaces
Total Spaces Required	385 spaces	

The proposed hotel annex and conference facility reduces the number of on-site parking spaces from the existing 198 spaces to 35, and off-site parking spaces increased to 358.

At the February 19th 2020 meeting CPA/04/20 Item 2.5, the Authority approved an application for an off-site laundry and storage facility on parcel 11D37 to support the existing hotel and a site plan that provided an additional 358 spaces (P20-0053) to the 85 spaces already provided. Note that the applicant intends making application to CPA to modify this planning permission to omit the off-site Laundry under that permission in lieu of the new Laundry on parcel 11D45.

The off-site parking location is approximately 365' from parcel to parcel or 383' driveway to driveway. Regulation 8(1)(c) allows up to 50% of the required parking to be located not more than 500' from the respective building. Based on the proposed expansion, up to 182.5 spaces may be located off-site, however that means the remaining 50% of the required spaces (365) 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 applicant has provided details as to how this access way will be improved (See Westin Parking Management Strategy V2)(Appendix B).

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 tourism corridor.

3) On-Site Laundry Facilities

The expansion includes an on-site laundry facility to support both the existing and proposed hotel. According to a note in the applicant's letter, a temporary laundry intended to serve the existing Resort is to be installed in the existing Spa building while demolition of existing restaurants, laundry and other BoH facilities and moved over to the Hotel Annex when constructed.

At 2:00, Jim Mauer, Waide DaCosta, Joe Gould, Peter Brogan and Andrew Gibb appeared on behalf of the applicant. Summary notes are provided as follows:

- As the meeting commenced, Mr. Robert Jones began to explain that his client is an objector, but the Authority interjected and advised that he is not an objector and this has already been determined.
- Mr. Gould summarized a PowerPoint presentation (see Appendix C)

- The Authority asked if they have the necessary approvals from Dart for the proposed walkway and Mr. Gould replied they did. The Authority asked if there was a lease and Mr. Gould replied that hasn't been worked out yet, but Dart supports it.
- The Authority asked if any of these works will block access to The Falls and Mr. Gould replied no. The Authority asked if there was a right-of-way and Mr. Gibb replied there is a 30' right-of-way at the north end of The Falls.
- Mr. Gould noted that the Department of Tourism says the Island lacks hotels with conference space where people can check in and go to the conference room and not have to drive to one. Mr. Gould noted that the island is running out of capacity for Island events which is why their conference centre is this size.
- Mr. Gould noted they reached out to their neighbour to the north and there were no concerns. He explained that The Falls is underparked and the Westin spaces are being used so they are trying to find a solution that helps everyone.
- The Authority asked what are the main differences between the 2020 application and this application.
- Mr. Gould replied that the main difference is having a proper presentation since in 2020 they only had 8 minutes via Zoom and there was no chance for rebuttal. He noted that the basic bones are the same.
- Mr. Gibb explained the applications are exactly the same, but since 2020 the off-site parking ratio in the Regulations was increased.
- The Authority noted that there were previously two public rights-of-way to the sea, but it appears they are no longer registered. Mr. Gould explained he was not aware of that, but they maintain 12' on each side. The Authority asked if they would be okay if asked to register them now and Mr. Gould replied they have no issue with re-instating them.
- The Authority notes that they have said they have excess parking and asked if they would be willing to demarcate some spaces for the public access to the sea. Mr. Gould replied they would have to take that under consideration.
- The Authority noted that the NRA recommends that a traffic impact assessment be done and asked if that has been done. Mr. Gould replied it has been started and Mr. Gibb replied they have initiated discussions.
- The Authority asked regarding the amount of off-site parking what are the exceptional circumstances per Regulation 8(13)(b).
- Mr. Gibb replied that it would not be detrimental to the residents in the vicinity. The Authority asked if that includes The Falls and Regatta Office Park and Mr. Gibb replied yes.
- The Authority asked if the project would function as two separate hotels. Mr. Gould replied yes and no.
- The Authority asked about a fire lane on the beach side and Mr. Gibb replied that Fire has accepted the plans, but the fire wells have to be tweaked. He noted they

comply with the 3 side access requirement noting that one of the accesses does not need to be on the beach side of the building.

- The Authority noted DOE's concern with a beach side fire lane which would be a hard surface and would affect turtle nesting. Mr. Gibb noted that they comply with Fire's requirements. He explained that the West Bay Rd forecourt is one side and the south and north sides are the other two. The Authority clarified that he is saying there is no fire lane on the beach and Mr Gibb said that is correct, they don't want to put a hard paved area on the beach.
- Mr. DaCosta noted that DOE's response to the removal of the beach side fire lane is in their letter.
- The Authority noted that the building is 10 storeys with a roof top kitchen and asked if that is the 10th storey or an additional storey. Mr. Gibb replied that is the 10th storey. Mr. DaCosta noted this is not an 11 storey building.
- The Authority asked if the fire lane extends into the 130' high water mark setback and Mr Gibb replied it does not.
- The Authority asked what is the time frame for the project. Mr. Gould replied it is hard to say. He explained they are watching the financial markets daily. He noted that while the price of some construction materials have come down, others have gone up. He explained they are 70% done with the design drawings and have spent \$5 million so far. He noted that once they start it will take 28 to 30 months to complete.
- The Authority asked if they have considered a couple levels of basement parking. Mr. Gould replied the depth of the water table is a problem and the cost of engineering a concrete bunker is high.
- The Authority asked if the conference centre will have its own kitchen and Mr. Gould replied there is and this provides much more flexibility.
- The Authority noted they are asking for a large off-site parking variance and asked if they can't put in a couple levels of parking on the beach side. Mr. Gould replied that is a multi-faceted issue and it is questionable how efficient underground parking would be. The Authority noted they don't have to be underground. Mr. Gould asked if they are thinking of a separate building in front of the hotel. He also noted that if they use levels in the hotel then the project won't be financially viable. He also noted that if they put it where the banquet centre is then the functionality on site won't work as it would be too congested.
- Mr. Gibb noted that if they were starting from scratch then maybe that could work.
- The Authority noted that the requested parking variance is worse than before. Mr. Gould explained that the parking arrangement will be an overall enhancement for the area, for anyone looking for parking.
- The Authority noted that on the day of a special event, neighbours will not be allowed to park there. Mr. Gould noted that is correct and their presentation shows the peak times for events.

- The Authority explained this is a significant variance. Mr. Gould stated he agrees, but feels that by moving the parking off-site it allows the project to work.
- Mr. DaCosta noted that they have sat with the NRA and they feel this is an improvement for the area. He noted that the plastic cones in the road right-of-way, like at Christopher Columbus, are illegal. He noted West Bay Rd is a 25 mph zone and people still speed. He feels that their proposals in the road with lit and raised platforms will give opportunities for traffic calming. He also noted that the off-site parking will mainly be used by employees.
- The Authority explained that the Planning Regulations say certain standards are needed in order to give a variance.
- Mr. DaCosta noted the number of jobs created by the project. He explained that West Bay Rd is/needs to be a tourism access area and this will give some certainty as to where to park so people don't just drive around and around looking. The off-site parking provided benefits that warrant the variance.
- Mr. Gould stated that they feel they have provided a solution for parking in this area of West Bay Rd. He noted that it is no different from the off-site parking for the Government Administration Building.
- The Authority asked if they are ready to submit a planning application for modifications at Regatta and presumably come in with the traffic impact assessment. Mr. Gibb replied as soon as it is prudent to do so.
- The Authority noted that these issues are major and the members need to see them, for example the traffic impact assessment as recommended by the NRA.
- Mr. Gibb asked if this means a better graphic representation and the Authority replied no, they need to submit applications with notices to adjacent owners for the modification of the parking area at Regatta as this will help to show the neighbours how there will be a benefit.
- The Authority noted that the previous approval for the off-site laundry building said the off-site parking is not for the hotel.
- Mr. DaCosta noted that can be addressed through approval conditions. He stated that they have shown what the benefits are and noted that all persons understood that there would be off-site parking for the hotel.
- The Authority clarified that any modifications to Regatta are not part of this application.
- Mr. Gibb advised that their intention is to apply for modifications for the other site issues.

2.0 APPLICATIONS

(Items 2.7 to 2.24)

2.7 HSA (PWD) Block 14E Parcel 675 (P22-0318)(\$9.3 million)(NP)

Proposed Administration Building

FACTS

George Town Hospital

<i>Zoning</i>	Institutional
<i>Notification</i>	No objectors
<i>Parcel Area</i>	10.4 acres
<i>Proposed Building Area</i>	48,179 sq ft
<i>Existing Building Area</i>	172,071 sq ft
<i>Proposed Parking</i>	664 onsite & offsite
<i>Required Parking</i>	CPA Discretion

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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the

stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) 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.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 10) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.
- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 12) 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.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons 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 (2022 Revision). Additionally, the Authority is of the view that the proposed building height is suitable for the site and area and that the number of parking spaces is acceptable.

AGENCY COMMENTS

The following Agency comments have been received to date.

Fire Department

The Fire Department has stamped approved the drawings.

Water Authority Cayman

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

Wastewater Treatment:

*The existing hospital is served by **two (2) Klargestor** onsite aerobic wastewater treatment systems with a combined design treatment capacity of **50,000 gpd.***

The design capacity of the existing wastewater treatment system can accommodate the wastewater flows from the proposed, given that the treatment system is being operated and maintained as designed to produce an effluent that meets the Authority's discharge limits.

Elevator Installation

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

Generator and Fuel Storage Tank Installation

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

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

Water Supply:

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

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

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

Department of Environment

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

We have no objection to the proposed addition at this time as the application site is man-modified and of limited ecological value. The DOE notes that the Department of Environmental Health (DEH) has been consulted on the application and trusts that the disposal of the demolition material and any suitable protocols for the disposal of potentially hazardous waste will be adhered to.

In addition, the DOE recommends that wherever possible sustainable design and energy efficiency features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking spaces.

Cayman Islands Airport Authority

The CIAA has indicated no concerns with the proposal.

APPLICANT'S LETTER

The Cayman Islands Health Services Authority would like to request the use of off-site parking due to the lack of sufficient parking allocations on the HSA Campus. The HSA Campus occupies approximately 172,800 sq. ft. on the parcel of Land (ID) 14E675. The parking for the current facility is provided by the following spaces and amounts to 481 spaces.

<i>Description</i>	<i>Parcel / Block Number</i>	<i>Number of Parking Spaces</i>	<i>Owned / Leased</i>	<i>Days and Time of Use</i>
<i>HSA Campus</i>	<i>14E675</i>	<i>341</i>	<i>Owned</i>	<i>Daily – 24 Hours</i>
<i>Seventh Day Adventist Church</i>	<i>14D94</i>	<i>72</i>	<i>Leased</i>	<i>Daily – 24 Hours</i>
<i>Across the road from the Seventh</i>	<i>14E371</i>	<i>68</i>	<i>Owned</i>	<i>Daily – 24 Hours</i>

<i>Day Adventist Church</i>				
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As a part of this Planning application for the proposed HSA South Wing Building the HSA seeks to add additional parking capacity through leasing agreements and paving of an existing area on the HSA Campus. This additional 183 parking spots would bring the new total parking capacity to 664.

Description	Parcel / Block Number	Number of Parking Spaces	Owned / Leased	Days and Time of Use
HSA Campus (Paving)	14E675	40	Owned	Daily – 24 Hours
Corner of Hospital and Smith Road	14E316	53	Owned	Daily – 24 Hours
Former Education Building	14D432	40	Leased/ will own in 2022	Daily – 24 Hours
Corner of Pines Drive and Anthony's Drive.	14D442	50	Leased	Daily – 24 Hours

The off-site parking provisions proposed walking distances will range from 375ft to 657ft.

The above listed existing and proposed parking would bring the total parking to 14 parking spaces shy of the required 678 spaces. The HSA would therefore like to request a variance for under-provision of 14 parking spaces.

PLANNING DEPARTMENT ANALYSIS

General

The proposal is for a 48,179 square foot, four storey administration building on the south side of the George Town Hospital complex.

Notices were sent out and no objections have been received to date.

Zoning

The property is zoned Institutional.

Specific Issues

1) Parking (664 provided vs 551 required).

There is no specific requirement for hospital parking in the Regulations. Staff have referred to the Institute of Traffic Engineers (ITE) parking guidebook for a parking estimate. The ITE standards suggest that a suburban hospital should provide 2.5 spaces per 1,000 square feet of building area. This parking standard results in a total 551 parking spaces being required for 220,250 square feet of building area, which includes the proposed building.

The applicant is proposing to provide a total of 664 on and offsite parking spaces, of which 341 are onsite.

Regulation 14(6) states that parking requirements shall be at the discretion of the Authority in an Institutional zone.

The Authority should discuss the amount of parking that is required to be provided and whether the offsite parking is within a satisfactory walking distance.

2) Height of Building

The Regulations are silent on the height of a building in an Institutional zone.

It is noted that the proposed height of the four storey building is 60 feet.

The CIAA was circulated for comments and have indicated that they have no concern provided the building has operating hazard lights on the roof top. These warning lights are depicted on the drawings.

2.8 EDDIE SCOTT (Whittaker and Watler) Block 20E Parcel 281 and 282 (P22-0643) (\$2 million) (JP)

10 apartments and a sign

FACTS

<i>Location</i>	Halifax Road, George Town
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	25,264.8 sq. ft.
<i>Parcel size required</i>	25,000 sq. ft.
<i>Current use</i>	Vacant
<i>Proposed building size</i>	13,188 sq. ft.
<i>Total building site coverage</i>	26.42%
<i>Allowable units</i>	8
<i>Proposed units</i>	10
<i>Allowable bedrooms</i>	13
<i>Proposed bedrooms</i>	16
<i>Required parking</i>	15
<i>Proposed parking</i>	16

BACKGROUND

January 31, 2022 (**Administrative** Approval) – application to modify the external appearance approved (P22-0054)

May 10, 2017 (**CPA/10/17; item 2.8**) – application for four x2 bedroom apartments and sign approved (P17-0098)

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

Conditions (1-7) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide a copy of the submission made to the Lands and Survey Department to combine Block 20E Parcels 281 and 282.
- 2) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 3) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 4) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 5) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 6) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 7) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (8) listed below shall be met before a Building Permit can be issued.

- 8) The applicant shall submit the Stormwater Management plan required in condition 5) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 9) 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.
- 10) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area

11) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

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

Additionally, once construction has started, condition (13) shall be complied with before a final Certificate of Occupancy can be issued.

13) Block 20E Parcels 281 and 282 shall be combined and registered with a new parcel number.

14) 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.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons for the decision:

1) Per Regulation 9(8) of the Development and Planning Regulations (2022 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:

- There are no physical constraints on the site that would prevent the development of apartments.
- There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
- There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.

2) With the exception of the number of apartments and bedrooms, which are addressed below, the application complies with the Development and Planning Regulations (2022 Revision).

3) The proposed application does not comply with the maximum allowable number of apartments and bedrooms per Regulations 9(8)(c) of the Development and Planning Regulations (2022 Revision). The Authority is of the opinion that pursuant to

Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the additional apartments and bedrooms as follows:

- a) The Authority does not concur with the Department analysis that the media rooms should be considered bedrooms. As such, the applicant requires a variance for 3 additional bedrooms, not 7;
- b) The Authority notes that the allowable number of apartments is just under 9, therefore the required variance is for just over 1 unit and the Authority considers this to be minimal request;
- c) The characteristics of the proposed development are consistent with the character of the surrounding area; and
- d) 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.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment and Disposal

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

- ***The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer's guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 1,950 US gallons per day (gpd), based on the following calculations.***

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>Building A</i>	<i>4 x 1-Bed Units</i>	<i>150gpd/1-Bed</i>	<i>600</i>
	<i>2 x 2-Bed Units</i>	<i>225gpd/2-Bed</i>	<i>450</i>
<i>Building B</i>	<i>4 x 2-Bed Units</i>		<i>900</i>
<i>TOTAL</i>			<i>1,950</i>

- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 6". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required***

to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.

Water Supply:

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

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

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

National Roads Authority

Road Capacity Issues

The traffic demand to be generated by a residential development of six (6) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto Halifax Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
<i>13</i>	<i>1</i>	<i>0</i>	<i>2</i>	<i>3</i>	<i>2</i>	<i>1</i>

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

*The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the 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 the 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 Halifax Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connections to catch basins or alternative stormwater detention devices. **Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.***
- **Sidewalk detail needs to be provided as per NRA specifications. See** [\(<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>\)](https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf)*

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

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

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

Department of Environmental Health

22nd September 2022

The revised site plan meets the DEH requirements and can be serviced by DEH.

This development requires (1) 8 cubic yard container with once per week servicing

NOTE:

The drain for the enclosure must be plumbed to a garbage enclosure disposal well as per the Water Authority's specifications. Contact development.control@waterauthority.ky for deep well details.

27th July 2022

Solid Waste Facility:

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

- 1. A facility for manual collection shall be provided for all single family dwelling, multi-family dwellings with less than 10 units, or commercial entities that generate less than 1.0 cubic yards of waste per week. Built-in garbage or in-ground solid waste containers are not allowed.*
- 2. This development will require (1) 8 cubic yard container and enclosure built to the department's specifications.*
- 3. The plans for the proposed enclosure must be submitted for review and approval prior to construction.*

Department of Environment

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

The application site was previously man-modified and consists of secondary wetland habitat as shown in Figure 1. The site is located in the South Sound drainage basin and is connected to a wider area of wetland to the south (see Figure 2). The site is considered to be "wet" and low-lying. We recommend that a storm water management plan is developed for the site, as the proposed development would reducing the drainage capacity of the remaining surrounding wetland. Reducing the drainage capacity of the wetlands increases the likelihood and severity of flooding in the surrounding area. The stormwater management plan should be designed in a way to allow for site derived runoff to be handled on site without impacting the surrounding area.

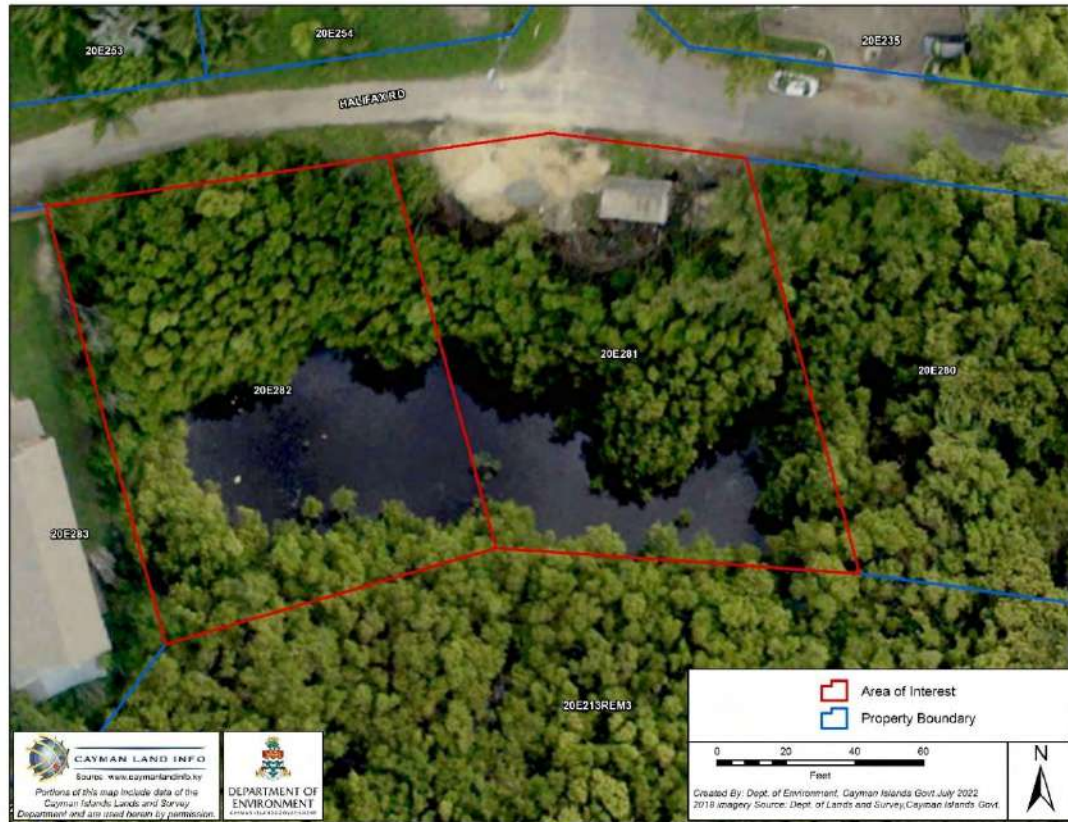


Figure 1: LIS 2018 aerial imagery showing the application site outlined in red.

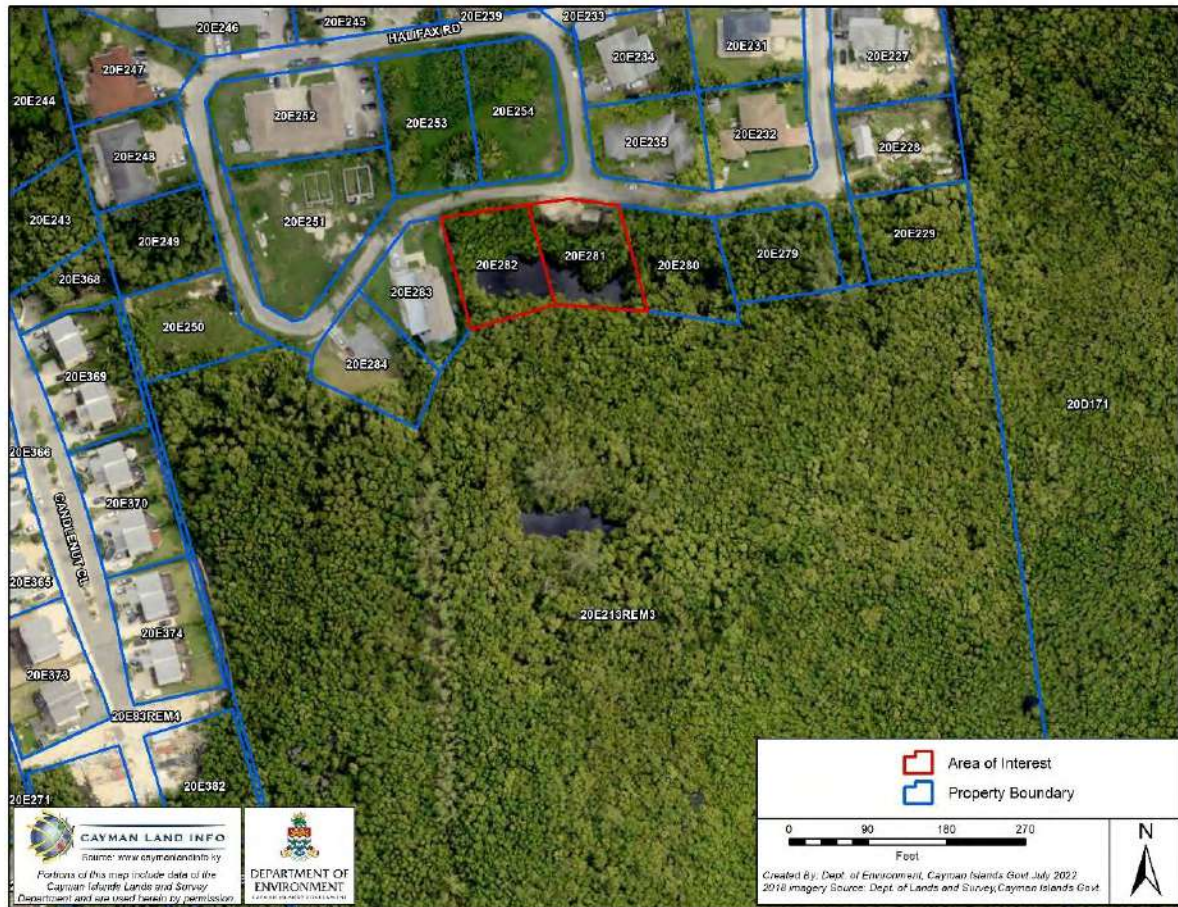


Figure 2: LIS 2018 aerial imagery showing the application site outlined in red in relation to surrounding mangrove habitat

The applicant should be encouraged to clear and fill only the development footprint to allow for the remaining existing vegetation and the remainder of the site to be landscaped with vegetation that can tolerate wet conditions, to assist with site drainage. The stormwater management for the site should include measures such as keeping the areas within the side and rear setbacks unfilled and the retention of wetland vegetation within these areas to act as natural swales and assist with on-site drainage.

Retention of existing native vegetation on site can be beneficial to the property owner used in a variety of ways:

- It can be retained along parcel boundaries and between buildings to serve as privacy buffers and screening.*
- It can be incorporated into the landscaping schemes for low-maintenance low-cost landscaping. Native plants are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation.*
- It can serve as an amenity, providing green space and shade for those who live nearby or on the property.*

- *It can remain as a habitat for endemic wildlife such as anoles, birds and butterflies. This habitat helps to contribute to the conservation of our local species.*
- *It can help reduce carbon emissions by leaving the habitat to act as a carbon sink and allow natural processes to remove carbon dioxide from the atmosphere. Destroying native vegetation releases carbon stored in the plant material, soil and peat.*
- *When located in an area of wider primary habitat, wildlife corridors can be created connecting areas of a habitat that would have otherwise been isolated through development, allowing for the movement of animals and the continuation of viable populations.*

Therefore it is recommend that the applicant incorporates native wetland vegetation such as mangroves and buttonwood into the landscaping scheme.

Given that the site is adjacent to primary wetland habitat, best management practices should be adhere to given the construction practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene beads getting blown into the surrounding area in significant quantities. These beads are very difficult to remove especially if they enter the wider wetland habitat.

In addition, the DoE recommends that wherever possible sustainable design features are included in projects such as this one, especially renewable energy installations given the target that 70% of energy generation be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037). Photovoltaic solar panels in particular could be installed on suitable roof space or over the proposed parking areas.

If the Central Planning Authority or Planning Department is minded to grant planning permission for, we recommend the inclusion of the following conditions:

- *A stormwater management plan should be prepared which includes the retention of wetland vegetation.*
- *If the construction is using insulating concrete forms (ICFs), measures (such as screens or other enclosures along with vacuuming) should be put in place to ensure that any shavings or foam waste is completely captured on-site and does not impact the surrounding areas*

Fire Department

26th July 2022

Stamped approved plans

5th July 2022

Depict fire well in proposed (clouded) area

APPLICANT'S LETTER

On behalf of my client, I would like to request a variance for the number of bedrooms and unit densities for the Proposed Apartment on Block 20E Parcels 281 & 282.

The zoning of the parcel is Low Density Residential with a total area of .58 Acres which allows 13.92 or 14 bedrooms and 8.7 or 9 units.

We proposing 16 bedrooms and 10 units apartment in total and would like to request for two (2) additional bedrooms and one (1) additional unit for the proposed project.

There are existing houses and apartments within the vicinity. There is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that the characteristics of the proposed development are consistent with the character of the surrounding area.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in a developing subdivision in George Town. Vacant land is sited to the east, south and north and a residential property forms the western boundary. The site is accessed from the north.

The subdivision has a mixture of apartments, houses and duplexes.

The application seeks planning permission for the construction of two apartment blocks with a total of 10 apartments and a sign.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 8 permits apartments in suitable locations.

Members are invited to consider the mix of development present in the subdivision as part of their deliberations.

2) Apartment density (8 v 10)

Regulation 9(8)(c) permits a total of 8 units based on the lot size.

The application proposes 10.

Members are invited to note the variance letter, attention is particularly drawn to incorrect rounding up on the unit count. Given a portion of unit i.e. 0.92 cannot be constructed standard practice is to round down.

3) Bedroom density (20 v 13)

Regulation 9(8)(c) permits a total of 13 bedrooms based on the lot size.

Four rooms are labelled 'media rooms' which all benefit from a half-bathroom and storage area. The Department has considered these as bedrooms and calculated density on that basis. The application proposes 20 bedrooms.

Members are invited to note the variance letter, attention is particularly drawn to incorrect rounding up on the bedroom count. Given a portion of bedroom i.e. 0.7 cannot be constructed, standard practice is to round down.

2.9 **DHOWN HOMES LTD (TAG Ltd) Block 21C Parcel 121 (P22-0427) (\$3.6m) (JP)**

8 apartments, covered parking structure and pool

FACTS

<i>Location</i>	South Sound Road, South Sound
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.67 ac. (29,185.20 sq. ft.)
<i>Parcel size required</i>	25,000 sq. ft
<i>Current use</i>	Vacant
<i>Proposed building size</i>	19,087 sq. ft.
<i>Total building site coverage</i>	23.64%
<i>Allowable units</i>	10
<i>Proposed units</i>	8
<i>Allowable bedrooms</i>	16
<i>Proposed bedrooms</i>	16
<i>Required parking</i>	12
<i>Proposed parking</i>	16

BACKGROUND

April 13, 2021 (**CPA/08/21; item 2.5**) – application approved for two duplexes, 4 pools, sign and wall/fence (P20-0185)

June 13, 2019 (**Administrative Approval**) – application approved for 2 volumetric parcels (P19-0469)

June 5, 2019 (**CPA/11/19; item 2.5**) – application approved for ten apartments (P19-0247)

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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, conditions (7-8) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) The construction drawings for the proposed swimming pool filtration system 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

filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.

- 9) 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.
- 10) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 11) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 12) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

- 13) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 14) 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.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons for the decision:

- 1) Per Regulation 9(8) of the Development and Planning Regulations (2022 Revision), the Authority is satisfied that the site location is suitable for apartments as follows:
 - There are no physical constraints on the site that would prevent the development of apartments.
 - There are several apartment developments in the surrounding area and the proposed apartments are consistent and compatible with the established building character of the area.
 - There is sufficient infrastructure at this site (e.g. public road, water line, electrical service) and in the area (commercial retail, grocery stores, etc.) to support the residents of the proposed apartments.
- 2) With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 3) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 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) There is a 10' buffer strip in the adjacent subdivision that separates the subject parcel from the residential lots in the subdivision. Therefore, there is a 20' buffer

between the pool and the nearest residential lot which is essentially the same as a 20' setback;

- b) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - c) 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
 - d) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997
- 4) The Authority does not concur with the Department analysis that the dens should be considered bedrooms, therefore the application complies with the maximum allowable number of bedrooms.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment and Disposal

The developer, or their agent, shall 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) (ATU) 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 2,100 US gallons per day (gpd), based on the following calculations.***

<i>BUILDING</i>	<i>UNITS/BLDG</i>	<i>GPD/UNIT</i>	<i>GPD</i>
<i>First Floor</i>	<i>1 x 1-Bed Unit</i>	<i>150gpd/1-Bed</i>	<i>750</i>
	<i>2 x 2-Bed + Den Units</i>	<i>300gpd/2-Bed + Den</i>	
<i>Second Floor</i>	<i>1 x 1-Bed Unit</i>	<i>150gpd/1-Bed</i>	<i>750</i>
	<i>2 x 2-Bed + Den Units</i>	<i>300gpd/2-Bed + Den</i>	
<i>Third Floor</i>	<i>2 x 3-Bed Units</i>	<i>300gpd/3-Bed</i>	<i>600</i>
<i>Roof Deck</i>	<i>0</i>	<i>0</i>	<i>0</i>

<i>TOTAL</i>	<i>2,100 GPD</i>
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- ***Treated effluent from the ATU shall discharge to an effluent disposal well constructed by a licensed driller in strict accordance with the Authority's standards. The minimum well casing diameter for this development shall be 4". Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4'5" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.***

Underground ATUs

The drawings indicate the wastewater treatment plant is proposed to be buried and/or is located within a traffic area. Please note, the Water Authority will not approve buried ATUs with the exception of those proposed under approved designated handicapped parking.

Queries regarding burial of aerobic treatment plants and additional requirements can be forwarded 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 of the proposed pump shall be sent to the Water Authority at development.control@waterauthority.ky for review and approval.

Water Supply:

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

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

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

National Roads Authority

Road Capacity Issues

The traffic demand to be generated by a residential development of eight (8) multi-family units has been assessed in accordance with ITE Code 220. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.65, 0.51 and 0.62 respectively. The anticipated traffic to be added onto South sound road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 20% In</i>	<i>AM Peak 80% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 65% In</i>	<i>PM Peak 35% Out</i>
<i>53</i>	<i>4</i>	<i>1</i>	<i>3</i>	<i>5</i>	<i>3</i>	<i>2</i>

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

Access and Traffic Management Issues

One-way driveway aisles with diagonal parking shall be a minimum of twelve (12) to sixteen (16) ft wide. **The applicant has adjusted the site in such a way that is satisfactory to the NRA.**

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

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

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

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

Stormwater Management Issues

The applicant is encouraged to implement state-of-the-art techniques that manage stormwater runoff **within the subject parcel** and retain existing drainage characteristics of the site as much as is feasible through innovative design and the 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 the 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 South sound road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.
- Curbing is required for the parking areas to control stormwater runoff.
- Roof water runoff should not drain freely over the parking area or onto the surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. **Catch basins are to be networked, please have the applicant provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.**
- **Sidewalk detail needs to be provided as per NRA specifications. See** <https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>

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

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

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

Department of Environmental Health

5th July 2022

Following receipt of revised plans the Department of Planning issued a further consultation request, however, no response has been provided.

20th May 2022

Solid Waste Facility:

This development requires (6) 33 gallon bins. However, the applicant has opted to utilize the 8 cubic yard container. The access to the solid waste enclosure does not meet DEH requirements for the following reasons:

1. *There is not sufficient distance for the truck to turn and the turning radius is less than the minimum required for a garbage truck.*

Swimming Pool:

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

Department of Environment

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

The site is man-modified and of low ecological value as the site has been previously cleared and filled but is located in the South Sound Drainage Basin. Therefore, a stormwater management plan should be developed to ensure that stormwater runoff is handled on-site and does not impact the surrounding area.

We recommend the planting of native species in the landscaping strip. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate, require less maintenance and are water-wise. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

In addition, the DoE also recommends that, wherever possible, sustainable design features are included in projects such as this one. Especially given the target of 70% of the islands' energy generation to be renewably sourced by the year 2037 (Cayman Islands National Energy Policy 2017-2037), we strongly recommend the incorporation of renewable energy installations. Photovoltaic solar panels in particular could be installed on suitable roof spaces or over the proposed parking spaces and rainwater collection could be used for irrigation

Fire Department

22nd September 2002

Ensure as discussed, all Grass Crete area is drivable and unobstructed terrain to maintain 20 ft required as per code.

7th September 2022

1994 STANDARD FIRE PREVENTION CODE

602.6.1 Every building hereafter constructed shall be accessible to fire department apparatus by way of access roadways with all-weather driving surfaces of not less than 20 ft (6.1 m) of unobstructed width, with adequate roadway turning radius capable of supporting the imposed loads of fire apparatus and having a minimum vertical clearance of 15FT.

APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a setback variance to a site plan which requires a minimum of 20 ft rear setback and a 15 ft side setback per Planning Regulation 9 (8)(i) and (j) and the Planner's concern.

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

(1) Under Regulation 8 (13)(b)(i), the characteristics of the proposed development are consistent with the character of the surrounding area: The actual proposed apartment building and cabana is well within the required minimum rear and side setback. Only

part of the swimming pool deck is beyond the setback line, but still at approximately 10'-0" from the nearest distance to the boundary; whereas other pools around the island have been approved at a much nearer setback. We hope that the CPA board will find this acceptable since there is no other place we can fit a properly sized swimming pool than its current proposed location. The total area of variance is 494 sq ft.

(2) Planner's Concern on Bedroom count: The proposed bedroom for the development is 16 which we are allowed for. Though the Planner had included the den/office in the bedroom count which will make it 20 bedrooms, we would like to for this to be reconsidered. As our client would like to market the development with an extra space for office because working from home became a norm, may it be a permanent or an occasional set-up, the need to provide a room dedicated for flexible working environment has increased thus adding this will increase the salability of the development.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in South Sound with vacant lots sited to the north and west and South Sound Road splitting the lot to the south. To the east existing apartment blocks are sited.

The application seeks Planning Permission for the construction of 8 apartments, covered parking structure, pool and sign.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Suitability

Regulation 8 permits apartments in suitable locations.

South Sound Road is characterised by apartment and townhouse developments with the occasional single-family dwelling. In addition, Planning Permission has already been approved for 10 apartments on the site.

Members are invited to note the above as part of their deliberations.

2) Bedroom density (16 vs 20)

Regulation 9(8)(c) permits 16 bedrooms based on the total lot size.

The submitted plans includes areas labelled 'office/den' which could also function as a bedroom. On that basis, the Department has calculated a total of 20 bedrooms.

The previous approval contained 22 bedrooms, of which 8 were labelled 'dens'.

Members are invited to consider the content of the variance letter and the previous approval.

3) Rear setback variance (10' 1" v 20')

Regulation 9(8)(i) requires a rear setback of 20'.

The application proposes a swimming pool which would measure 10' 1 from the rear boundary.

The previous approval P19-0247 granted a rear setback variance of 15' 7".

Members are invited to consider the content of the variance letter.

2.10 TECHNOWALL SYSTEMS LTD (Kozaily) Block 43D Parcel 21 (P22-0104) (\$2.0 million) (NP)

Proposed Storage Building

FACTS

<i>Location</i>	Lakeview Drive in Bodden Town
<i>Zoning</i>	Low Density Residential
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	102,061 sq. ft.
<i>Parcel size required</i>	CPA Discretion
<i>Current use</i>	Vacant
<i>Building Footprint</i>	14,570.4 sq. ft.
<i>Building Area</i>	14,570.4 sq. ft.
<i>Site Coverage</i>	20.1 % (parking & buildings)

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

- 1) The applicant must provide a copy of the signed documentation submitted to the Lands and Survey Department to register a minimum 24' wide vehicular easement over Block 43D 20 in favour of the subject parcel.

AGENCY COMMENTS

Comments received to date are noted below.

National Roads Authority

As per your memo dated February 12th, 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

General Issues

Lakeview Drive is rather a series of right of ways that crosses multiple parcels, please see below. According to the Lands Information System, there is a twenty (20) ft. wide vehicular ROW in favour of Block 43D Parcel 25; there is an additional 14ft wide ROW along the eastern boundary of 43D20 in favour of 43D21 and 43D159.



*Last year, the NRA has been asked by one of the landowners to kindly **not** do any road repairs or upgrades and to leave the area. Therefore, the NRA would advise the CPA to not approve any commercial developments within this area.*

If the CPA approves this development, the NRA would recommend a minimum 24 foot width to the subject parcel.

Road Capacity Issues

The traffic demand to be generated by a commercial development of 14,570 SQ.FT has been assessed in accordance with ITE Code 110. Thus, the assumed average trip rates per dwelling unit provided by ITE for estimating the daily, AM and PM peak hour trips are 6.97, 0.92 and 0.97 respectively. The anticipated traffic to be added onto Lakeview Drive is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 88% In</i>	<i>AM Peak 12% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 12% In</i>	<i>PM Peak 88% Out</i>
<i>103</i>	<i>14</i>	<i>12</i>	<i>2</i>	<i>14</i>	<i>2</i>	<i>12</i>

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

Access and Traffic Management Issues

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

Entrance and exit curves shall have no less than fifteen (15) feet radius curves, and have a width of twenty-two (22) ft.

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

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

Stormwater Management Issues

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

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

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

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

Fire Department

The Fire Department has stamp approved the drawings.

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank** with a capacity of at least 750 US gallons for the proposed storage facility.*
- *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 licensed driller in strict accordance with the Authority's standards.** Licensed drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.*
- ***To achieve gravity flow, treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4'5" above MSL.** The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

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

1. *If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank).*
2. *All dimensions and materials shall be provided for any site-built tanks.*
3. *Manhole 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

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

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

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

Department of Environment

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

The application site is man-modified but previously consisted of primary seasonally flood mangrove vegetation and was part of a wider mangrove wetland area. Therefore, it is recommended that a drainage plan be designed for the site to ensure that all site derived runoff (including sediment/oil/fuel laden first flush runoff) can be handled on site and does not impact the surrounding area. The plan could incorporate permeable paving materials for the parking area which would reduce the impacts of sheet flow of stormwater runoff along.

Department of Environmental Health

Solid Waste Facility: This development requires (1) 8 cubic yard container with twice per week servicing.

Specifications for Onsite Solid Waste Enclosures

Container size 8 yd³

Width 10 ft

Depth 10 ft

Height 5.5 ft

Slab Thickness 0.5 ft

Water (hose bib), drain,

Effluent Disposal well;

guard rails

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located in Bodden Town on Lakeview Drive.

The proposal is for a 14,570.4 square foot storage building and 50 parking spaces.

Adjacent landowners were notified by Registered Mail and two advertisements were placed in the newspaper. No objections have been received.

The applicant has confirmed in writing that the use of the proposed building will be for storage purposes only.

Zoning

The property is zoned Low Density Residential.

Specific issues

1) NRA Comments

The NRA is recommending a minimum 24 foot wide right of way for Lakeview Drive.

The subject property would meet this requirement but Lakeview Drive to the south of the property does not appear to meet the 24 foot wide recommendation.

2) Lack of Sidewalk

The Department would note that there is no sidewalk shown along Lakeview Drive.

The Authority should discuss whether a sidewalk is required in this instance.

2.11 STEFAN JOHNSON (Tony Lattie) Block 44B Parcel 353 (P22-0539) (\$530,000) (EJ)

Application for Three (3) Bedroom House.

FACTS

<i>Location</i>	Off Mijall Road in Bodden Town
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	13,503 sq. ft.
<i>Parcel size required</i>	15,000 sq. ft.
<i>Current use</i>	House
<i>Proposed building size</i>	2,648 sq. ft.
<i>Total building site coverage</i>	24.94%

BACKGROUND

February 26, 2013 - The Department granted permission for a three (3) bedroom 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 provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 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) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 4) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

- 5) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 6) 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 lot size, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulation 9(7)(d) of the Development and Planning Regulations (2022 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 lot size as follows:
 - a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
 - 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.

APPLICANT'S LETTER

We write on behalf of our client Mr. Stefan John for the above application.

The existing house on site will be occupied by the client and his family for the entire construction period of the new house, to keep cost down and not to cause any unneeded hardship on the family. Because of this fact the application will need to seek a lot size variance for a fixed time period.

Lot size variance

The proposed development is located in a Low Density Residential zone; the subject parcel is surrounded by some residential homes; the proposed development complies with all required setbacks for a LDR zoned development.

*We are seeking a lot size variance under **regulation 8(13) (b) & (d)** of 13,503.6 sqft vs 20,000 sqft, under the following conditions*

1. *The characteristics of the proposed development are consistent with the character of the surrounding area.*
2. *The proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare.*
3. *Where lesser setbacks are proposed for a development or a lesser lot size is proposed for a development, **"the Authority shall in addition be***

satisfied that the adjoining property owners have been notified of the application”.

4. ***No objection*** has been received from the surrounding property owners affected by the lesser lot size condition during the notification period.

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

We are proposing that the proposed application in question is viewed by the CPA members that it meets all required planning requirements except for the lot size, because the existing house will be used by the client and his family until the new house is constructed, as we have noted on the site plan. The existing house will be removed three months after the certificate of occupancy is issued for the new house.

This will allow the family the required time needed to transition from the old house to new.

We are only seeking approval from the CPA for a lot size variance for a fixed period of time not a permanent exemption.

PLANNING DEPARTMENT ANALYSIS

General

The proposed house is located off Mijall Road in Bodden Town.

Adjacent parcels owners have been notified of the variance request. No objections have been received.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Minimum Lot Size –

As mentioned, the proposed house does not meet Regulations 9 (7)(d) which requires 7,500 sq. ft. for each house, proposed at (13,503 sq. ft. vs 15,000 sq. ft.) a difference of 1,497 sq. ft. under; nevertheless, the applicant has indicated that the existing house will be removed three-months after the certificate of fitness is issued for the new house.

Whilst the proposed two-storey, three (3) bedroom house meets planning regulations for setback etc. the subject parcel has an existing house; therefore, the applicant is seeking a lot size variance for this medium density residential zone.

2.12 MILTON CLARKE (Craftmans Touch) Block 4D Parcel 456 (P22-0133) (\$500,000) (EJ)

Application for Duplex.

FACTS

<i>Location</i>	Vibe Lane in West Bay
<i>Zoning</i>	MDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	10,245 sq. ft.
<i>Parcel size required</i>	22,500 sq. ft.
<i>Current use</i>	Two (2) Houses
<i>Proposed building size</i>	2,503.5 sq. ft.
<i>Total building site coverage</i>	24.44%
<i>Required parking</i>	4
<i>Proposed parking</i>	3

BACKGROUND

April 22, 2022 - The Department granted permission for a house.

November 20, 2001 – The Department granted permission for a temporary house.

October 15, 2014 – The Department granted permission for a three-bedroom house.

July 6, 2022 (**CPA/17/22; Item 2.13**) – The Authority adjourned the application in order for the applicant to revise site plan to show accurate size and location of existing buildings.

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

Condition (1) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.

In addition to Building Permit requirements, condition (2) listed below shall be met before a Building Permit can be issued.

- 2) The existing house shall be removed from the site.
- 3) 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.
- 4) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 5) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.
- 6) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 7) 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 lot size, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required lot size per Regulation 9(7)(d) of the Development and Planning Regulations (2022 Revision) as the existing house requires 7,500 sq ft and the proposed duplex requires 7,500 sq ft for total of 15,000 sq ft – the subject site is 10,245 sq ft in size. A condition of approval has been included requiring the removal of another house on the site which is why the variance in square feet differs from what is outlined in the Department's report. The

Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser lot size as follows:

- a) The characteristics of the proposed development are consistent with the character of the surrounding area; and
- 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.

APPLICANT'S LETTER

With respect to our submission for a duplex on block 4D parcel 456 located on Vibe Lane West Bay, Grand Cayman, we hereby request variances as follows:

- 1. Land size variance. Regulations require 22,500sf and the proposed is 10,228.5sf. During the construction phase of the proposed duplex, the property will temporarily be hosting apartments as the existing buildings will not be removed until the completion of the proposed building.*

In making the application for such a variance, our client is mindful of provisions of Regulations 8(13) of the Development and Planning Regulations, and would submit that there is sufficient reason and exceptional circumstances that would permit such setback allowance, in that:

- (i) The characteristics of the proposed development are consistent with the character of the surrounding area.*
- (ii) The proposed structures will not be materially detrimental to persons residing in the vicinity, to the adjacent properties. or to the neighboring public welfare.*

PLANNING DEPARTMENT ANALYSIS

General

The proposed duplex is located on Vibe Lane on West Bay.

Zoning

The property is zoned Medium Density Residential.

Specific Issues

1) Minimum Lot Size for Duplex

Regulation 9 (8)(e) requires 7,500 sq. ft. per duplex or for each house.

There are two existing houses on the subject parcel requiring 15,000 square feet of lot area.

The addition of a duplex would require another 7,500 square feet or a total of 22,500 square feet of total area.

The parcel has a lot size of 10,245 sq. ft vs 22,500 sq. ft., or a difference of 12,255 sq. ft. under.

The applicant is seeking a lot size variance but proposes to remove the two existing houses

after completion of the proposed duplex.

SUPPLEMENTARY ANALYSIS

On July 6, 2022 (CPA/17/22; Item 2.13) – The Authority adjourned the application for the applicant to revise site plan to show accurate size and location of existing buildings.

2.13 ROBERT ANTHONY (Robert Anthony) Block 32C Parcel 312 (P21-0658) (\$10,000) (EJ)

Application for land clearing for agricultural purposes.

FACTS

<i>Location</i>	Anthurium Drive, Savannah
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2883 ac. (12,558 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

N/A

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.

Reasons for the decision:

- 1) The Authority considered the application, which is intended to facilitate the agricultural use of the site, and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2021 Revision).

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

Although the application site was previously cleared, it now consists of predominately mature vegetation regrowth (as shown in Figure 1 below).



Figure 1: Aerial Imagery showing the subject parcel (Source: Lands and Survey 2018).

*Justification for the land clearing has not been included in the applicant's submissions, therefore, the DoE considers the proposal to be speculative clearing. The DoE does **not** support speculative clearing of parcels prior to planning permission for development being granted.*

We recommend that applications for land clearing are presented along with the development proposal so that appropriate mitigation measures can be recommended, as there may be varying recommendations depending on the form and nature of the development being proposed. Clearing the site prematurely removes the choice to retain vegetation within the future development. Once planning permission for a development has been received, the DoE encourages applicants not to undertake land clearing until development is imminent to allow ecosystem services to continue to function until they are ready to begin construction. Premature clearing removes the value the habitat could provide in the time between the clearing and the actual development of the parcel.

We also encourage applicants to retain as much native vegetation as possible to incorporate into the landscaping scheme. Native species are best suited for the conditions of the site, including the temperature and amount of rainfall. They are climate-appropriate and require less maintenance and irrigation. Landscaping with native vegetation also provides habitat and food for native fauna such as birds and butterflies, promoting biodiversity and providing valuable ecosystem services.

As there has been no justification submitted for the land clearing, the DoE recommends that the application is refused or deferred until a proposal for the development or use of the land has been applied for and planning permission has been granted.

APPLICANT'S LETTER

My wife and I purchased Block 32C, Parcel 312, which lies immediately South of our current residence, which is on Block 32C, Parcel 310, and we are seeking Planning permission to clear land by mechanical means of the existing overgrowth.

Once cleared we wish to prepare the parcel for the cultivation of fruit trees and crops. The produce generated used by our family with any surplus being given to our friends and neighbours.

As required, we have sent out 'Notice of Application for Planning Permission' by registered post on 28th July 2022 to the 12# adjacent property owners. A copy of these notices is attached along with a map of the properties.

PLANNING DEPARTMENT ANALYSIS

General

The proposed land clearing is located on Anthurium Drive near Beach Bay.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Permitted Uses Regulations 9 (8)–

As mentioned, the applicant wishes to clear the entire 12,558 sq. ft. parcel for cultivation of fruit trees and crops; therefore, the Authority is asked to consider the proposal and merits of the applicants' letter.

2.14 STEVEN HOLDINGS LTD. (Darius Development) Block 33B Parcel 3 (P22-0596) (\$15,000) (EJ)

Application for After-the-fact Land Clearing.

FACTS

Sand Point Road, Rum Point North Side

<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	21,780 sq. ft.
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Vacant

BACKGROUND

April 29, 2022 (CE22-0068) – The Department issued and enforcement notice.

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) The existing mangroves along the shoreline shall be retained in their natural state.

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 (2022 Revision).

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

The subject parcel is located adjacent to a Marine Protected Area, namely a Marine Reserve. Prior to clearing, the application site consisted of vegetated regrowth with a mixture of native species such as mangrove and sea grape trees as well as invasive plant species such as Indian almond trees, casuarina trees and invasive scaveola. The DoE conducted a site visit on 02 September 2022. From a review of Lands and Survey 2018 aerial imagery and the site visit, the DoE concludes that the majority of the vegetation cleared was invasive species (see Figures 1 & 2 in Appendix). The DoE notes from the site visit conducted that native sea grape trees and red and black mangroves still remain on-site as shown in Figures 3-6 in the Appendix.

Mangroves are protected under Schedule 1, Part 2 of the National Conservation Act (2013), with an adopted Species Conservation Plan. It is an offence to remove mangroves unless permission is explicitly sought to remove them either through planning permission or the granting of a National Conservation Council Section 20 Permit.

*The DoE would **not** support the removal of any of the remaining mangroves on the site. With guidance, mangroves can be trimmed to give vistas without causing severe injury to or killing mangroves. If the Applicant wishes to trim the mangroves, this **must** be done in accordance with the Department of Environment's Mangrove Trimming Guidelines (<https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>) to prevent committing an offence under the National Conservation Act (2013).*

Mangroves provide a nursery habitat for fish and other marine life and are vital in helping to maintain good water quality. Both mangroves and other canal-side vegetation provide a natural buffer that helps to intercept surface water that may run off the land into the canal impacting water quality. In addition, canal-side vegetation, especially mangroves, also help to prevent soil erosion by binding the substrate.

If the Central Planning Authority or Department of Planning is minded to grant planning permission for the after-the-fact land clearing, we recommend the inclusion of the following as conditions of the planning permission:

- 1. All existing mangrove vegetation shall be retained in accordance with the National Conservation Council's Species Conservation Plan for Mangroves (2020). Should there be any trimming of the mangroves, it shall be done in accordance with the DoE's Mangrove Trimming Guidelines available from the DoE's website here: <https://doe.ky/sustainable-development/best-practices-guides/mangrove-trimming-guidance/>.*
- 2. Any future development, land clearing, filling or excavation shall be the subject of a separate consultation with the Central Planning Authority and National Conservation Council.*

APPLICANT'S LETTER

With respect to the Enforcement Notice REF CE22-0068. We hereby submit an after the fact planning application for land clearing by mechanical means. However, please note the following points regarding the purpose and intended outcome of the tree cutting exercise.

- 1. The land was overgrown with large trees overhanging the neighbors (see attached drawing and photos prior to tree trimming)*
- 2. With hurricane season approaching, the owners were concern about damage to neighboring properties*
- 3. The intention was to only trim the large casuarina trees and coconut trees that could potentially cause damage during inclement weather conditions.*
- 4. No large tree roots were removed as concerns with land stability was taken into consideration.*
- 5. No mangroves were removed from the shoreline.*
- 6. Some light brushes were removed to access the land with a boom lift for trimming with a handheld chainsaw*

PLANNING DEPARTMENT ANALYSIS

General

The after-the-fact land clearing is the result of code enforcement CE22-0068 and located on Sand Point Road, Rum Point North Side.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Permitted Uses Regulations 9 (8)–

As mentioned, the applicant wishes is seeking after-the-fact permission in clearing the entire 21,780 sq. ft. parcel; therefore, the Authority is asked to consider the atf request and merits of the applicants' letter.

2.15 POINT WEST (Declan O'Brien) Block 1E Parcel 47 (P22-0814) (\$20,000) (NP)

Proposed land clearing and construction staging compound.

FACTS

<i>Location</i>	North West Point Road, West Bay
<i>Zoning</i>	BRR
<i>Notification Results</i>	No Objections
<i>Parcel size</i>	3.8 acres
<i>Current use</i>	Vacant
<i>Proposed use</i>	Clearing & Construction Staging

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) All structures, construction materials and debris shall be stockpiled at least 100 ft from the Mean High Water Mark to prevent material entering the Marine Protected Area.
- 3) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

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 (2022 Revision).

AGENCY COMMENTS

Department of Environment

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

The site is adjacent to a Marine Reserve (a Protected Area under the National Conservation Act) and an exposed high energy coastline which experiences significant wave impacts during storms. As such, it is important that the construction will not have any unacceptable effects on the Protected Area including the potential for fill material from stockpiles or car parking to be washed off of the ironshore into the sea. The vegetation line, which is, for the most part, set back approximately 100 ft from the Mean High Water Mark (MHW) in this area, is a valuable indicator of the common extent of wave impact

to the shoreline. In order to reduce the risk of materials and structures on this site being impacted by waves, the Department recommends that all proposed development footprints are revised to be set back a minimum of 100ft.

The DoE is also aware that practices such as sanding down polystyrene which is used as part of wall finishing and window moulding can result in polystyrene beads getting blown into the surrounding area and the canals in significant quantities. These beads are very difficult to remove especially if they enter the marine environment and where they do not naturally break down.

DIRECTED CONDITIONS

The site is adjacent to a Marine Protected Area under the National Conservation Act (NCA). Without appropriate environmental management practices, storage of materials too close to the protected area and inadequate management of construction wastes and debris can result in adverse effects on that protected area through the run-off and escape of materials and debris. Storms, high waves, high tides, rainy weather, or construction practices can result in the material entering the Marine Protected Area. Without appropriate environmental management practices, there would or would be likely to be an adverse effect on the Marine Protected Area, namely:

- Section 2(f) of the NCA: the discharge of pathogens, dissolved or suspended minerals or solids, waste materials or other substances at levels that may be harmful to wildlife or the ecological or aesthetic value of the area.

Therefore, on the basis of the above information, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DOE, therefore, **respectfully directs that the following conditions be imposed by the Central Planning Authority or Department of Planning**, as part of any agreed proposed action for planning approval:

1. All structures, construction materials and debris shall be stockpiled at least 100 ft from the Mean High Water Mark to prevent material entering the Marine Protected Area.
2. Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

These conditions are directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received from the Central Planning Authority/Department of Planning, appeal against the decision of the Council to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

We trust that this information will be relayed to the applicant in the Department of Planning's decision letter.

PLANNING DEPARTMENT ANALYSIS

General

The subject property is located directly north of the Point West apartment site on North West Point Road.

The application is to clear lands in order to stage the construction operations for the apartment construction on the lands to the south.

It is noted that the applicant proposes to keep the existing vegetation along the property boundaries for screening purposes.

Adjacent properties were notified by Registered Mail and no objections have been received.

Zoning

The property is zoned Beach Resort Residential.

2.16 DAMIAN PATRICK MAGEE (Luxury End Construction & Design) Block 12C Parcel 114 (P22-0053) (\$50,000) (EJ)

Application for a pool.

FACTS

Location

Andrew Drive in Snug Harbour

Zoning

LDR

<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	0.2777 ac. (12,096 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	House

BACKGROUND

August 24, 1990 - The Authority granted permission for a house.

May 11, 2022 (CPA/13/22; Item 2.15) - The Authority adjourned the application in order to allow the applicant to submit a revised site plan depicting a minimum 10-foot rear setback for the pool deck.

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) The construction drawings for the proposed swimming pool filtration system 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 filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 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) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool.**

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 (2022 Revision).
- 2) The proposed application does not comply with the minimum required rear setbacks per Regulations 9(8)(i) of the Development and Planning Regulations (2022 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

"We write on be-half of our client of Mr. Damian McGee, requesting a variance to construct a swimming pool based on regulations 8(13).

We have noticed that most of the pools in the snug harbor area is not located within the setbacks, even in the immediate neighborhood and my client have spoken to them personally and they have no objections.

We would like to construct a pool 15' x 30' x 6' & 3' deep as shown on the plan. We have served registered notices to all the adjoining landowners / homeowners as requested by the

Planning Department. This is the first phase of the enhancement and upgrade of the residence."

PLANNING DEPARTMENT ANALYSIS

General

The property is located on Andrews Drive in Snug Harbour.

The proposed swimming pool and deck does not meet the required rear setback.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear Setback Variance

The applicant is seeking a rear setback variance for the proposed swimming pool and deck, proposed at 9.4' & 3.6' vs 20' & 10' per regulations 9(8)(i). The applicant has provided a letter providing their reasons for the setback variance.

SUPPLEMENTARY ANALYSIS

May 11, 2022 (CPA/13/22; Item 2.15) - The Authority adjourned the application in order to allow the applicant to submit a revised site plan depicting a minimum 10-foot rear setback for the pool deck. The applicant has now submitted revised site plans per CPA request.

2.17 HALCYON SEA LLC Block 33B Parcel 20 (P22-0558) (\$50,000) (AS)

Application for a pool.

FACTS

<i>Location</i>	Sand Point Rd
<i>Zoning</i>	LDR
<i>Parcel Size</i>	.6 AC (2,136 sq. ft.)
<i>Current Use:</i>	Residential
<i>Notices</i>	No objections

BACKGROUND

Approval was granted on 14th June 2000 for a three (3) bedroom house and cabana.

At CPA/19/22 (3rd August 2022) the pool application was adjourned for the following reason:

- 1) The applicant is required to submit a revised site plan showing the pool with a minimum setback of 75' from the high water mark.

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

- 1) The applicant is required to submit revised plans showing the pool with a minimum setback of 70' from the high water mark. The Authority acknowledges that this requirement may necessitate a change in the shape of the pool.

AGENCY COMMENTS

Department of Environment

"The application site is man-modified with an existing residence and located adjacent to a Marine Protected Area, namely the North Sound Marine Reserve. The coastlines of Cayman Kai and Rum Point are generally receding as the beaches in these areas are primarily artificially created from land reclamation projects in the 1970s and as a result, are not natural. Many of the typical coastal processes that would build and ultimately provide long-term stability for the beaches are absent. In addition, during storm events, this coastline experiences extreme fluctuations.

The Department notes that the proposed pool and deck do not meet the minimum required coastal setback of 75 feet for beaches as prescribed in the Development and Planning Regulations (2022). Prior development of the site does not allow for the proposed pool to be located on the seaward side of the existing house.

The Department strongly maintains its stance that coastal setbacks should not be reduced but instead should be treated as a minimum (as prescribed in the Development & Planning Regulations). Coastal setbacks seek to reduce the impacts of storm-related damage upon

coastal infrastructure and ensure that development does not encroach onto the 'active' part of a beach, as the back beach holds reserves of sand that are critical for sediment supply during periods of storm activity and erosion. The importance of setbacks is amplified when considered within the context of climate change predictions for the region, which include 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. For these reasons, the Department does not support a variance in the coastal setback. We recommend that the pool is repositioned to the side or landward of the existing house in order to meet coastal setbacks. Vegetation can be planted around the pool to provide a privacy and sound buffer.

DIRECTED CONDITION

However, if, on the basis of the above information, the Central Planning Authority or Planning Department is still minded to grant planning permission for the pool in the proposed location this raises additional concerns regarding adverse effects on the adjacent Marine Reserve due to construction-related impacts as a result of stockpiling excavated sediments and construction materials too close to the water, specifically the introduction of levels of sedimentation and turbidity which may be harmful to wildlife or the ecological or aesthetic value of the area.

Therefore, in the exercise of powers which have been conferred through express delegation by the National Conservation Council, pursuant to section 3(13) of the National Conservation Act (2013) the Director of DoE respectfully directs that the following condition be imposed by the Central Planning Authority or Department of Planning, as part of any agreed proposed action for planning approval:

- 1) All construction materials shall be stockpiled a minimum of 50ft from the Mean High Water Mark.

This condition is directed to prevent run-off and debris from entering the Marine Protected Area causing turbidity and impacting sensitive marine resources.

A person aggrieved by a decision of the National Conservation Council to impose a condition of approval may, within 21 days of the date on which the decision is received, appeal against it to the Cabinet by serving on the Cabinet notice in writing of the intention to appeal and the grounds of the appeal (Section 39 of the National Conservation Act, 2013).

In addition, we recommend the inclusion of the below condition:

- 2) Any sand that is excavated during construction shall be retained on-site and beach quality sand shall 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 shall be the subject of a separate consultation with the National Conservation Council.”

APPLICANT’S LETTERS

Letter #1

We are seeking Planning approval for a proposed pool as per site plan submitted, on the basis that the proposed structure meets the Development and Planning Regulations (2017 Revisions) Section 8 (11) criteria. We are also seeking a setback variance of 56’ from Mean High Water Mark (vs.

75'). The existing house next door on Block 33B 21 has a pool approximately 50' from the High Water Mark.

We feel that having the Department grant the requested setback variance will not be materially detrimental as noted under section 8 (13) in the Development and Planning Regulations:

8. (13) (b) (i) the characteristic of the proposed development are consistent with the character of the surrounding area;

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

Letter #2

We are seeking Planning approval for a pool as per site plan submitted and kindly request the following variance:

1. 56' from the Mean High Water Mark (vs. 75').

The CPA has requested the site plan be revised to show pool 75' from the Mean High Water Mark. This is not possible because the existing screened porch is approximately 75' from HWM.

The house next door (33B19) has a pool approximately 60' from HWM and there are other pools in the area that are less than 75' from HWM. For this reason, asking for a variance from the 75' HWM is consistent with the area.

We feel that having the Department grant the requested variances falls under section 8 (13) in the Development and Planning Regulations:

- (b) (i) the characteristics of the proposed development is consistent with the character of the surrounding area;
- (b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

PLANNING DEPARTMENT ANALYSIS

General

The property is located on Sand Point Road.

The pool will be located 56 ft 6 in from the HWM.

Adjacent parcels owners have been notified of the setback variance request. No objections have been received.

Zoning

The property is zoned Low Density Residential.

Specific Issue

1) HWM Setback (56'6" vs 75')

Pursuant to Section 8 (10) (b) of the Development and Planning Regulations (2022 Revision) the minimum HWM setback is 75 ft where the shoreline is beach.

In this instance the proposed seaside setback is 56'6".

It is noted that on the 28th November 2007, a pool was approved at Block 33B Parcel 60, also at Sand Point Rd, with a HWM setback of 60 ft.

2.18 DON EBANKS (Oasis Pool & Spa) Block 25B Parcel 597 (P22-0468) (\$65,000) (MW)

Pool & Deck

FACTS

Location

Spotts Haven Cir., George Town

Zoning

Low Density Residential

Notification result

No objections

Parcel size proposed

0.2889 ac. (12,584.484 sq. ft.)

Current use

Existing Residence

BACKGROUND

November 25, 2016 – Three Bedroom House – the application was considered and it was resolved to grant planning permission.

February 28, 2017 – LPG Storage Tank 100 Gallons – the application was considered and it was resolved to grant planning permission.

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) The construction drawings for the proposed swimming pool filtration system 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 filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.
- 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) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool.**

Reasons for the decision:

- 1) With the exception of the front setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed application does not comply with the minimum required front setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 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.

APPLICANT'S LETTER

We write to request a variance for the construction of a swimming pool at the above-mentioned block and parcel. The pre-existing house placement and shape of the parcel create a hardship that limit the options for pool placement on the lot

The proposed pool location allows for a typical and functional pool at the rear of the property. The proposed pool location would have a 15' setback varied from the 20' required set back.

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

The proposed new swimming pool will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or the public welfare.

The adjoin property owners have been notified of the application and there have been no objections received.

PLANNING DEPARTMENT ANALYSIS

General

The application is for a Pool & Deck with Rear Setback Variance to be located on Spotts Haven Cir., George Town.

Zoning

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

Specific Issues

1) Roadside Setback

Regulation 9(8)(i) states “the minimum front & rear setback is 20 feet”. The proposed pool & deck area would be 13'-10" & 10'-4" from the rear boundary a difference of 6'-2" & 9'-8" respectively.

The adjoining parcels were notified and no objections were received.

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

2.19 KARLO BARREDO (MKS International) Block 25C Parcel 341 (P22-0748) (\$25,000) (MW)

ATF Gazebo

FACTS

<i>Location</i>	Sunblaze Dr., George Town
<i>Zoning</i>	Low Density Residential
<i>Notification result</i>	No objections
<i>Parcel size proposed</i>	0.2987ac. (13,011.372 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Existing Residence with Garage & Pool.
<i>Proposed building size</i>	280 sq. ft.
<i>Total building site coverage</i>	19.57%

BACKGROUND

November 19, 2008 – Three Bedroom House – the application was considered and it was resolved to grant planning permission.

April 29, 2009 – Proposed Residential Garage – the application was considered and it was resolved to grant planning permission.

April 29, 2009 – Proposed Modification to Site Plan – the application was considered and it was resolved to grant planning permission.

February 08, 2021 – 388 sq. ft. Patio Extension, 378 sq. ft. Garage & Pool – the application was considered and it was resolved to grant planning permission.

March 03, 2021 – Revised Porch Roof Design – the application was considered and it was resolved to grant planning permission.

September 28, 2022 – Bathroom Addition; 40 sq. ft. – the application was considered and it was resolved to grant planning permission.

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 **within 3 months of the date of this decision.**
- 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.
- 3) The applicant shall obtain a Certificate of Completion **within 6 months of the date of this decision.**

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 (2022 Revision).
- 2) The proposed application does not comply with the minimum required rear setback per Regulation 9(8)(i) of the Development and Planning Regulations (2022 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.

APPLICANT'S LETTER

We are seeking Planning approval for an ATF gazebo as per site plan submitted and kindly request the following variances:

1. *Rear setback variance of 7'-0" for gazebo and deck (vs. 20')*

There are other similar structures in the neighborhood that are less than 20' from rear boundary therefore:

We feel that having the Department grant the requested variances falls under section 8 (13) in the Development and Planning Regulations:

- *(b) (i) the characteristics of the proposed development is consistent with the character of the surrounding area;*
- *(b) (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare.*

PLANNING DEPARTMENT ANALYSIS

General

The application is for an ATF Gazebo with a Rear Setback Variance to be located on Sunblaze Dr., George Town.

The adjoining parcels were notified and no objections were received.

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) Rear Setback

Regulation 9(8)(i) states “*the minimum front & rear setback is 20 feet*”. The ATF gazebo is 7’-0” from the rear boundary a difference of 13’-0” respectively.

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

2.20 CAYMAN SHORES DEVELOPMENT LTD. (Decco Ltd) Block 12D Parcel 95 Block 5 (P22-850) (\$10,000) (NP)

Proposed Sign

Christine Maltman declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Nexus Way
<i>Zoning</i>	General Commercial
<i>Current use</i>	Directional Sign
<i>Sign Area</i>	90 sq ft

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 (2022 Revision).

APPLICANT’S LETTER

Please accept the enclosed application to install a 90 s.f. sign on the back side of an existing free-standing sign located on Nexus Way within Camana Bay Block 7.

We acknowledge the sign location is not located within a registered parcel, but within the previous ETH public right of way which is currently waiting on CIG to officially close and vest that portion to Cayman Shores Development Ltd.

PLANNING DEPARTMENT ANALYSIS

General

The proposed sign would be located on the back of an existing NRA directional sign that exists along Nexus Way.

The size of the proposed signs is 90 square feet and would be used as a welcome sign to Camana Bay.

Notification was not required because the applicant owns the surrounding lands.

Zoning

The property is zoned General Commercial.

2.21 ONE GT LIMITED. (Jeremy Hurst IRG) Block 14CJ Parcel 36 (FA81-0019) (P22-0837) (\$8,273) (MW)

160 sq. ft. Real Estate Sign.

Celecia Bancroft declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Shedden Rd., George Town
<i>Zoning</i>	General Commercial
<i>Notification result</i>	No Objectors
<i>Current use</i>	Vacant

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 (2022 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 160 sq. ft. Real Estate Sign to be located on Shedden Rd., George Town.

Zoning

The property is zoned General Commercial and the Department would offer the following comments regarding the specific issue noted below.

Specific Issues

1) Compliance to Sign Guidelines

The CPA sign guideline 4.3 stipulates ;

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

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

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

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

The applicant has proposed (1) temporary real estate sign which are to be affixed to the proposed 6x6 timber posts with a size of 20’-0” in width & 8’-0” in height for a total of 160 sq. ft. each and a total overall height from the ground of 14’-0”. The sign will be setback 1’-0” from the existing fence which will be approximately the required 4’ from the road edge.

The Authority should determine if the size, location and height of the proposed sign is acceptable and warrant granting planning permission.

2.22 JOSEPH LORENZO JACKSON (Roland Bodden & Co.) Block 4C Parcel 519 (P22-0641) (JP)

6 lot subdivision

FACTS

<i>Location</i>	Coppice Lane, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	1.56 ac. (67,953.6 sq. ft.)
<i>Parcel size required</i>	10,000 sq. ft.
<i>Current use</i>	Residential

BACKGROUND

June 14, 1995 (**Administrative Approval**) – house (P95-100338)

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

- 1) Prior to the commencement of any site works such as filling, grading and road construction (with the exception of minor land clearing needed to establish site levels for the preparation of a stormwater management plan), the applicant shall submit:
 - a) Specifications of any proposed underground utilities; including location, type of utilities, and trench dimensions.
 - b) A stormwater management plan prepared in accordance with the requirements of the Managing Director, NRA and approved by the Central Planning Authority. The plan shall be designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and should include, but not be limited to, the location of all drainage facilities and general grading details of the parcels (roads included). In general, the entire site shall be graded in such a manner that stormwater runoff is no more than that which occurred during predevelopment conditions along private boundaries with any excess runoff directed to one central drainage facility or a series of facilities. *The plan shall include proposed lot grading in order to facilitate the implementation of condition 2) b) below. Additionally, if the plan includes drainage swales then cross-sections of the swales must be provided.*
- 2) Prior to the subdivision plan being finalized, the following conditions shall be satisfied:
 - a) All underground utilities shall be inspected and approved by the relevant agencies prior to the utilities being buried.
 - b) The property shall be filled in such a manner as to ensure that the subdivision road (s) and a reasonable building envelope for each lot, and the entirety of all lots designated as Land for Public Purposes, are filled to four (4) feet above mean sea level, with the remaining subdivision land being filled and/or graded to a level that will assist in the drainage of the subdivision per the stormwater management plan required in condition 1) c) above. After filling the site, the applicant shall submit a plan prepared by a registered land surveyor indicating spot heights at regular intervals, including the finished grade of constructed access road(s), if any.
 - c) The approved stormwater management system shall be installed on site.
 - d) The final subdivision plan shall indicate a vehicular easement over the subdivision access road in favour of each lot. The final plan must be accompanied with the requisite grant of easement forms detailing the easements to be registered.
 - e) The access road (s) abutting the proposed lots shall have a minimum of a 30' wide demarcated road parcel and shall be constructed with asphalt and approved by the Central Planning Authority prior to the lots being registered. The applicant shall liaise with the Managing Director, National

Roads Authority (NRA), at predetermined stages of road construction to ensure compliance with the requisite standards. Failure to do so may render the project unacceptable. Please be advised that the road base shall be constructed to National Roads Authority (NRA) minimum design and construction specifications for subdivision roads. The NRA shall inspect and certify road base construction prior to road surfacing activities.

- f) The applicant shall provide water infrastructure for the entire sub-division. The developer shall submit plans for the water supply system for approval by the Water Authority. The water supply system shall be installed to the Authority's specifications, under the Authority's supervision. Copies of these specifications are available at the Water Authority's office on Red Gate Road.
- g) The applicant shall request to have the sub-division connected to the Water Authority's public water system. This request will be acted upon after the pipelines on the sub-division have been installed in accordance with the WAC specifications and have passed all specified tests.
- h) The surveyor's final drawing **shall include the surveyed dimensions of all lots** 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 (2022 Revision).

AGENCY COMMENTS

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

Water Authority

Water Supply:

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

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

Wastewater Treatment

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

Wastewater Treatment for Existing Structure

The existing building on the parcel (proposed Lot 4) shall have adequate wastewater treatment. The Water Authority advises that all wastewater infrastructure, including septic tanks, deep wells, ATUs, etc. must be contained within the boundaries of the parcel on which the building stands.

National Roads Authority

No comments received.

Department of Environment

This review is provided by the Director of the Department of Environment (DoE) under delegated authority from the National Conservation Council (section 3 (13) of the National Conservation Act, 2013). The DoE confirms that we have no comments at this time.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in West Bay with residential property located to the east, west and south and vacant land to the north.

The application seeks Planning Permission to subdivide the land creating 5 land parcels and 1 road parcel along Coppice Lane ,which leads onto Up The Hill Road.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Lot width variance (30' v 80')

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

The road parcel is proposed with a width of 30'.

Members are invited to consider the acceptability of the scheme.

2.23 CRICKET SQUARE LTD (Chalmers Gibbs Architects) Block 14C Parcels 228, 229 and 96 (P22-0807) (\$150,000) (JP)

Demolition of existing building and replacement with parking spaces together with modifications to existing carpark and installation of fencing.

Ian Pairaudeau declared a conflict and left the meeting room. Handel Whittaker sat as Acting Chair.

FACTS

<i>Location</i>	Sound Way, George Town
<i>Zoning</i>	GC
<i>Notification result</i>	No Objectors
<i>Parcel size proposed</i>	1.57 ac.
<i>Current use</i>	Commercial/industrial
<i>Required parking</i>	1,585
<i>Proposed parking</i>	1,906

BACKGROUND

Cricket Square has extensive history with various development and car park applications. The most recent:

September 28, 2022 (**CPA/23/22; item 2.19**) application to modify planning permission to provide an additional 16 parking spaces approved (P22-0715)

Another carpark application is included in this agenda (P22-0716).

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

- 1) The applicant shall submit the Stormwater Management plan which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority. **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 2) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 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 applicant shall obtain a Certificate of Completion **prior to using the parking lot.**

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 (2022 Revision).

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

The Department confirms we have no comments

PLANNING DEPARTMENT ANALYSIS

General

The application site is located off Sound Way and currently comprises a car park, commercial unit and unauthorised storage. Residential and commercial uses bound the site.

The application seeks Planning Permission to redevelop the three sites which would involve removal of a building and creation of a new parking area.

Zoning

The property is zoned General Commercial.

2.24 GENE THOMPSON (TAG) Block 12C Parcel 190 (P22-835) (\$74,500) (NP)

Proposed Covered Entrance

FACTS

<i>Location</i>	Grand Pavillion on West Bay Road
<i>Zoning</i>	Neighbourhood Commercial
<i>Current use</i>	Office & Commercial Building
<i>Proposed Building Area</i>	596 sq ft

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) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 3) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion.

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 (2022 Revision).

PLANNING DEPARTMENT ANALYSIS

General

The proposed covered entrance would be located on the north side of the Grand Pavillion building, at the site of the existing entrance.

Notification was undertaken and no objections have been received.

Zoning

The property is zoned Neighbourhood Commercial.

2.25 ELITE MARBLE & TILE Block 19A Parcel 17 (P17-1347) (\$800,000) (EJ)

Application for warehouse, showroom and office area and sign.

FACTS

<i>Location</i>	Junction of Lincoln Drive and Allie Drive
<i>Zoning</i>	HI
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.4922 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Warehouse, Showroom and Office and Sign
<i>Building Size</i>	9,978 sq. ft.
<i>Building Coverage</i>	40.71%
<i>Parking Coverage</i>	27.98%
<i>Total Site Coverage</i>	68.69%
<i>Proposed Parking</i>	17
<i>Required Parking</i>	15

BACKGROUND

January 10, 2018 (CPA/01/18; Item 2.5) – The CPA resolved to adjourn the application for the applicant to submit revised plans that comply with Department of Environmental Health requirements for the location of the garbage dumpster and the revised plans must

show architectural embellishments to the side and rear building elevations and further resolved to delegate approval authority to the Director of Planning upon compliance with DEH conditions and revised plans.

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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) 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.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area

- 10) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.
- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 12) 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.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

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 (2017 Revision).

AGENCY COMMENTS

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

Department of Environment

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

Chief Environmental Health Officer

*The Department has no objections to the proposed in principle; however the location of the garbage enclosure is **unsatisfactory**.*

Location of enclosure: *The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position. The*

enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.

Minimum vertical clearance: *A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.*

Access to enclosure: *The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.*

Angle of approach: *Generally the service shall be able to approach the container directly. Where an enclosure is located at the side of an access way the angle of approach made with the access way shall not exceed 22.5 degrees.*

Turning radius: *The turning radius required for access to the enclosure must be adequate a 3-axil truck. The over overall length of the truck is 36 feet and the overall width is 8 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet."*

Water Authority

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

Wastewater Treatment & Disposal

*The developer shall provide a **septic tank** with a capacity of at least **(2,500) US gallons** for the proposed. The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools.*

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

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

Water Supply

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

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

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

National Roads Authority

As per your memo dated November 24th, 2017 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 the proposed development onto Lincoln Drive is considered to be minimal.

Access and Traffic Management Issues

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

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

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

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 9,978 sq. ft. warehouse building and a sign; which consist of 7,478 sq. ft. of warehouse, 1,250 sq. ft. of showroom and 1,250 sq. ft. of office space on the second floor.

Zoning

The property is zoned Heavy Industrial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

1) Aesthetics

The Authority should determine if the architectural appearance of the building is acceptable.

2) Garbage Enclosure

The applicant has submitted a revised site plan to address DEH's comments regarding the location of the garbage dumpster. As of preparing the Agenda, DEH had not provided revised comments.

3) Signs

The applicant is also proposing one (1) sign 30 sq. ft. (2' H x 30' W) which is proposed about 20' over the front facade of the building facing the road and comply with the Sign Guideline item 5.3; less than the allowable 10% total facia area, proposed 2.24% or 30 sq. ft. and less than the allowable 50% of the linear frontage, proposed 30% or 15' wide.

SUPPLEMENTARY ANALYSIS

On January 10, 2018 (**CPA/01/18; Item 2.5**) – The CPA resolved to adjourn the application for the applicant to comply with Department of Environmental Health requirements and to improve architectural embellishments to the building elevations and delegated approval authority to the Director of Planning upon compliance with DEH conditions and revised plans.

Subsequently; the applicant has revised the plan for two (2) 32-gallon garbage bins per DEH approval and revised elevation; however, giving the length of time of CPA initial review and the 4.9 years that has lapsed, the department is of the opinion that the Authority should decide to the application.

2.26 BENIECA THOMPSON (Dweainy Construction) Block 9A Parcel 852 (P21-1236) (\$120,000) (JP)

Application for a pool.

FACTS

<i>Location</i>	Plumbago Way, West Bay
<i>Zoning</i>	LDR
<i>Notification result</i>	Objector
<i>Parcel size proposed</i>	0.2667 ac. (11,617.45 sq. ft.)
<i>Current use</i>	Residential

BACKGROUND

July 6, 2022 (**CPA/17/22; item 2.3**) members considered the application and resolved to adjourn for the following reason:

1. The applicant is required to submit a revised plan showing the pool with a minimum 20' rear setback. The applicant is advised that they must re-notify the objector on record if the pool deck has a rear setback less than 10'.

April 27, 2022 (**CPA/12/22; item 2.3**) neither applicant nor objector appeared before CPA. The application adjourned to enable rescheduling.

August 30, 2018 (**Administrative Approval**) – application for a house approved (P18-0621)

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

In addition to Building Permit requirements, condition (1) listed below shall be met before a Building Permit can be issued.

- 1) The construction drawings for the proposed swimming pool filtration system 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 filtration system is constructed in accordance with the submitted plans it will conform to public health requirements.

- 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) Construction sites for in-ground swimming pools and spas shall be provided with construction fencing to surround the site from the time that any excavation occurs up to the time of completion. The fencing shall be not less than 4 feet in height.
- 4) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 5) The applicant shall obtain a Certificate of Completion **prior to the utilization of the pool.**

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 (2022 Revision).

APPLICANT'S LETTER

We are applying for variances for Rear Setback variance on Block 9A & Parcel 852 to construct a pool

Based on the design and space at the rear we are 10 feet from the property line which required to be 20 feet.

Therefore we are applying for a setback variance of 10 feet to construct pool.

Based on our reseach of developments in the area with similar issues, indicate that this development would not change the aesthetics of the area.

With respect Section 8(13) of The Development and Planning Regulations (2018 Revision).

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

the surrounding area.

(iii) The proposal will not be materially detrimental to persons residing or working in the

vicinity, to the adjacent property, to the neighborhood, or to the public welfare.

We trust that the Department will grant the requested variances for this development.

OBJECTIONS

My wife and I are the registered proprietors of the above mentioned Properties. We have received notification from Benecia Thompson proprietor of an adjoining lot 9a 852 dated Feb 16 2022 certifying that the notice was sent by Registered Mail,

*however it was mailed by regular post on February 25 2022 and only received by me on Mar 3, (see copy of Post Mark and notice) for a **Pool with only 10 feet rear setback variance from the normal 20 feet rear setback, on Parcel 9A 852.***

We strongly object to the granting of planning approval variance as requested.

We believe that the established guidelines for setbacks are to be enforced to engender orderly development and privacy.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within a newly established subdivision. Existing residential lots are sited to the north and south, vacant land bounds the site to the west and the subdivision road provides access from the east.

The application seeks Planning Permission for the installation of a swimming pool.

Zoning

The property is zoned Low Density Residential.

Specific Issues

1) Rear setback

Regulation 9(8)(i) requires a rear setback of 20'. The application seeks Planning Permission for a 10' setback.

Members are invited to consider the content of the variance letter as part of their deliberations.

SUPPLEMENTARY ANALYSIS

The Department has received revised drawings which sites the pool outside of the 20' setback and no deck is proposed.

Members are invited to reflect upon the revised plan and ascertain whether it sufficiently meets the reason for adjourning.

2.27 PUBLIC WORKS DEPARTMENT (TAG Ltd) Block 53A Parcels 102 and 103 (P22-0570) (\$271,875) (JP)

Construction of a cabana, increase size of existing office and bathroom and relocate, free-standing sign/landmark, basketball and sand volleyball courts, 8' fence and site modification.

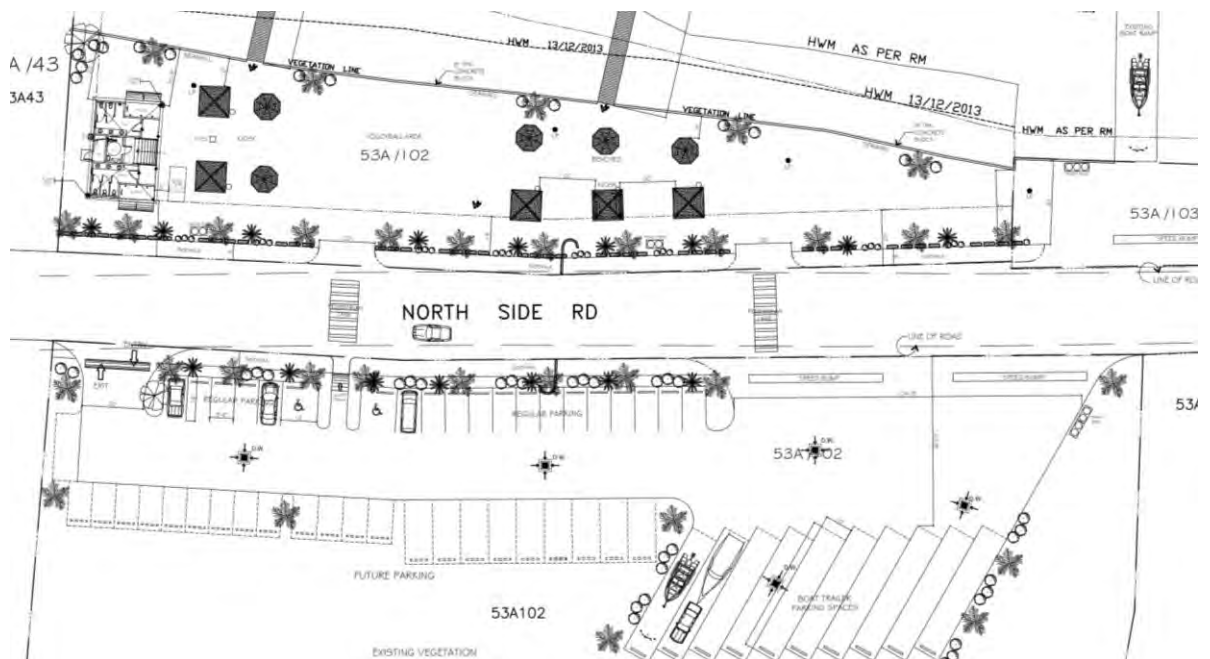
FACTS

<i>Location</i>	North Side Road, North Side
<i>Zoning</i>	POS/LDR
<i>Notification result</i>	No objectors
<i>Parcel size proposed</i>	2.2 ac. (95,835 sq. ft.)
<i>Current use</i>	Car park formed
<i>Proposed building size</i>	2113.11 sq. ft.
<i>Total building site coverage</i>	7.87%
<i>Required parking</i>	11
<i>Proposed parking</i>	24 (domestic vehicle spaces) 17 (trailer spaces)

BACKGROUND

May 5, 2014 (CPA/11/14; item 2.4) – application for public bathroom, five kiosks, five umbrella benches, 20” concrete seating along the coast and parking area for vehicles and boats approved (P13-0128).

The previously approved scheme was detailed as follows:



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

Conditions (1-6) listed below shall be met *prior to the commencement of any site preparation works such as clearing, filling and grading* and before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall provide proof that the site boundaries have been set out on the ground by a licensed land surveyor.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system).
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall provide proof that a Stormwater Management plan has been submitted to the National Roads Authority (NRA). **The applicant should liaise directly with the NRA in submitting the stormwater management plan.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.ky) under Policy Development, Policy Drafts.*
- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.

In addition to Building Permit requirements, condition (7) listed below shall be met before a Building Permit can be issued.

- 7) The applicant shall submit the Stormwater Management plan required in condition 4) which has been designed in accordance with the requirements of the National Roads Authority (NRA) and approved by the Central Planning Authority.
- 8) 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.
- 9) If during construction of the building insulating concrete forms (ICFs) are used, measures such as screens or other enclosures along with vacuuming shall be put in place to ensure that any shavings or foam waste is completely captured on site and does not impact the surrounding area
- 10) Prior to undertaking any sanding or breaking down of polystyrene as part of the construction process, measures (such as screens or other enclosures along with vacuuming) shall be put in place to ensure that any shavings, foam waste or polystyrene debris is completely captured on-site and does not impact the surrounding areas or pollute the adjacent Marine Protected Area offshore.

- 11) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.
- 12) 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 seven feet (7') above mean sea level.

The applicant is reminded that they must receive all relevant approvals from all required agencies.

Provision shall be made for the **removal of solid waste**, including **construction and demolition waste**, from the site on a regular basis during the construction period.

The applicant shall provide adequate number of **sanitary facilities during the construction stage**.

Reasons for the decision:

- 1) With the exception of the high water mark setback, which is addressed below, the application complies with the Development and Planning Regulations (2022 Revision).
- 2) The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(b) of the Development and Planning Regulations (2022 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
 - a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority is of the view that as a material consideration per sub-regulation f) above, the cabanas are simple open sided structures that would not be used in the event of a storm and if damaged or destroyed could easily be replaced.

AGENCY COMMENTS

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

Water Authority

Wastewater Treatment & Disposal

- *The developer shall provide a **septic tank(s)** with a capacity of at least 750 US gallons for the proposed, based on the following calculations:*

BUILDING	UNITS/BLDG	GPD/UNIT	GPD
<i>Office-Bathroom Building</i>	<i>Office ~459 sq. ft.</i>	<i>459 x 0.15 (office factor)</i>	<i>68.85</i>
<i>Cabanas 1A – 1D 564 sq. ft.</i>	<i>141 sq. ft. each</i>	<i>0</i>	<i>0</i>
<i>Cabana 2</i>	<i>466 sq. ft.</i>	<i>0</i>	<i>0</i>
TOTAL			68.85

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

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

- 1. If the proposed septic tank will be site-built or precast. (You may use the Water Authority drawing for site-built tanks available from the Authorities website or a Precast septic tank drawing if you intend to use a Precast Tank). Site Built Tanks shall be coated with Epoxytec CPP or ANSI/NSF-61 certified equivalent.*
- 2. All dimensions and materials shall be provided for any site-built tanks.*
- 3. Manhole 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

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

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

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

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

National Roads Authority

Letter #1

As per your memo dated June 16th 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Parking area and North Side Road

The NRA is under contract to develop and construct the parking area on the landside for the Ministry. The NRA has also recently repaved this section of North Side Road.

General Issues

The plan provided has been modified on site and does not correspond to the plans provided.

The site plan should be drawn on the basis of Fixed Boundary Survey 52/458. Please have the applicant adjust site plan.

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto North Side Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

Letter #2

As per your memo dated October 5th 2022 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Parking area and North Side Road

The NRA is under contract to develop and construct the parking area on the landside for the Ministry. The NRA has also recently repaved this section of North Side Road.

General Issues

The applicant has provided the necessary adjustments as per the August 31st 2022 memo. All other comments are still applicable.

The proposed pedestrian crossing will need to be reviewed by the Traffic Management Panel (TMP).

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

- The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*
- The stormwater management plan shall include spot levels (existing and finished levels) with details of the overall runoff scheme. Please have applicant provide this information prior to the issuance of a building permit.*
- Construct a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto North Side Road. Suggested dimensions of the 'hump' would be a width of 6 feet and a height of 2-4 inches. Trench drains often are not desirable.*
- Curbing is required for the parking areas to control stormwater runoff.*
- Roof water runoff should not drain freely over the parking area or onto surrounding property. Note that unconnected downspouts are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. Catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*
- Sidewalk detail needs to be provided as per NRA specifications. See (<https://www.caymanroads.com/upload/files/3/Sidewalk%20&%20Curbing%20Details.pdf>)*

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

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

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

Department of Environmental Health

Solid Waste Facility:

1. This development require 4 (33) gallon bins and an enclosure built to the department's requirements.

a. The enclosure should be located as closed to the curb as possible without impeding the flow of traffic.

b. The enclosure should be provided with a gate to allow removal of the bins without having to lift it over the enclosure.

Fire Department

Stamped approved plans.

Department of Environment

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

The application site is now man-modified and of limited ecological value, having been cleared and filled. We recommend that the applicant plants and incorporates native vegetation into the landscaping scheme for the development. Native vegetation is best suited for the habitat conditions of the Cayman Islands. It requires less maintenance and irrigation, meaning once it is established, landscaping with native vegetation is a very sustainable and cost-effective choice. Landscaping with native vegetation also has a positive impact on our islands' biodiversity by providing habitat and food for native fauna.

There are a number of practical limitations to the proposed volleyball court on the beachside. The northern part of the court is very close to the sea. If there are periods of erosion, there could be a slope that would impact the usage of the court. The proposed garbage enclosure is very close to the court, and potentially dangerous to players. We recommend that the area where the proposed volleyball court is retained as a beach area. The proposed basketball court could be designed as multi-sport facility and be used for volleyball as well.

In addition, we recommend that the septic tank is located on the southern side of the proposed office and bathroom building, to increase the distance between the disposal well and the marine environment.

APPLICANT'S LETTER

Further to the application submitted in relation to the above referenced Project, we hereby request for a Setback Variance, per Planning Regulation 8 (5).

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

(1) Under Regulation 8 (13)(d), the adjoining property owners have been notified of the application.

(2) 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 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:

- a. *The development is a government project intended for public's common use. (See Figure 1 for reference of proposed and existing development within the setback)*
- b. *Provides a communal resting spot that may be used by the public for entertainment and appreciation of nature.*
- c. *As a rest-stop, it can also promote the walkability of the area, providing vegetated and shaded areas.*
- d. *Free standing signage is intended to be a landmark for the Northside. It will be a good attraction for social-media involved tourist and a great for free marketing of the Northside and Grand Cayman in general.*
- e. *The developments proposed are non-intrusive structures with minimal, if not zero, disruption to the natural environment.*
- f. *The proposed Project had a planning approval for the proposed Shed.*
- g. *The project had complied to the other Planning regulation.*

We look forward to the CPA board's favorable consideration to this request for variances. If you require additional information or further clarification, please don't hesitate to contact us at the numbers & e-mail below.

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in North Side straddling North Side Road. Land to the north is bound by the Caribbean Sea and is zoned Public Open Space. The land sited south of North Side Road is zoned Low Density Residential and is surrounded by vacant land.

The application seeks Planning Permission to amend a previously approved scheme and proposes additional structures consisting of:

- Construction of a cabana;
- Increase size of existing office and bathroom and relocate;
- Free-standing sign/landmark;
- Basketball and sand volleyball courts;
- 8' fence; and
- Site modification.

Zoning

The property is zoned Public Open Space and Low Density Residential.

Specific Issues

1) Suitability

Low Density Residential zone

Regulations 9 (1)-(3) permits any development providing:

- o It is proportionate in scale, massing and design;

- Use of appropriate materials and landscaping palette;
- Has regard to the presence of beaches and sea views;
- Proposed use is not dangerous, obnoxious, toxic or cause offensive odours or conditions or otherwise create a nuisance or annoyance to others.

Public Open Space

Public Open Space areas are land which the public have the right to use for purposes of sport, recreation and enjoyment of nature.

Regulations 17(3) and (4) permits development only if the development:

- Is compatible with the character and function of the zone; and
- The proposed development promotes the principal purposes and actual use of the zone.
- Preserves the greatest possible extent, natural features and character of the land;
- Of high design and appropriate use of materials; and
- Incorporates suitable landscaping.

The application site benefits from extant Planning Permission. Therefore, the proposed works should either remain consistent or offer a betterment.

On comparison to the previously approved scheme additional facilities are proposed such as basketball and volleyball courts. No development has been removed from the previously approved scheme. Therefore, the proposal reflects a betterment to the community.

Members are invited to consider the extent of facilities provided enabling inclusion of various groups of the community.

2) High-Water Mark setback (33' 10" v 75')

Regulation 8(10)(b) requires a setback of 75' from the High-Water Mark line.

The previous scheme was approved with a setback of 25' 9" from the HWM. A revised High-Water Mark Survey has been submitted for authentication. The latest

application proposes development based on the new HWMS. A proposed setback of 33' 10" is sought which provides an increase of approximately 8'.

Members are invited to consider the content of the variance letter.

3) National Roads Authority consultation response

The National Roads Authority submitted a consultation response on 31st August 2022 seeking revised plans. The applicant submitted these on the 4th October.

The Department re-issued consultation to NRA on the 4th October. To date the Department of Planning have not received revised comments.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 Colonial Nesting Seabirds – Species Conservation Plan Consultation

The Director advised that this matter would be raised at a subsequent meeting.

5.2 Rotary Club Banners for Music Extravaganza

The Authority determined that: i) the signs are exempt from requiring planning permission per Section 13(3)(g) of the Development and Planning Act; and ii) the signs must be removed no later than November 30, 2022.

5.3 Mr. & Mrs. Robertson Block 33B Parcel 70

The Authority was advised that an application will be submitted for an after-the-fact pergola and the applicant's agent has written seeking a waiver for a new high water mark survey. The Authority noted that the pergola is located between the road and the existing house and this is sufficient reason to not require the survey per Regulation 6(3).

5.4 Power of Entry Notice Block 22E Parcel 244 H15

The Authority was advised the one of the Department's Compliance Officers had been attempting to investigate a possible change of use from a townhouse unit to three rental units, but the owner has not allowed access to the inside of the building. The Authority determined that per Section 39 of the Development and Planning Act the Code Compliance Officer would be authorized to enter the premises to determine if there has been a breach of planning control.

Decision: It was resolved that Pursuant to Section 39 of the Development and Planning Act (2021 Revision), the Compliance Officer(s) of the Department of Planning are duly authorized to enter the building(s) on Block 22E Parcel 244 H15 after having provided 24 hours notices of said entry for the purpose of determining if there has been a breach of planning control, namely the conversion of the townhouse unit into multiple rental units.

5.5 Trio Cayman Ltd Block 13EH Parcels 15 and 16 (P22-0177)

The Authority was reminded that when approval was granted, a condition was included requiring the two parcels to be combined. The applicant's agent has contacted the Department advising that there is a dispute between the land owner and

the Lands and Survey Department regarding the high water mark and the surveyor has indicated that they are unable to apply for the parcel combination until the disputed HWM has been resolved. The Authority considered the matter and determined that the parcels have to be combined or the building will not have any parking spaces. The Authority acknowledges that the owner may be experiencing difficulties regarding the HWM, but that is their issue to resolve, not the Authority's.

5.6 LIV Development Block 15E Parcels 34 and 219

The Authority was advised that The Montage development on Walkers Road was approved at two separate times on two separate parcels, but is considered one overall project. Planning permission from 2015 on Parcel 219 has technically expired, but the applicant did obtain permits for two houses in the portion of the project on Parcel 34. The applicant is requesting that planning permission on Parcel 219 be vested on the basis of the two permits being issued on Parcel 34. The Authority considered the matter and determined that the overall development is one project that happens to be situated over two parcels, therefore the issuance of the two permits on Parcel 34 has vested planning permission on Parcel 219.

5.7 Gelroy Connor Block 72C Parcel 152 (P20-0711)

Gillard McLaughlin declared a conflict and left the meeting room.

The Authority was advised that the applicant had sent out notices for a building addition during Covid lockdown. The list of owners included 13 overseas owners. The applicant paid the Post Office to send registered mail, but was not informed that the mail was never sent by the Postal Office. No objections were received through the notification of local owners. During the intervening time the applicant has been dealing with Government to obtain a necessary easement, which has now been finalized. The applicant wishes to now re-activate the application, but does not want to be required to re-notify the overseas owners due to the time involved. The Authority accepted the notices that were previously sent and sees no need to notify the overseas owners.

5.8 Mandarin Hotel, Beach Bay

The Authority was advised that the applicant is intending to submit an application to modify planning permission in order to include a service basement in Phase 1B along with several other small housekeeping items. The Authority determined that since the affected area of the development is situated along the ironshore bluff there is no need for a new high water mark survey per Regulation 6(3).

5.9 Crime Stoppers

The Authority was advised that the Crime Stoppers organization has contacted the Department inquiring whether planning permission is needed to erect informational signs at several locations on the Island. The signs would be 5' x 4' and 4' x 3'. The Authority determined that the signs would be exempt from needing permission per Section 13(3)(g) of the Development and Planning Act, but the organization should get approval from the NRA for the locations of the signs.

5.10 PAT decision re: agricultural uses

The Authority was reminded of the decision of the Planning Appeals Tribunal regarding the Toepaz chicken farm wherein, one of the reasons for allowing the appeal was that Section 13(3)(d) of the Development and Planning Act states that the

use of land for the purpose of agriculture (except living accommodations, grazing, dairy farming, the breeding or keeping of livestock, or the farming of turtles in confinement) is not development and does not require planning permission. Further, the Tribunal appears to have extended this provision to any buildings associated with agriculture provided they are not used for living accommodation.

6.0 CPA MEMBERS INFORMATION/DISCUSSION

The meeting adjourned at 5:35pm. The next meeting of the Central Planning Authority is scheduled for ***Tuesday, October 18, 2022 at 10:00 a.m.*** in in Conference Room 1038, 1st floor, Government Administration Building.



Ian Pairaudeau
Chair



Haroon L. Pandohie
Executive Secretary

c.c. All members of the Central Planning Authority

Appendix A

Peacey, Jessica

From: Department of Planning
Sent: Wednesday, August 17, 2022 9:20 AM
To: Peacey, Jessica
Subject: FW: [EXTERNAL] Re: Objection to Planning Permission Application Project P22-0716 Block 14CJ Parcel 138
Attachments: 2022-08-16 Letter to CPA - Adolphus Objection to Planning Permission Application 14CJ 138.pdf

From: Stephanie Adolphus <stephanie87.adolphus@gmail.com>
Sent: Tuesday, August 16, 2022 5:14 PM
To: Department of Planning <Planning.Dept@gov.ky>
Cc: rhymiech87@gmail.com
Subject: [EXTERNAL] Re: Objection to Planning Permission Application Project P22-0716 Block 14CJ Parcel 138

Dear Sirs,

I am resending the letter of objection as the first one contained a typo which has now been corrected for the avoidance of any doubt.

We look forward to hearing from you soon.

Kind regards,
Silvia Stephanie Adolphus and Rhymiech Keyon Adolphus

On Tue, Aug 16, 2022 at 5:03 PM Stephanie Adolphus <stephanie87.adolphus@gmail.com> wrote:

Dear Sirs,

Please see attached letter of objection for your attention.

We look forward to hearing from you.

Kind regards,
Silvia Stephanie Adolphus and Rhymiech Keyon Adolphus

The Department of Planning
Cayman Islands Government
PO Box 113
Grand Cayman KY1-9000
CAYMAN ISLANDS

ATTENTION: Director of Planning
By Email: planning.dept@gov.ky

16 August 2022

Dear Sirs,

RE: Objection to Planning Permission Application Project P22-0716 Block 14CJ Parcel 138

As proprietors of properties 14CJ 137, 14CJ 66 and 14CJ 169, we wish to object to the application submitted by Cricket Square Ltd for planning permission on 14CJ 138 for the of provision parking spaces, fencing, exit point to Martin Drive and site landscaping.

We have seen the site plans available on the Central Planning website¹ which provide very little information on the extent of the works planned and how these will impact us as proprietors of the adjacent properties where said works will take place.

The property registered as Block 14CJ 138 currently sits in one common family yard with two other family homes one of which is occupied by my husband's elderly grandmother (14CJ 137) and the other by my husband and I with our 15-month-old son (14CJ 66). The surrounding properties were previously owned by one family (the Martin family) and were divided and shared amongst members of the family over the years. However, in recent years those family members have sold their (mostly inherited) land to Cricket Square to build and expand Cricket Square. Most recently this has included the property registered as 14CJ 138, the subject property of the application in question, which was previously owned by my husband's late great grandaunt but who passed it on to one of her family members on her death. She also owned 14CJ 66 where my husband and I now live but which my husband inherited from her on her death.

As proprietors of 14CJ 66 we are entitled to a vehicular right of way over 14CJ 138 as indicated on the registry map. Since 14CJ 66 and 14CJ 138 were previously owned by the same proprietor (my husband's late great grandaunt) this right of way was never officially used but rather a common driveway provides access to all three properties (14CJ 137, 14CJ 138 and 14CJ 66) in the yard. We note however, from the site plans that the current driveway used to access our home on 14CJ 66 will be absorbed in the proposed works and so we will need to ensure that we continue to have proper access to our property.

We also own 14CJ 169 which is surrounded by other properties owned Cricket Square and have a 20-foot vehicular right of way over 14CJ 139. We see from the site plans that Cricket Square proposes to move the existing right of way yet again. We note that several changes have been made to this right of way over the years which have had the effect of narrowing the right of way beyond the 20 feet we

¹ https://www.planning.ky/site_plans/p22-0716/

are entitled to and positioning it in a way that is purely for the convenience of Cricket Square. Presently, the right of way is also inaccessible during the weekdays because employees of Cricket Square use the right of way as parking for their own vehicles. This is totally unacceptable.

The same applies for 14CJ 137, where my husband's grandmother resides, which also benefits from a 20-foot vehicular right of way over 14CJ 139.

It is obvious from the site plans that we will be directly impacted by the works proposed by Cricket Square and are therefore entitled to have a clear and complete understanding of works planned and make representations to the Central Planning Authority to protect our interests. We therefore request an audience with the Central Planning Authority or Director of Planning to raise our objections and address our concerns as regards this application.

For the avoidance of doubt, the Post Office Customer Notification notifying us of registry mail was dated 5 August 2022 and we collected the Notice of Application for Planning Permission from the Post Office on 16 August 2022. Therefore, we are still within the statutory timeline to submit this objection and for the Central Planning Authority to consider it pursuant to regulation 8 of the Development and Planning Regulations (2021 Revision).

We look forward to hearing from you soon. We can be reached by telephone at 917-2562 (Silvia Stephanie Adolphus) or 922-4261 (Rhymiech Keyon Adolphus) or by email at stephanie87.adolphus@gmail.com

Yours faithfully

Silvia Stephanie Adolphus and Rhymiech Keyon Adolphus

Appendix B

An architectural rendering of a resort street at dusk. The scene features a wide, paved pedestrian walkway with a dark, textured central section. On the left, there are palm trees, a modern building with a white facade and large windows, and a yellow pedestrian crossing sign. People are walking along the path. In the center, a dark car is driving away. On the right, there is a tall, dark, textured pillar, a yellow pedestrian crossing sign, and a modern building with a white and brown facade. People are walking along the path. The sky is a mix of blue and orange, suggesting sunset or sunrise. The overall atmosphere is modern and tropical.

The Westin Grand Cayman Resort, Hotel Annex & Conference Centre Parking Management Strategy (draft v.2)

29 August 2022



Existing Parking Conditions

(refer Diagram A)

Applicant currently provides 198 parking spots to accommodate 343 guestrooms, a 3-meal restaurant (for guest use only), a specialty restaurant and approximately 10,000 sq ft of retail, meeting and conference space. Staff and employees use about 80 of these bays per shift and rental cars about 20 bays. This leaves around 100 parking bays for social and local traffic needs.

Applicant provides the neighbouring Sunshine Suites resort guests access to the Westin Resort facilities. These guests and other pedestrians patronising the Cayman Falls shops and restaurants are left to cross West Bay Roads as they see fit and many elect not use the current pedestrian crossing due to its inconvenient location.

Attendees of locally hosted conferences, galas and charity events (which have in the past included the Cayman Arts Festival, Cayman National Orchestra concerts, the Governor’s Award luncheon, the CARIFTA Games Congress, the Royal Cayman Islands Police training course and breakfast and the Miss Cayman Islands Universe Pageant) are left to find parking and many patrons, finding themselves frustrated at the apparent lack of ‘convenient’ parking directly outside the Westin Resort, attempt to leave their vehicles along roadway verges in the area or on adjacent properties or vacant lots.

This situation, not just for the new Hotel Annex and Conference Centre as proposed, but 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 of its parking facilities.

Existing Parking Utilisation

The current Westin Resort daily parking utilisation for its 343 guest rooms averages out at 20 rental vehicles- 16 sourced at Owen Roberts International Airport and 4 sourced at the Resort and kept parked on the premises.

There are approximately 80 parking bays used per shift by Resort employees.

On any given day, there are approximately 100 parking bays occupied either by Resort guests or employees on shift. The balance of the 198 provided parking is variously occupied by local patrons, other staff or visitors or are vacant (estimated between 15 and 20 bays when conference facilities are not in use). The net Utilisation Ratio is therefore 0.5 per available guestroom based on guest and employee use of available parking spaces.

Refer to the attached supplementary Parking Deployment, Use & Efficiency analysis.

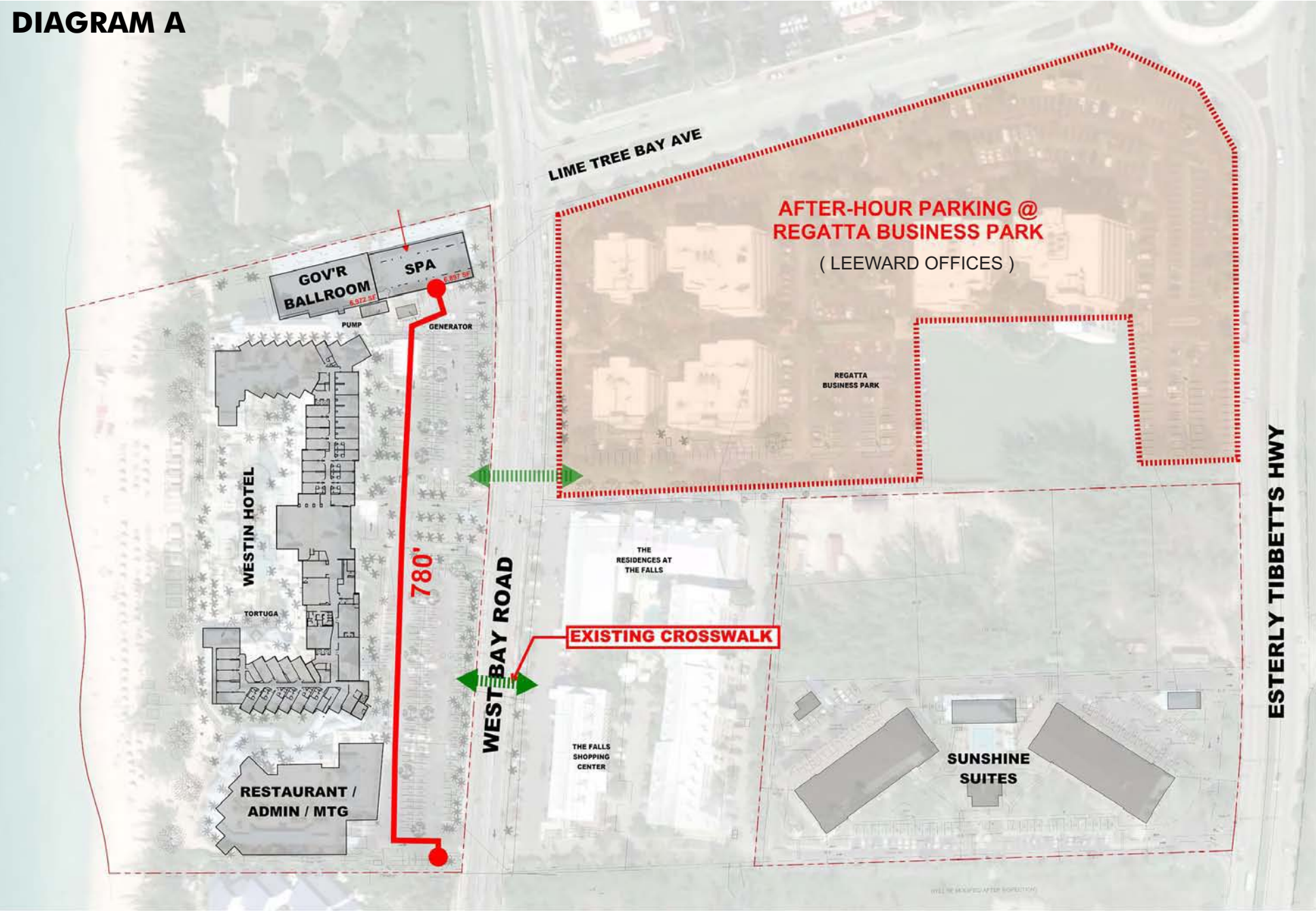
Future Parking Utilisation

Based on the above Utilisation Ratio of 0.5, Applicant forecasts daily parking utilisation of its proposed 559 guestrooms at 32 parking bays for rental cars (combination of airport and on-premises rental vehicles) and approximately 130 parking bays used per shift by Resort employees.

This yields a total forecasted parking requirement of 162 bays.

Based on a projected provision of 385 parking bays in compliance with Development & Planning Regulations, there would be an excess of 223 parking bays available for Resort ‘special events’ hosted in its conference and other meeting facilities.

DIAGRAM A



Proposed Improved Parking Facilities

(refer Diagram B)

In terms of the variance as requested of the Central Planning Authority in Applicant’s letter motivating the grant of planning permission for a new Hotel Annex and Conference Centre and notwithstanding that the area proposed to accommodate off-site parking is only 380 ft away from the Westin Resort itself (a leisurely 2-minute walk), Applicant as resort operator, proposes to adopt the following procedures in order to establish a Parking Management Strategy as required under regulation 8(1)(c) as varied in terms of this motivation, that alleviates the congestion issues listed above:

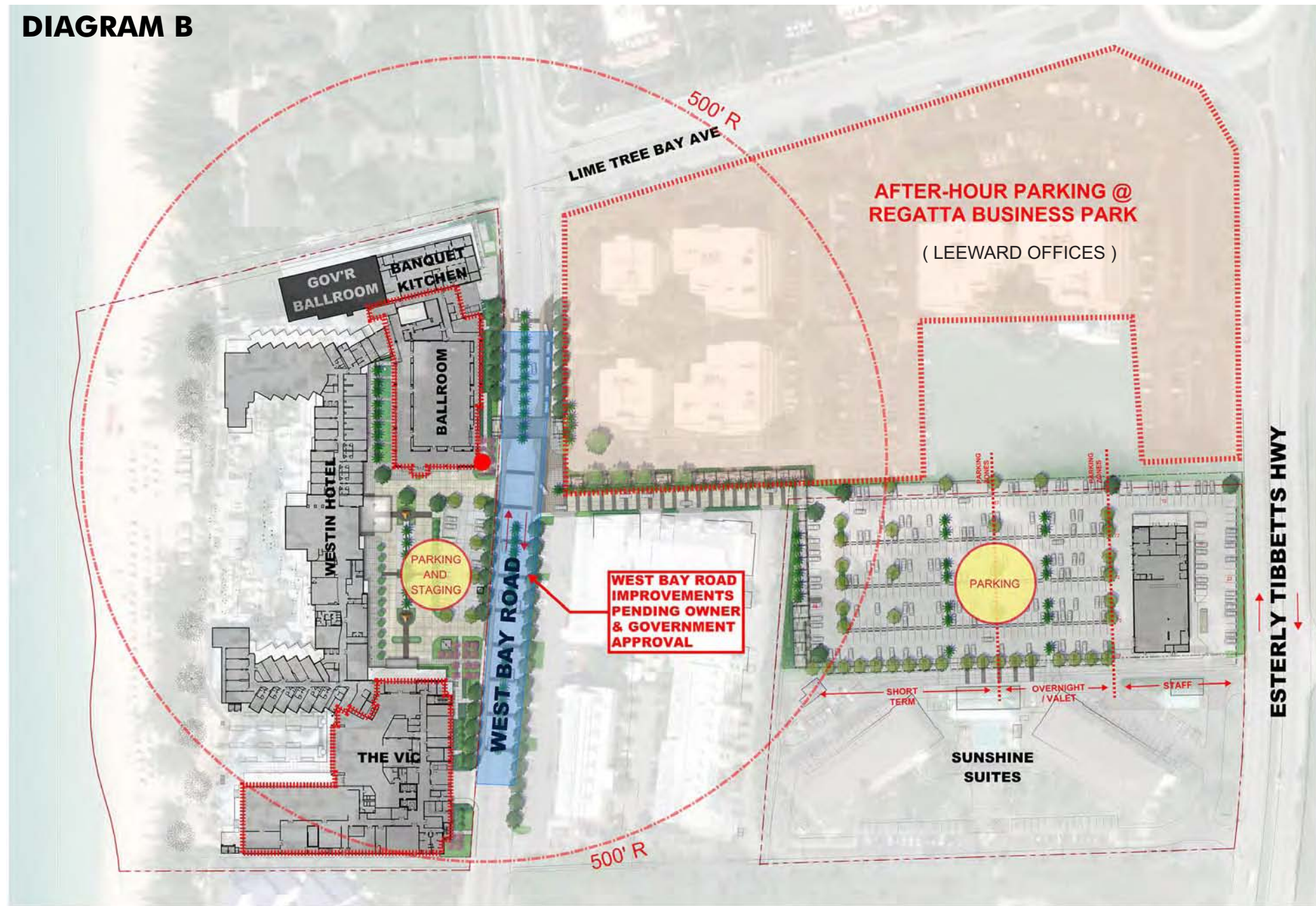
- Provide approximately 140 bay dedicated Resort staff/employee parking
- Provide a dedicated shuttle connection to the Resort for use by staff, guests and residents if they so desire or require
- Provide a total of 385 parking bays to accommodate 559 guestrooms and related facilities- a ratio of 0.69 parking bays per room compared to the existing Resort's lower ratio of 0.58 parking bays per room (Planning Regulations stipulates 0.5 parking bay per guestroom)
- Provide more flexibility in parking provision for evening gala and entertainment events for local residents and patrons
- Create in partnership with the National Roads Authority¹ and adjacent neighbours, a landscaped street-scape where the resort fronts onto West Bay Road consistent with the expectations of a 1st class 5 star resort destination and similar and equal to the landscaping created at Camana Bay

¹ As part of the Authority’s proposed West Bay Road beautification initiative based on the Authority's ‘Complete Street’ principles and concepts to create a more amenable West Bay Road pedestrian experience in phases through the use of landscape, traffic calming installations and incorporating a safe pedestrian and shuttle crossing points with user request crossing control systems along West Bay Road

- Create an effective, identifiable and well-lit pedestrian crossing point as incorporated with and part of the landscaped street-scape allowing safe crossing of West Bay Road for both pedestrians and shuttles at all times of day and night
- 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 130 Resort employees entering and leaving via West Bay Road by encouraging them to use Esterley Tibbetts Highway to enter and exit their assigned parking areas
- Implement and enforce employee parking restrictions using the latest GPS technology
- Provide a 5 star valet parking service with sufficient staging area (an amenity now expected in all major high-end resorts internationally, and rapidly becoming the expectation locally) that provides a useful and convenient way of Resort guests and patrons to efficiently access the Resort facilities
- Provide parking monitors to adjacent neighbors during high demand periods to ensure parking enforcement
- Eliminate casual and haphazard parking along West Bay Road and adjacent properties (and a nuisance to Cayman Falls shopping centre on West Bay Road opposite the Resort)
- Provide excess parking that could be utilised for other local events (such as receptions at the adjacent Governor's Residence)

The Parking Management Strategy should be maintained as a dynamic and comprehensive structural and integrated operational parking management plan that deploys a significantly more efficient parking system at a higher capacity and level of convenience without loss of amenity for guests and residents alike.

DIAGRAM B



Parking Operational Plan & Features

Applicant intends as part of giving effect to the primary objective of creating and maintaining a comprehensive structural and integrated operational parking provision strategy, to deploy the following components

(refer route map in Diagram C):

Valet Parking service

*for Resort guests and local patrons
indicated as blue / orange routes*

Staging at the Westin Resort’s proposed Arrival Forecourt will use 27 dedicated staging bays as a operational ‘hub’. Valets, stationed at the Resort Arrival Forecourt or in the off-site parking lot, are dispatched using radio or WiFi communications.

Vehicles parked by valets are taken from the Forecourt to the Main Parking Area along the orange route as indicated (south along West Bay Road then left into the Sunshine Suites Resort access roadway, past the Resort and into the Parking Area), and returned to the Forecourt along the blue route as indicated (exit the Main Parking Area left into Esterley Tibbetts Highway, left into Lime Tree Bay Avenue, left into West Bay Road then right into the Westin Resort Forecourt ingo).

Shuttle service

Shuttle for employees

Employee shuttle indicated as dark blue dashed route

A shuttle service is available for employees who are required under the Parking Management Strategy to park their vehicles in a designated part of the

Main Parking Area, and from which a shuttle bus will depart and return at primary shift change hours and as needed upon request.

The route of the employee shuttle will be left into Esterley Tibbetts Highway, left into Lime Tree Bay Avenue, left into West Bay Road then right into the Banquet Kitchen service lay-by, back onto West Bay Road, right into the Hotel Annex service lay-by, then returning south along West Bay Road then left into the Sunshine Suites Resort access roadway, past the Resort and into the employee section of the Main Parking Area.

Resort Guest Shuttle

Shuttle for self-park/local events (using electric carts) indicated as blue chainlink route

Resort guests and local patrons may wish to avail themselves of the Resort Guest Shuttle, which will be a shuttle service using high-capacity passenger carts departing and arriving as needed on guest or patron request.

This shuttle will use the access roadway leading from the Main Parking Area past the north side of the Cayman Falls shopping centre to cross over West Bay Road (adjacent to the re-located pedestrian crossing) into the Resort Forecourt ingo- and return along the same route to the Main Parking Area.

The frequency of this shuttle will be based on guests’ and patrons’ requests, Resort conference functions at the time as well as restaurant brunch service, late lunch service, evening service etc and high Resort guest occupancy demand.

Mandated Parking Zones

Resort Arrival Forecourt

The Resort Arrival Forecourt will be designated for these parking and vehicular uses only- casual arrival with the intent of using valet parking will be

acceptable, but casual long-term parking use of any of the parking bays will not be permitted:

- Taxi or non-guest /patron driver drop-off at either Annex or Westin portes cochere- taxi to leave the Forecourt after drop-off
- Taxi arrival and park (anticipating a fare or a called-in fare pick-up)- taxi occupies a designated bay by pre-arrangement with Resort operator for a designated time
- Vehicles awaiting valet dispatch to Main Parking Area or vehicles returned from Main Parking Area by valets to departing Resort guests or patrons, who after collecting their vehicle, leave the Resort Forecourt (NOTE: additional queuing space will be available in the new parking lot callable upon need)
- Parking for disabled Resort guests and patrons

Main Parking Area

The Main Parking Area will be partitioned into zones that will provide

- prime parking areas intended for Resort guests and patrons along with rental car parking and storage located closest to the Resort to the east of the Cayman Falls residential precinct- to be used by valets to park vehicles after guest drop-off in the Resort Forecourt
- secondary parking areas intended for staff parking only and which use will be mandated by the Resort operator, and located east of the prime parking area designated for Resort guest and patron use. Employee's vehicles are to have appropriate identification, and if found in a non-assigned parking space including Resort and Conference Centre guest and patron parking zones, Sunshine Suites and Cayman Falls parking zones, will result in a sanction imposed by the Resort operator as employer.

Pedestrian Crossing Zone

An essential component of the Parking Management Strategy is the provision of an effective and efficient means of crossing West Bay Road on the way from the Main Parking Area to the Resort Forecourt, the two Resort portes cochere and the Conference Centre entrance.

The crossing point itself is intended to be incorporated in the National Roads Authority plans for 'streetification' of the West Bay Road precinct which intends creating a more amenable West Bay Road pedestrian experience in phases through the use of landscape, traffic calming installations and a clear identification of a pedestrian zone that would include the crossing point over West Bay Road in a safe and seamless manner.

Owner will work hand in hand with adjacent neighbors and the NRA to coordinate on the installation of a fully compliant and safe streetscape.

Pedestrian Promenade

This is the land- and hard-scaped walkway that provides the main pedestrian connection between the Resort pedestrian crossing point on West Bay Road and the Main Parking Area. It is approximately 380' long including the pedestrian crossing, 8' to 10' wide and which would take no longer than 2 minutes to traverse at a leisurely pace.

The pavilion roof and vertical screening interspersed with lush landscaping and efficient but unobtrusive safety lighting provides a pleasant ambulatory experience for those Resort guests and patrons taking advantage of the convenient connectivity with the Resort Forecourt, Annex, Westin and Conference Centre entrances.

Main Parking Area Access Street

This roadway is a 22'-0" right-of-way over the Cayman Fall centre property along its north boundary in favour of the leasehold proprietor (Sunshine Suites owner) of parcel 11D37 on which the Main Parking Area is located.

This street allows 2-way vehicular traffic access directly from West Bay Road to the Main Parking Area, and more importantly, when suitably upgraded, is the

traffic route over which Resort guests and patrons access this parking area as well as the route used by the courtesy Resort Guest Shuttle service only. Valet service will operate only along the 'orange' and 'blue' routes as indicated on Diagram C.

In full co-operation with the owners of the Leeward Office Park, the pedestrian traffic will be routed through the Pedestrian Promenade which effectively separates the vehicular traffic on the adjacent right-of-way street from pedestrian use of the Promenade.

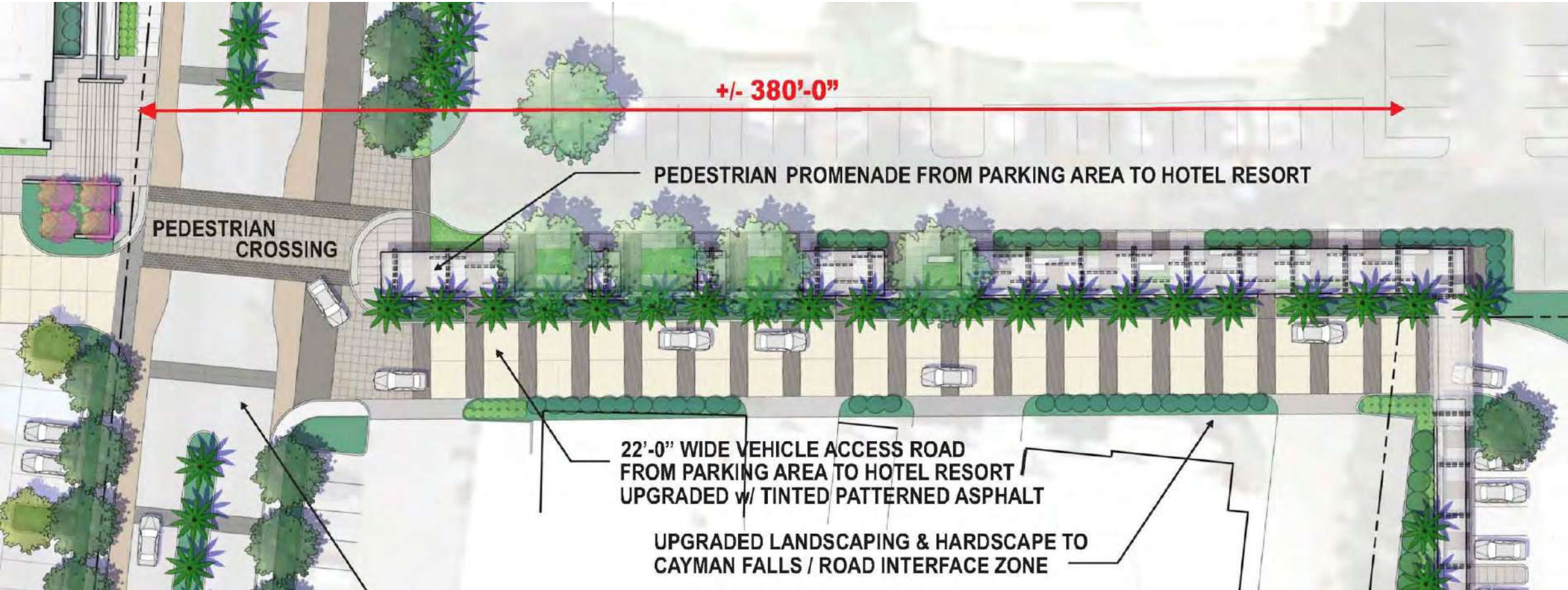
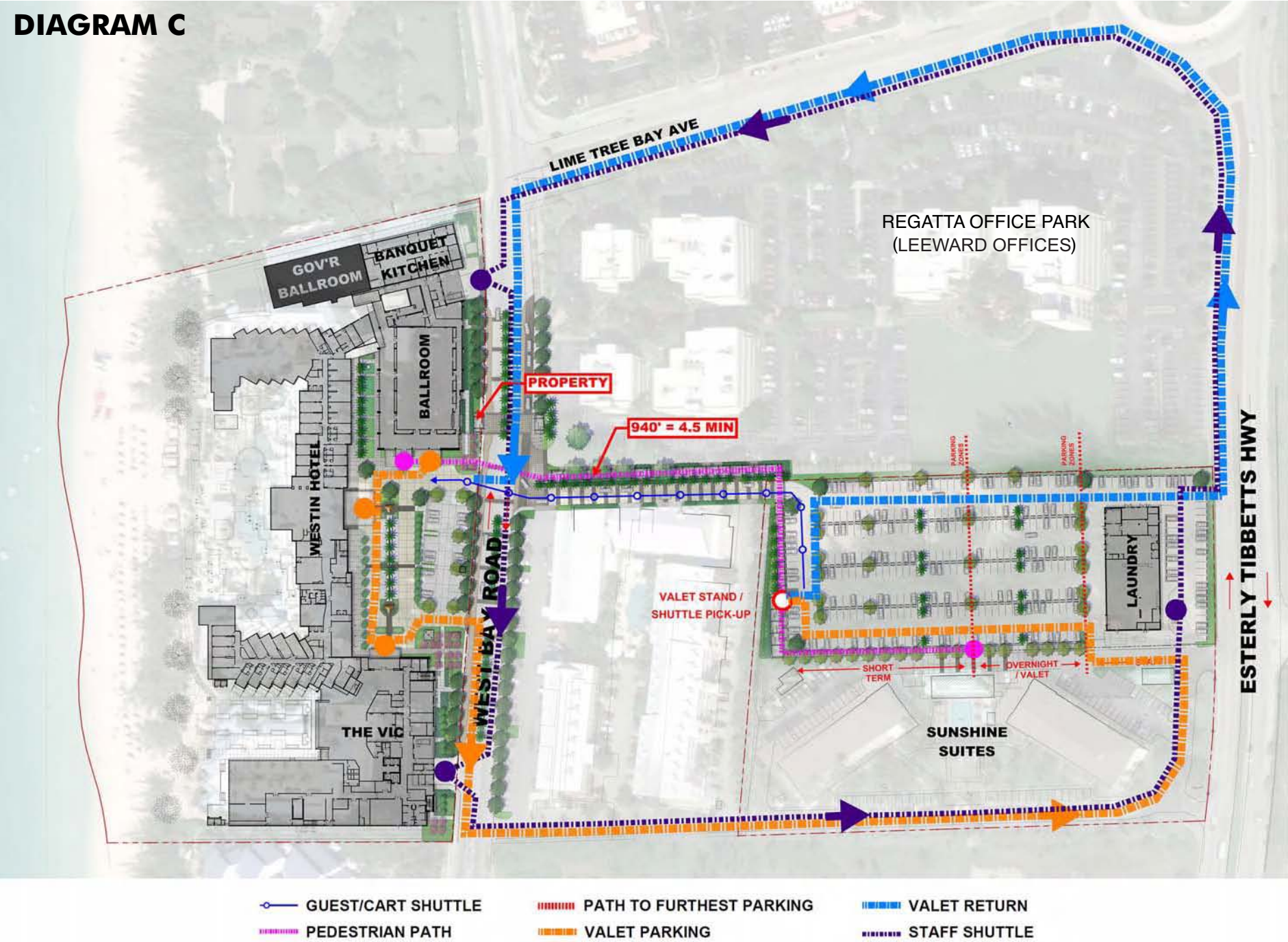


DIAGRAM C



Educating Grand Cayman Residents about new parking provisions at the Westin Resort

It is an important component of the success of the Parking Management Strategy that all residents, guests and patrons of the Westin Resort and Conference Centre are informed of the proposed new Main Parking Area and how they will get to know about it, know how to access and exit it, and more significantly, are aware of its benefits and advantages.

A series of public relations and notification exercises involving e-mail campaigns, social media, online information (e.g. on the resort website), and print media, are to be derived as part of the Parking Management Strategy that will inform the public, local residents, guest and patrons on these key issues in an easily accessible and understandable manner- by the time the Resort and Conference Centre development is complete and open for business, the using public (local residents, Resort guests and patrons as well as conference attendees) should be absolutely familiar with the location of, access to and connection with the Resort and Conference Centre facilities- whether access to them from the Main Parking Area is by walking up the Pedestrian Promenade or by shuttle service, or availing themselves of parking valet service available at the Resort forecourt off West Bay Road.

Location of and Access to and from the Main Parking Area

The location of the Main Parking Area is to be clearly defined by easily-legible maps and diagrams that indicate its area and parking bay layout, and the different zones for Westin staff and Westin guests and patron are clearly delineated.

Access routes to and from Esterley Tibbetts Highway as well as from West Bay Road are to be clearly defined and whether the routes are one-way or two-way roads- the intention to inform the public how easy these access points are to reach and use.

The communication of location awareness should ensure from an early point in the Resort and Conference Centre development, local residents are informed of the location and benefits of the Main Parking Area as and when they choose to visit the Resort itself or an event hosted at any of the Resort or Conference Centre facilities.

Access to and Use of the Resort Forecourt & Porte Cocheres

As important to the public's awareness of the location and benefits of the Main Parking Area, is the awareness of the purpose of the Resort and Conference Centre Forecourt and Portes Cochere, and more particularly, the very limited availability of parking in the Forecourt.

Local residents and Resort patrons should be made aware not only of the convenience of using the Main Parking Area, but that the Forecourt is primarily for guest and patron drop-off purposes only, some limited ADA and disabled persons parking provision and a taxi-rank. There is also provision for small tour bus lay-byes at the Conference Centre porte cochere to allow passenger alighting.

Valet Parking Service

Guests and patrons intending to use the Forecourt area should be fully aware that a competent valet parking service is available to them at the Forecourt on a drop-off and collect basis, and as in other major urban centres and cities around the world, making use of a valet parking service provided by hospitality operators, is common, convenient and safe both from a security aspect as well as no risk of damage to the vehicle being parked or retrieved by a suitable experienced valet.

Availability & Use of Shuttle Services

Local residents and Resort patrons should be made aware at an early stage of the Resort development, of the deployment and operation of a competent and convenient shuttle service to and from the Main Parking Area to the various Resort

and Conference Centre Porte Cocheres and drop-off points.

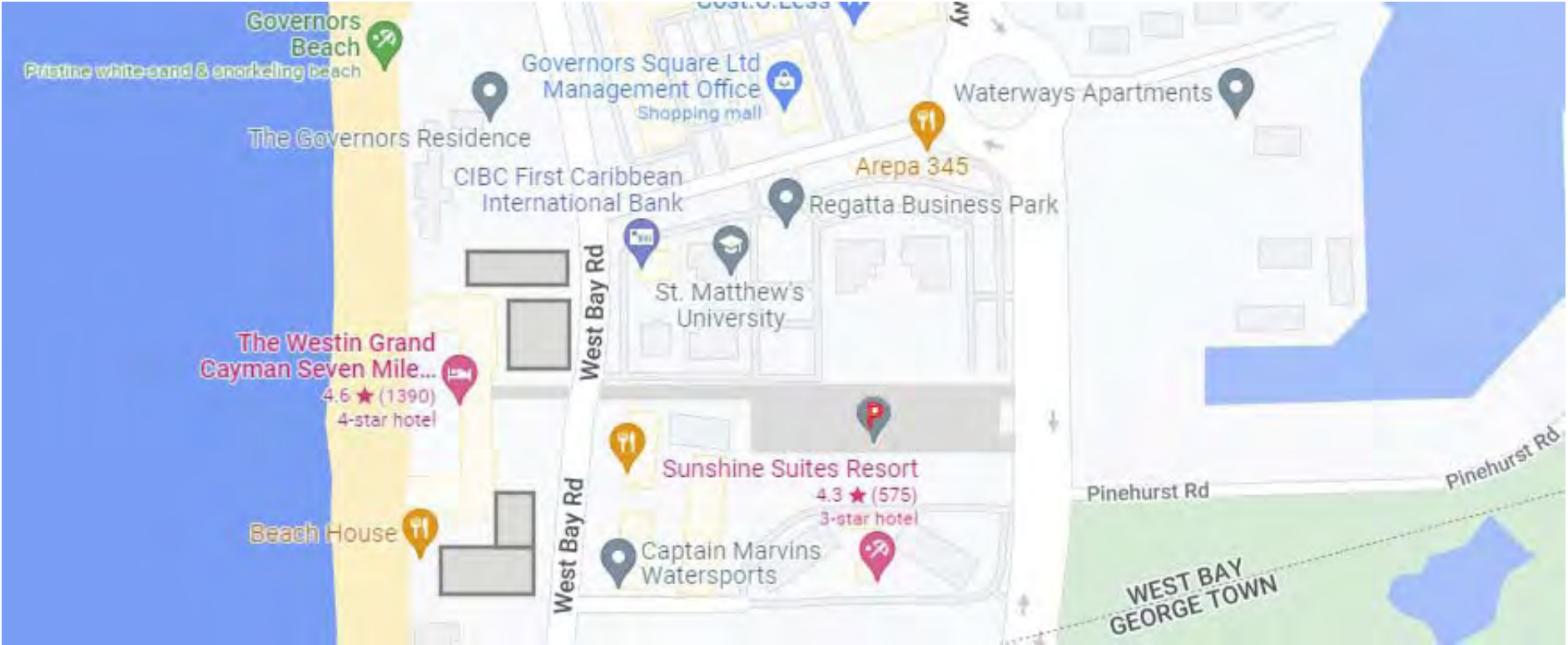
It is intended that the shuttle service be dynamic and responsive to Resort events, facility use and bespoke Conference Centre events such as weddings, service club meetings, graduation balls, concerts etc, and that different shuttle services would be deployed specifically to meet the needs of these different events.

Road Wayfinding & Signage

A critical component of the Parking Management Strategy is the design and deployment of a competent wayfinding and signage system that informs and instructs the using public (local residents, Resort guests and patron as well as conference attendees) as to proximity of and access to the Main Parking Area.

Signs informing location and direction to the parking areas should be informative and should reinforce correct route adoption- the intention is, along with the public education programme referred to herein, to allow users a clear indication of how to access the Main Parking Area, where to park within it, and how and where to exit to ensure access to north-bound or south-bound connector roads.

The Resort ownership is to engage an experienced third-party signage and wayfinding consultant to assist with the derivation of a competent wayfinding and signage deployment that satisfies industry best practice as well as providing the directions and route reinforcement critical to the success of the parking management plan serving the Resort and its facilities as being convenient, useful and to the entire satisfaction of the Resort guests, patrons and staff members.



Westin Resort and The Falls Shops & Offices: A Symbiotic Relationship?

Located directly opposite the Westin Resort on West Bay Road is The Falls- a 2-storey strip mall consisting of ground floor shops and restaurants including Captain Marvin’s Watersports, Legendz Bar, Eats Café, diner and Yoshi Sushi restaurant, with several offices and business service outlets on the upper level.

The Falls property statistics

- Gross area (including covered walkways is estimated at 36,000 sq ft
- Provided parking is estimated at 84 spaces, giving a provided parking ratio of 1 bay per 464 sq ft development area
- Planning requirements for parking provision are 1 bay per 300 sq ft, giving The Falls an apparent parking deficit of some 36 bays
- 9,000 sq ft is restaurant space which requires under planning regulations a parking provision requirement of 1 bay per 200 sq ft- the parking deficit should accordingly be increased to 50 bays.

This significant shortfall of parking provision has a negative effect on the relationship between The Falls and the Westin Resort opposite, as there exists a negative perception between the owners of The Falls and the Westin Resort that The Falls is losing potential customer parking space to Westin Resort guests, patrons and staff- particularly when large events are hosted at the Westin putting parking availability pressure on all immediately available parking spaces on both properties. It is likely that at The Falls’ busy restaurant and bar patronage time (lunch and evening service) there is a parking availability shortfall resulting in the Westin Resort parking provision being used by The Falls patrons.

Notwithstanding this parking shortfall at The Falls, there is considerable

patronage of The Falls’ retail businesses by guests resident at the Westin Resort, particularly the food and beverage outlets that offer a different food and bar experience to that of the Resort. The benefits of this custom to The Falls is appreciated by the food and beverage operators there, as these customers do not use parking facilities and so reduces pressure on the limited parking availability at The Falls.

This Parking Management Strategy would not be complete without addressing this parking provision issue. Westin Resort ownership regards resolution of this matter and the establishment of a working relationship with The Falls ownership that mitigates the mutually negative effects of this under-provision of parking spaces at The Falls and the irregular ‘fly’ parking occurring at the centre due to overall parking provision shortages in this immediate precinct of Seven Mile Beach resulting from patronage pressure at both Resort and The Falls. Aspects of this relationship re-set that should be recognised in the context of this Parking Management Strategy include

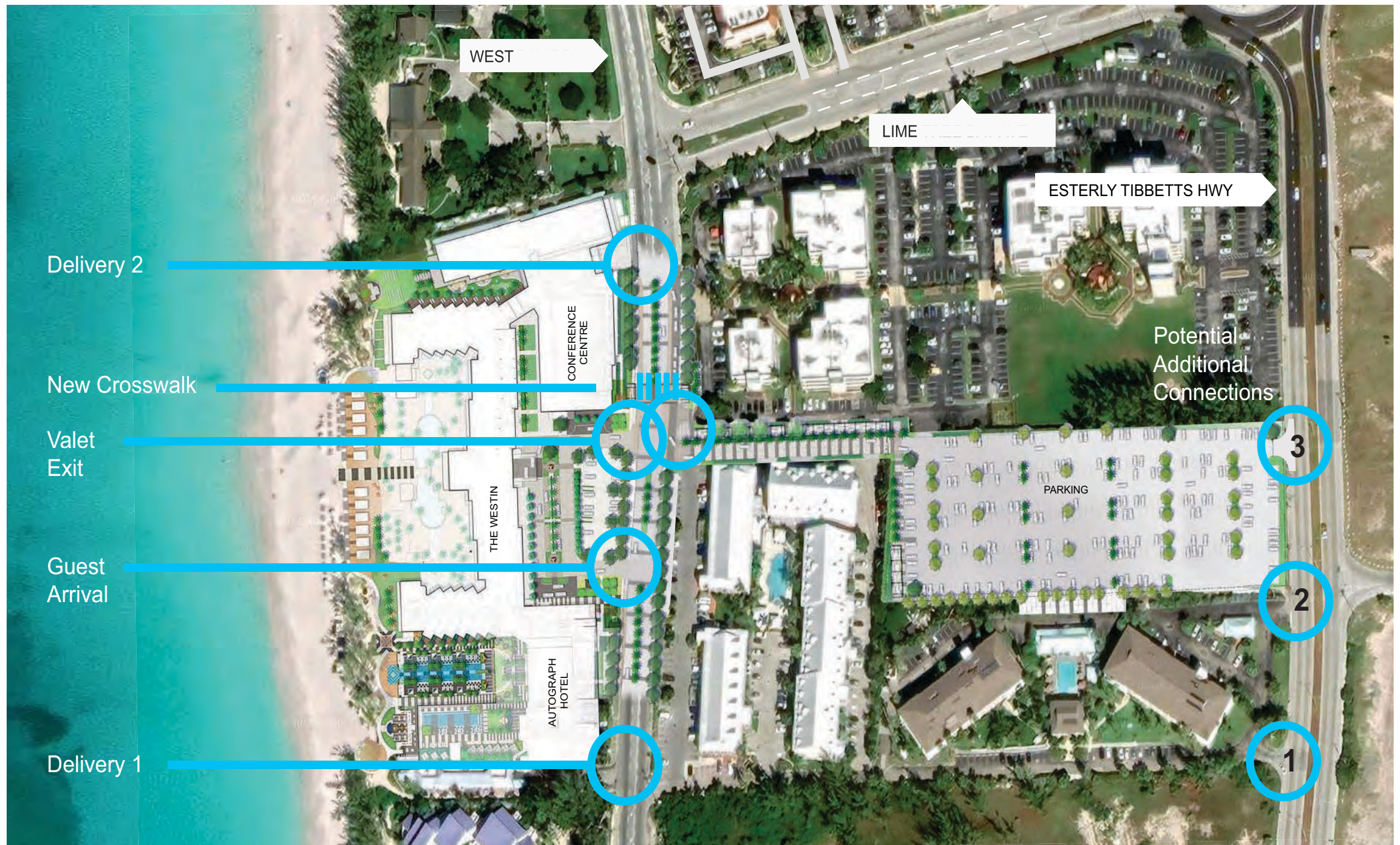
- provision of dedicated Westin Resort employee parking in the new Main Parking Area- parking restrictions will be enforced using the latest GPS technology which will prevent Resort employees from parking in The Falls retail parking spaces in both short term long terms
- deployment of parking monitor personnel at The Falls during high demand periods to ensure parking enforcement at Westin Resort expense, including during periods of construction activity at the Resort
- provision of improvements to the ROW road way over The Falls property serving the Main Parking Area and provision of landscaping between the Falls and Regatta Office Park to enhance the general amenity of these areas for mutual benefit to the Resort and The Falls
- provision of a dedicated shuttle connection to the Resort for use by staff, guests and patrons which is to further organise and regulate overall parking lot usage vs the alternative of ‘fly’ parking alternatives

- provision of a total of 345 parking bays in the new Main Parking Area which would allow for overflow parking to be available for use by patrons of The Falls, particularly Eats Café, Legendz Bar, and Yoshi Suchi restaurant
- provision of pre-organised parking plans based on time of arrival and departure to better accommodate evening gala events hosted at the Westin Resort and Conference Centre for local residents and patrons as well as informing The Falls restaurants and businesses of these events
- provision of an effective, identifiable and well-lit pedestrian crossing point inviting more custom by Resort guests and patrons to visit The Falls' various

restaurants, retail and service outlets

- elimination of casual, haphazard and sometimes illegal 'fly' parking occurring along the verges of West Bay Road and Safehaven Drive, and in and around adjacent properties such as The Falls, Sunshine Suites and adjacent to the Governor's Residence
- provision of excess parking capacity that could be utilised for other local events such as receptions hosted at the adjacent Governor's Residence, guests and patrons of which otherwise would have been tempted to park at The Falls, Governor's Square as well as at the Westin Resort itself







view of Resort pedestrian link from Leeward parking area



Parking Deployment, Use & Efficiency

Current Parking Utilization			
Rental Cars - Overnight Guest	Avg Daily		Parking
On-site rental	4		4
Off-site rental	16		16
Total	20		20
Employees	80		80
		Total Daily Parking	100
Existing Parking (excluding Regatta)	198	Utilization Factor	0.50
Parking bay per room	0.61	(Demand/Available rooms)	
Future Parking Requirement (keeping existing PLUS code requirement for the Hotel Annex)			
	Rooms/Area	Parking requirements	Required Parking
Hotel Guestrooms			
Westin Existing	325Keys	2:1 Ratio	163
Add'l rooms	234Keys	2:1 Ratio	117
	559	2:1 Ratio	280
Commercial Area			
Existing Westin Commercial Parking		Current Condition	27
Restaurant	6,500 incr sf	1 per 300 sf	45
Conference	8,500incr sf	1 per 300 sf	16
Spa & Salon	5,100 incr sf	1 per 300 sf	17
Total Required			385
		Parking bay per room	0.69

Planned Supply		
West of West Bay Road (parcel 11D45)		35
New Main Parking Area (parcel 11D37)		350
	Available	385
Forecasted Utilization		
Current Utilization Ratio	(Demand/Available spaces)	0.50
Forecasted Need		
Overnight Guest	(based on current ratio)	32
Employees	(based on current ratio)	130
Total Forecasted Need	(Current Demand x Available spaces)	162
Excess available for Special Events		223
Plus, Current Parking Variance allows for the Westin Grand Cayman to "off-park" in the Regatta (now Leeward) office park opposite the Resort		
Parking Variance		
Planning currently allows for 50% off-site parking variance		
Current Parking Requirement per Code		385
Allowed off-site parking		192
On-site parking		193
Current Parking Requirement based on Current Utilization		162
Allowed off-site parking		81
On-site parking		81

We would ask for 91% off-site parking variance for employee parking **shuttle to be provided**

Appendix C

An aerial photograph of a resort complex. In the foreground, there is a large, winding swimming pool with a curved end, surrounded by palm trees and lounge chairs. To the left of the pool is a large outdoor dining area with many white umbrellas and tables. To the right is a multi-story building with a light blue facade and balconies. In the background, a sandy beach leads to the turquoise ocean under a blue sky with scattered clouds.

CPA Hearing – Westin Expansion

12 October 2022

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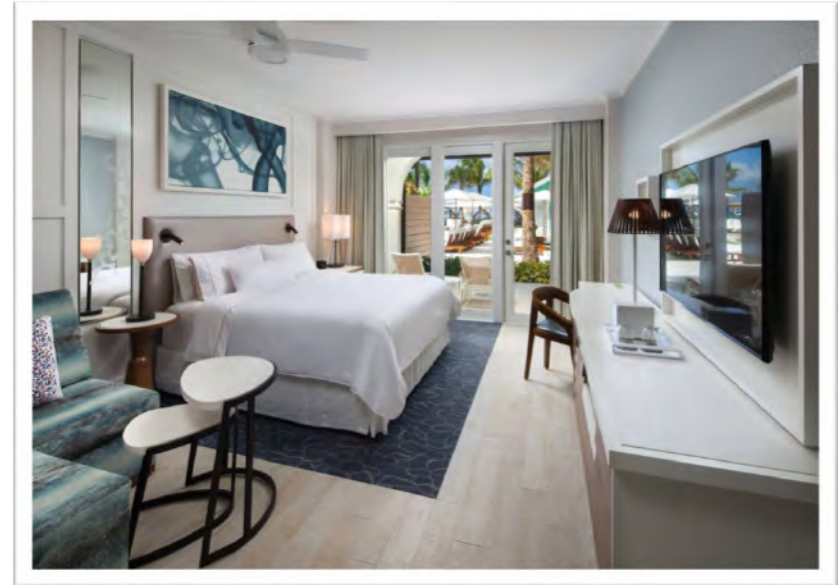
- **Overview of Expansion Plan**
- **Autograph Collection Resort: Branding Overview**
- **Parking Variance Request**
- **Overview of Parking Mitigation Plan**



The Future of The Westin Grand Cayman: Expansion Project Overview

The Westin Grand Cayman today

- 343 luxuriously appointed guestrooms
- 11,400sf. of unparalleled meeting space, including an 500-person capacity ballroom
- Rejuvenating 7,000 sf Hibiscus Spa featuring 11 treatment rooms
- State-of-the-art WestinWORKOUT fitness studio
- 6 world-class restaurants and bars plus the ever-popular Cayman Coffee Exchange
- Oceanfront resort pool situated along 700 feet of pristine shoreline on the famed Seven Mile Beach



Expansion Project Overview

- Construction of a new 10-storey resort tower affiliated with Marriott's **Autograph Collection** brand.
- **234** new modern guestrooms with stunning ocean views
- **Rooftop pool** and restaurant
- **Resort style pool** located adjacent to Seven Mile Beach
- Luxuriously appointed **spa** featuring **15 treatment rooms**
- Ocean-facing **restaurant** with al fresco dining
- Construction of a new **conference facility** including a new **9,400sf ballroom**
- **New parking facilities** on east side of West Bay Road (just north of Sunshine Suites)



Expansion Project Overview

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>

Expansion Project Overview

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
Total Existing Building Coverage:		95,664 sq ft
<i>Total Building Coverage %:</i>	25.54%	
less:		
Total Demolitions:		(23,071) sq ft
add:		
New Hotel Annex (Tower):		34,506 sq ft
New Conference Facility (Ballroom):		18,410 sq ft
New Covered Walkways:		10,971 sq ft
New Total Building Coverage:		136,480 sq ft
<i>New Total Building Coverage %:</i>	36.43%	
Existing Walkway, Roads & Decks Coverage:		101,720 sq ft
<i>Existing Walkway, Roads & Decks Coverage %:</i>	27.15%	
less demolitions /breakup:		(38,044) sq ft
New Total Walkway, Roads & Decks Coverage:		63,676 sq ft
<i>New Total Walkway, Roads & Decks Coverage %:</i>	17.00%	

Exterior - Before



Exterior - After



Exterior Model (West view)



Exterior Model (East view – West Bay Road entrance)



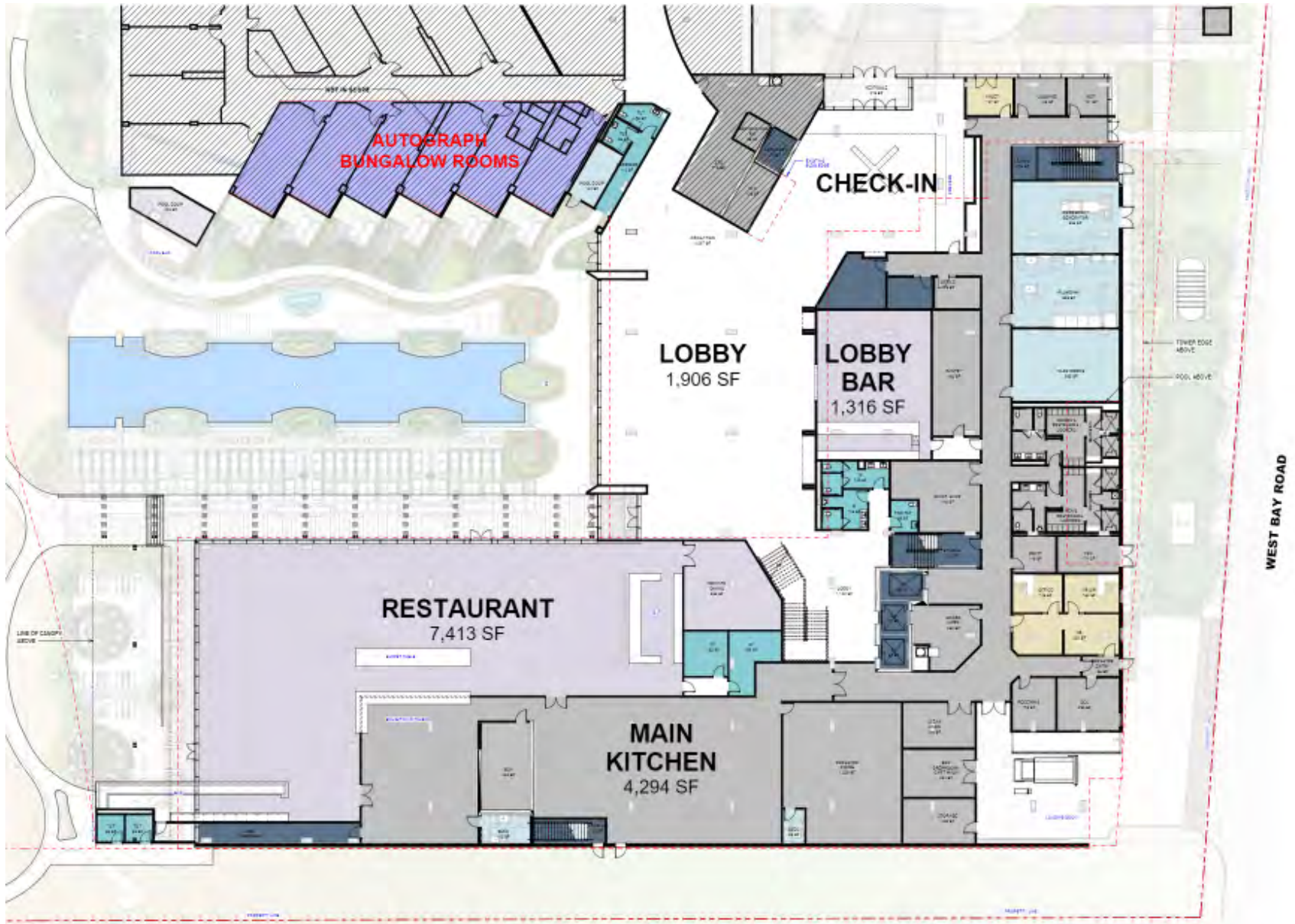
Hotel Entrances along West Bay Road



New Conference Center and Event Lawn



Autograph Collection Hotel – Ground Floor / Lobby Level



Autograph Collection Hotel – Pool Area, Lobby, and Restaurant



Ocean-front restaurant with outdoor dining

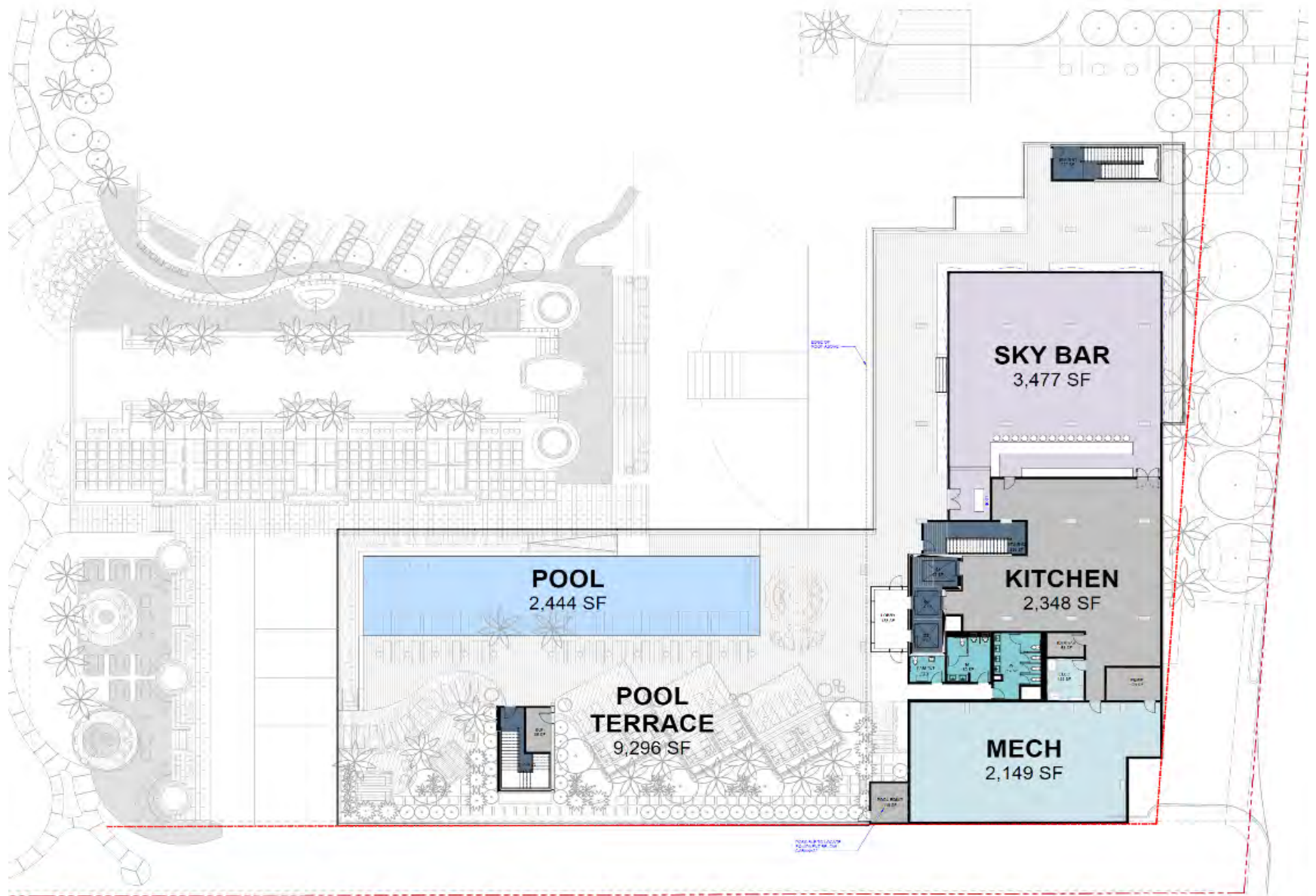


View from new Autograph Collection lobby

Level 2 – Spa, Fitness Center, and Guestrooms



Rooftop Level



View from Rooftop Bar



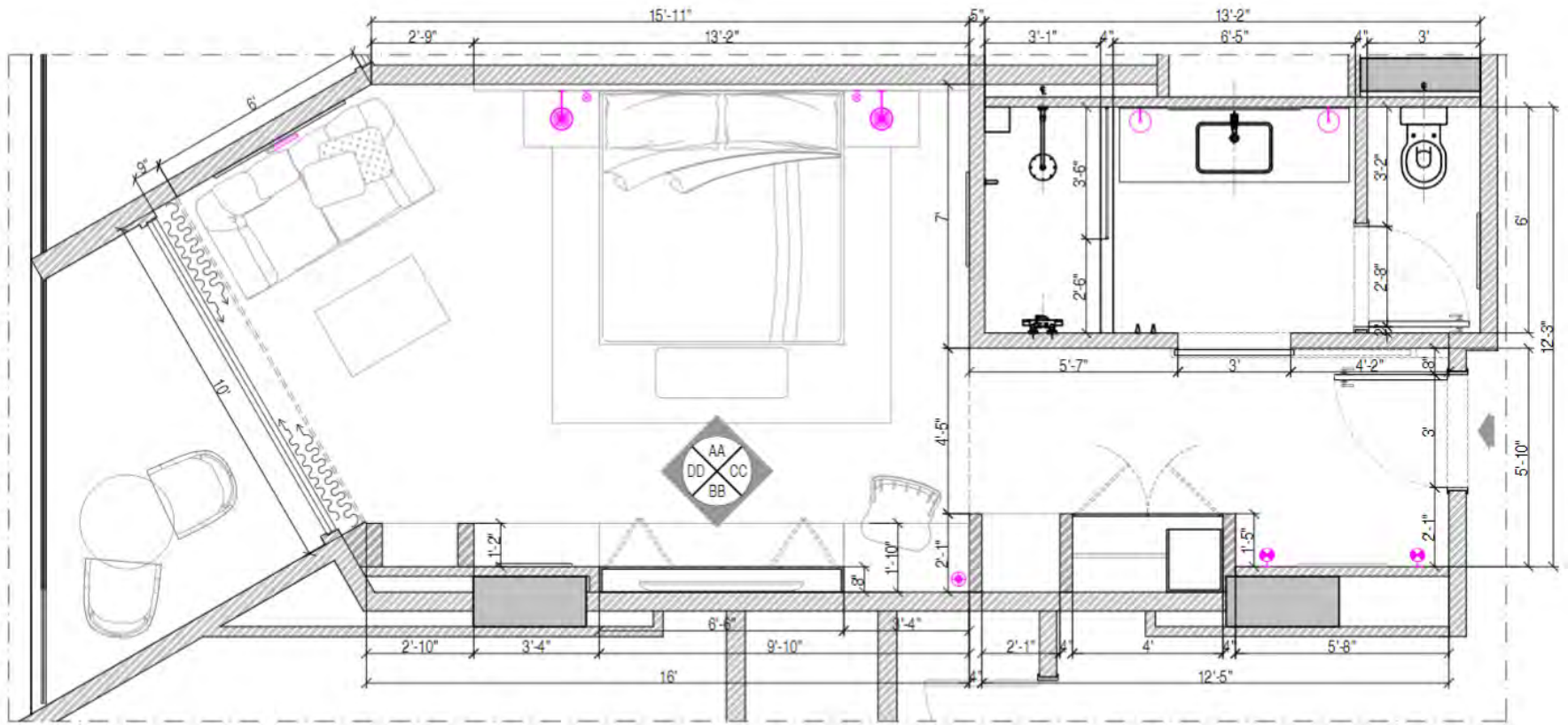
Infinity Edge Rooftop Pool



Standard Guestroom Floor



Standard Guestroom





Autograph Collection Resort: Branding Overview

THE X VIC

RESORT & SPA

7 MILE BEACH • GRAND CAYMAN

AUTOGRAPH COLLECTION®
HOTELS

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What is The Vic?

Balancing Grand Cayman's colourful past with a
decidedly modern 'British Beach' experience,

THE VIC IS



×

BRITISH IN INTENT. BEACH IN NATURE.

The Vic Exudes Exploration, Adventure and Uncovering Treasure

✕ MARKS THE SPOT

Having traveled great distances,
our guests arrive at last, stepping
squarely onto the X as they're greeted
at the front desk.



The Vic – Entrance and Arrival Experience



The Vic – Ground Floor Plan & Inspiration



X MARKS THE SPOT

Stepping literally over the X that marks the spot, they've officially arrived in paradise proper.



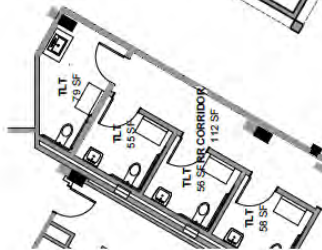
HEADS UP

Head-turning display of 20 antique diving helmets. Restored in shining, polished brass.



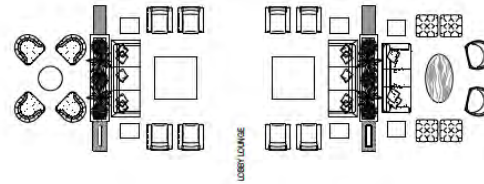
STOWAWAY READING ROOM

Curious and clever guests may discover our secret library on their own; for others it will take a tip from our staff.



THE LOBBY

CIRCULATION
3,543 SF



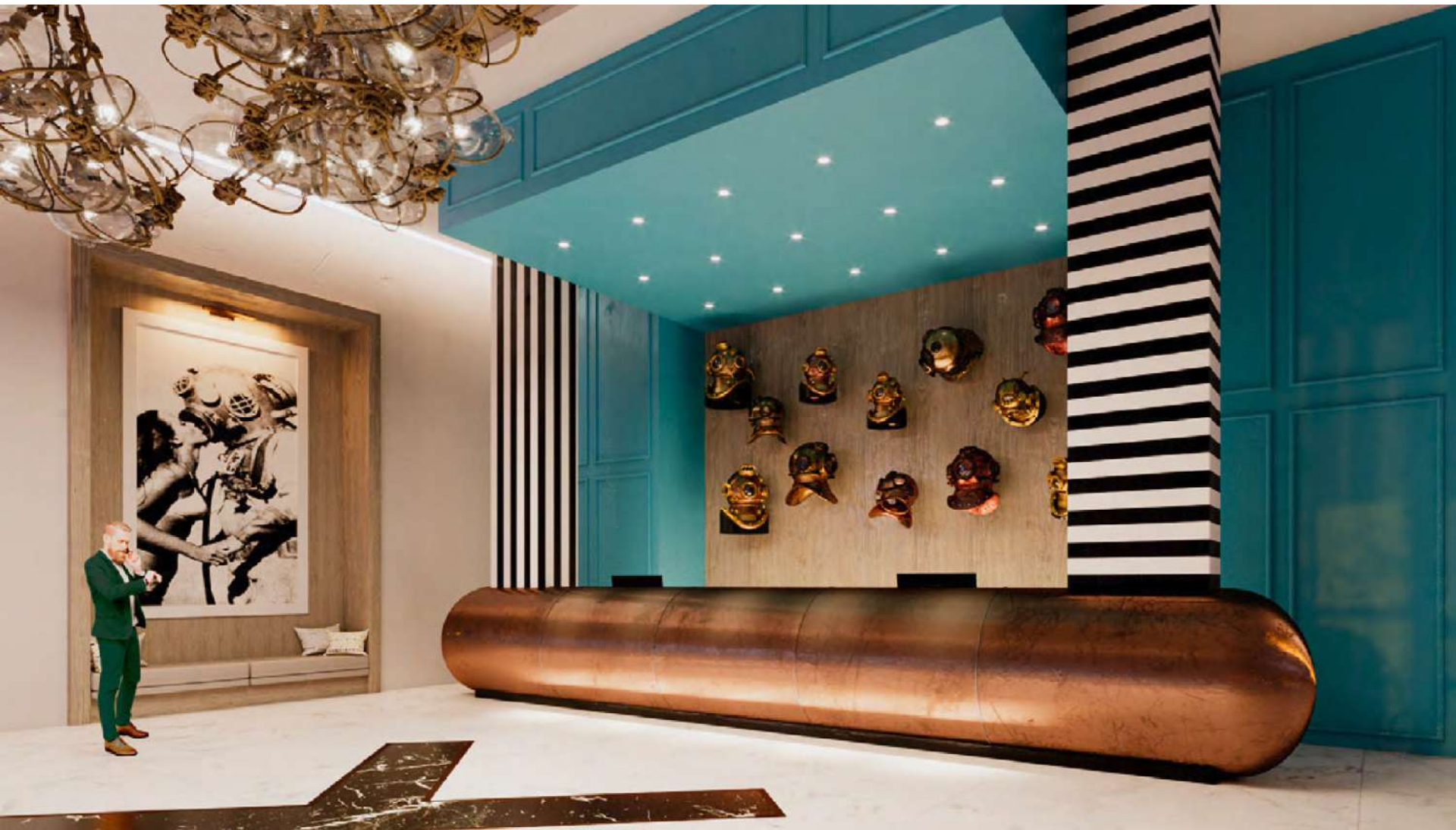
PROPER TEA RITUAL

Each afternoon at 4pm sharp, guests are invited to enjoy a proper British high tea, alongside delectable sweets.

The Vic – Lobby Rendering (1 of 3)



The Vic – Lobby Rendering (2 of 3)



The Vic – Lobby Rendering (3 of 3)



The Vic – Library Bar Rendering



The Vic – Guestroom Corridor Rendering



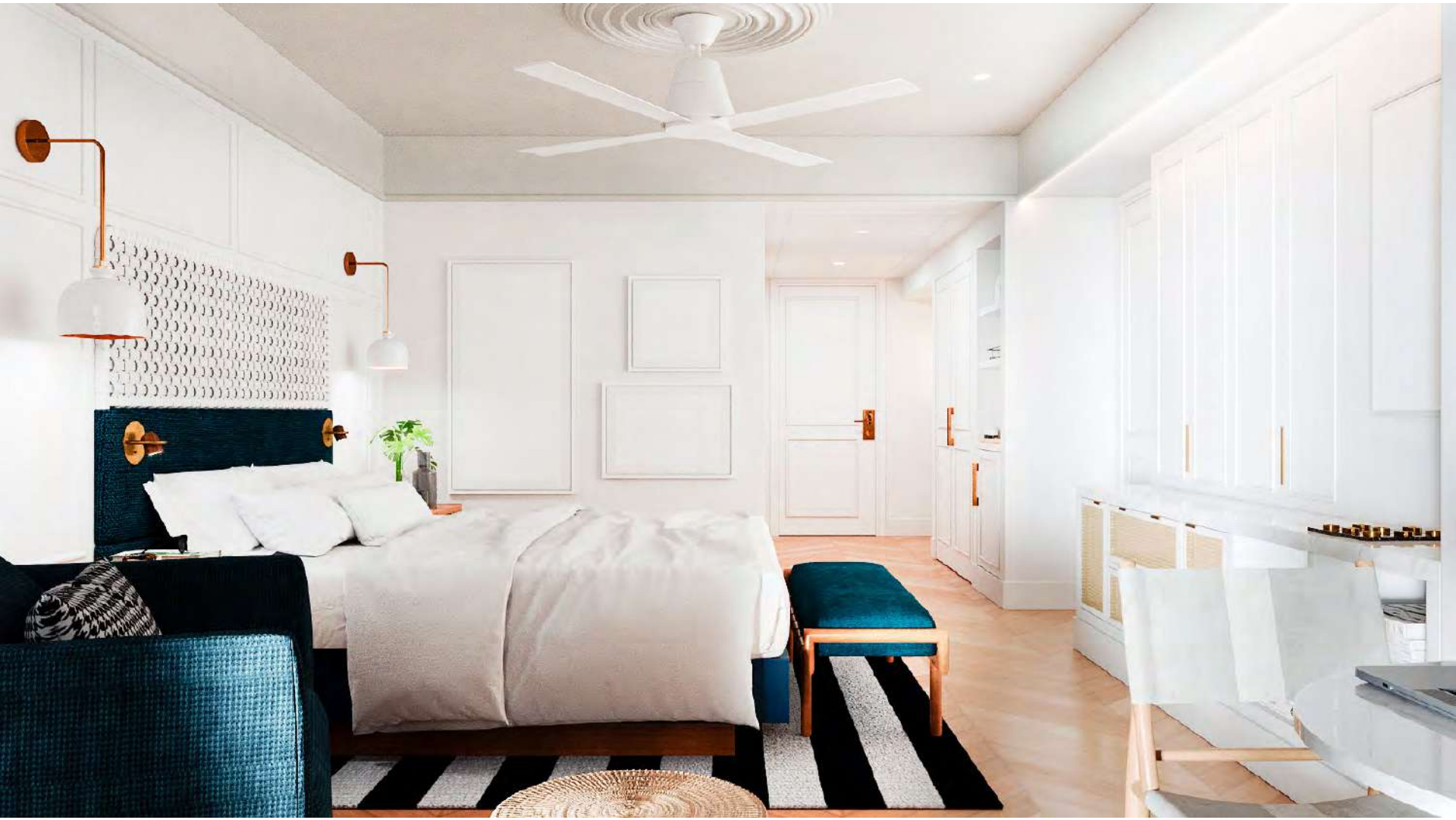
The Vic – Guestroom Rendering



The Vic – Guestroom Rendering



The Vic – Guestroom Rendering

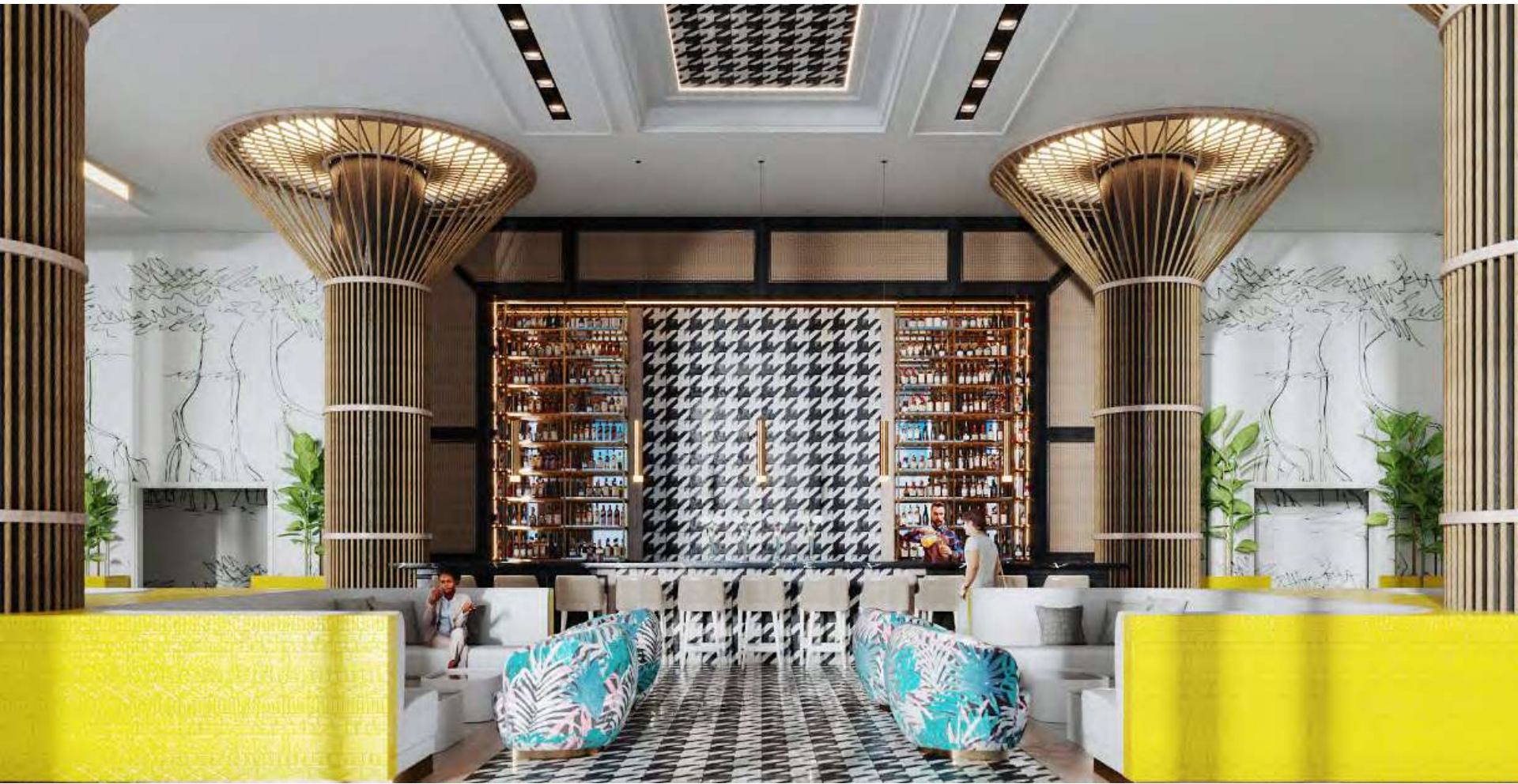


The Vic – Guest Bathroom Rendering



SIRBOBO

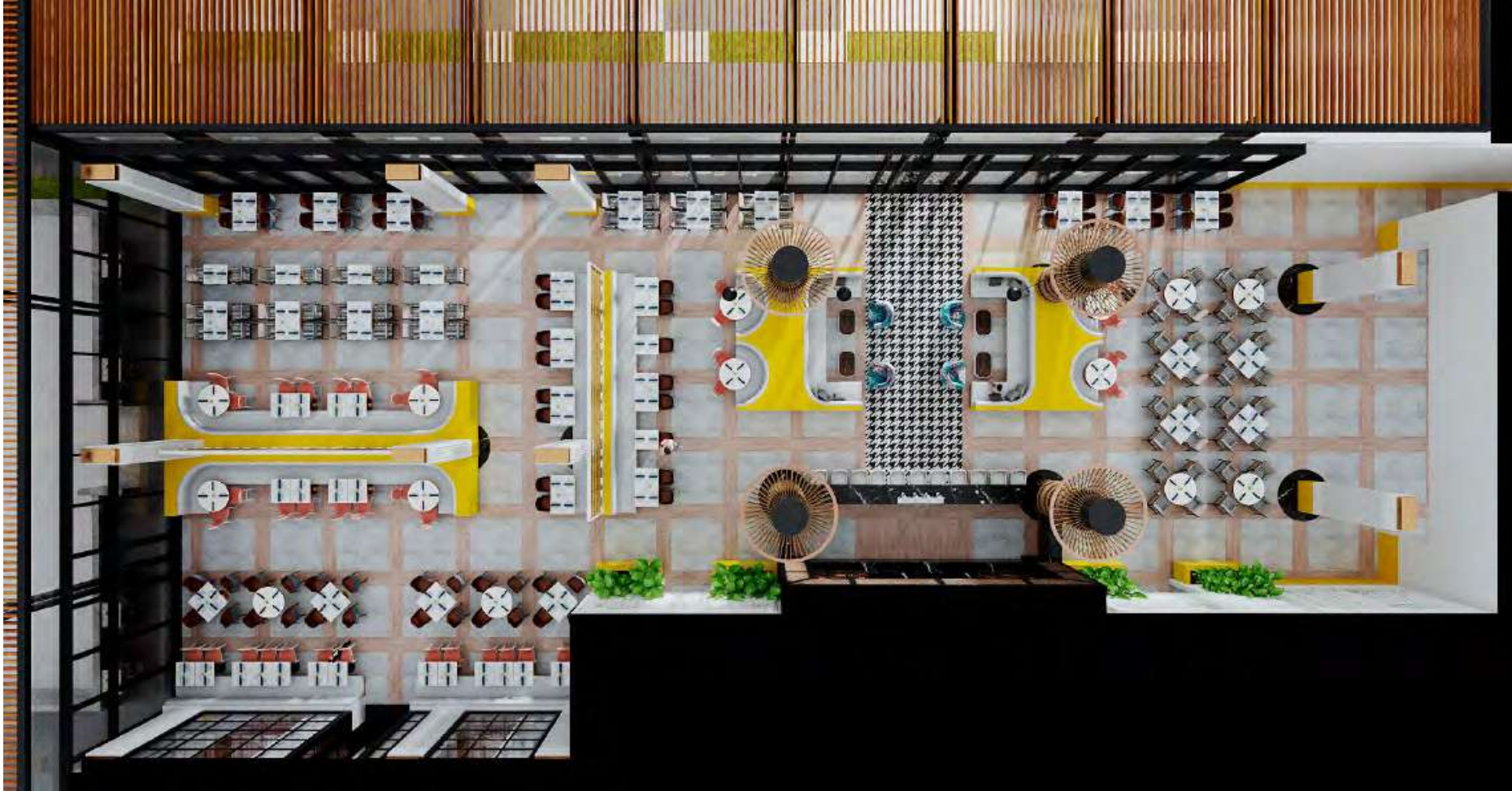
The Vic – Sir Bobo Restaurant



The Vic – Sir Bobo Restaurant



The Vic – Sir Bobo Restaurant (top-down view)



The Vic – Crown & Glory – Rooftop Poolside Bar & Lounge



The Vic – Crown & Glory – Rooftop Poolside Bar & Lounge



The Vic – Crown & Glory – Rooftop Poolside Bar & Lounge (outdoor seating)



The Vic – Crown & Glory – Rooftop Poolside Bar & Lounge (top-down view)



REIGN

A ROYAL SPA
AT THE VIC

The Vic – Reign – A Royal Spa at The Vic (Reception)



The Vic – Reign – A Royal Spa at The Vic (Vitality Pool)



The Vic – Reign – A Royal Spa at The Vic (Treatment Room)



An aerial photograph of a tropical resort. In the foreground, a large, winding swimming pool with a curved end is surrounded by numerous palm trees and lounge chairs. To the left of the pool is a beach area with many white umbrellas and people. In the background, the turquoise ocean meets a clear blue sky with some clouds. A multi-story resort building with balconies is visible on the right side of the image.

Parking Variance Request

Parking Provision Analysis

Parking provision required on parcel 11D45 for existing Resort²: **198 bays**

New parking provision requirements:

Additional guestroom allocation (216 guestrooms \pm 1 bay /2 rooms): **109 bays**

Restaurant Facilities (net new /adjusted areas) **45 bays**

3-Meal Restaurant	1 bay /200 sq ft	2,834 ³	sq ft:	15 bays
3-Meal Kitchen	1 bay /200 sq ft	(1,182 ⁴)	sq ft:	(6) bays
Banquet Kitchen	1 bay /600 ⁵ 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	1,271	sq ft:	8 bays

Event Space (net new /adjusted areas) **16 bays**

Conference	1 bay /300 sq ft	7,297	sq ft:	25 bays
Meeting Rooms ⁶	1 bay /300 sq ft	(2,656)	sq ft:	(9) bays

Retail Space **17 bays**

New Spa	1 bay /300 sq ft	7,810	sq ft:	27 bays
Reverse exist Spa	1 bay /300 sq ft	(2,901)	sq ft:	(10) bays

Total Additional Parking Bay Provision required: **187 bays**

Total Parking Provision required: 385 bays

Parking Utilization Analysis (1 of 2)

Current Parking Utilization

Rental Cars - Overnight Guest	Avg Daily	Parking
On-site rental	4	4
Off-site rental	16	16
Total	20	20
Employees	80	80
		100
Existing Parking (excluding Regatta)	198	Utilization Factor
Parking bay per room	0.61	(Demand/Available rooms)
		0.50

Future Parking Requirement (keeping existing PLUS code requirement for the Hotel Annex)

	Rooms/Area	Parking requirements	Required Parking
Hotel Guestrooms			
Westin Existing	325Keys	2:1 Ratio	163
Add'l rooms	234Keys	2:1 Ratio	117
	559	2:1 Ratio	280
Commercial Area			
Existing Westin Commercial Parking		Current Condition	27
Restaurant	6,500 incr sf	1 per 300 sf	45
Conference	8,500incr sf	1 per 300 sf	16
Spa & Salon	5,100 incr sf	1 per 300 sf	17
Total Required			385
		Parking bay per room	0.69

Parking Utilization Analysis (2 of 2)

Planned Supply

West of West Bay Road (parcel 11D45)	35
New Main Parking Area (parcel 11D37)	350
Available	385

Forecasted Utilization

Current Utilization Ratio	(Demand/Available spaces)	0.50
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Forecasted Need

Overnight Guest	(based on current ratio)	32
Employees	(based on current ratio)	130
Total Forecasted Need	(Current Demand x Available spaces)	162

Excess available for Special Events

223

Plus, Current Parking Variance allows for the Westin Grand Cayman to "off-park" in the Regatta (now Leeward) office park opposite the Resort

Parking Variance

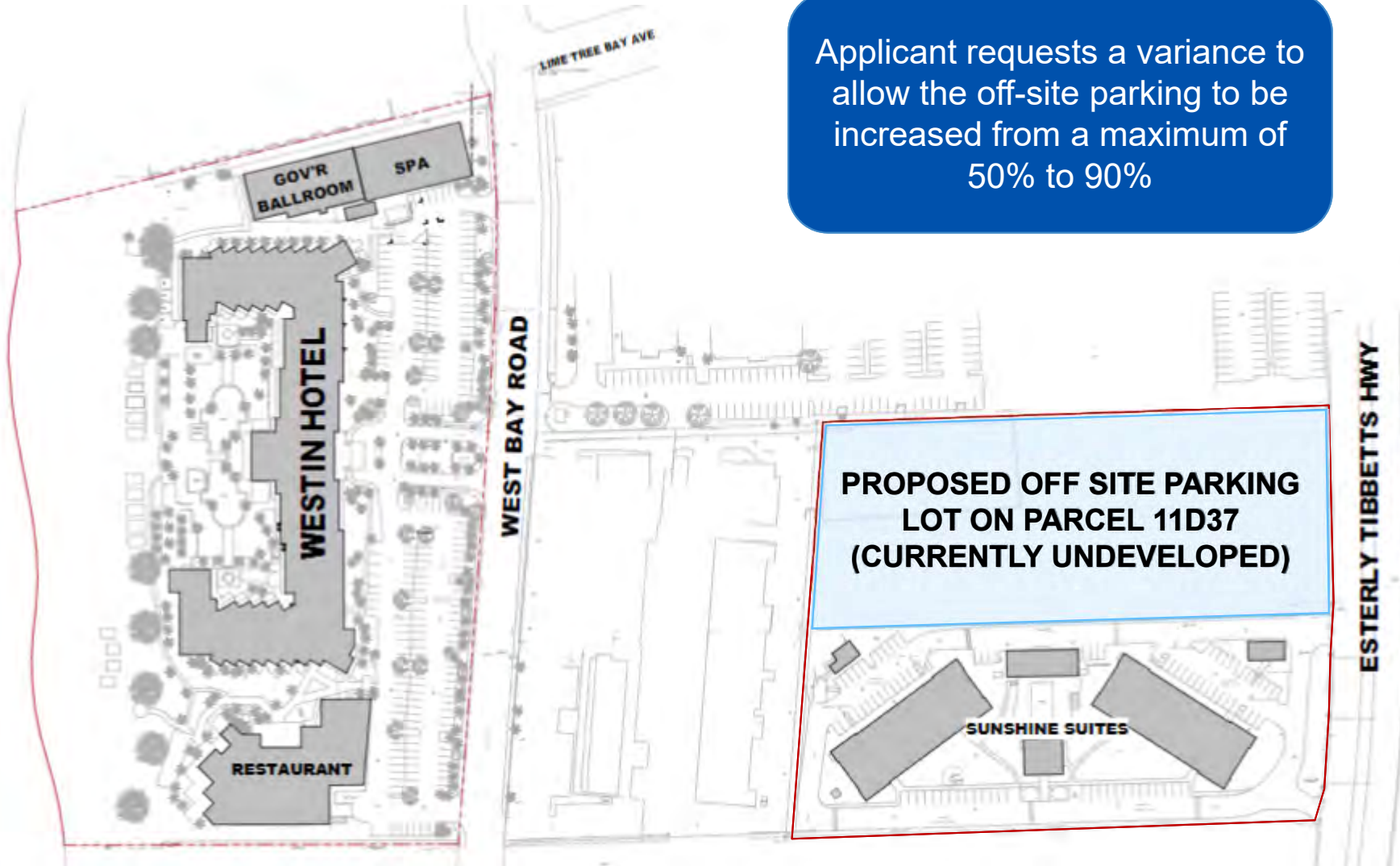
Planning currently allows for 50% off-site parking variance

Current Parking Requirement per Code	385
Allowed off-site parking	192
On-site parking	193

Current Parking Requirement based on <u>Current Utilization</u>	162
Allowed off-site parking	81
On-site parking	81

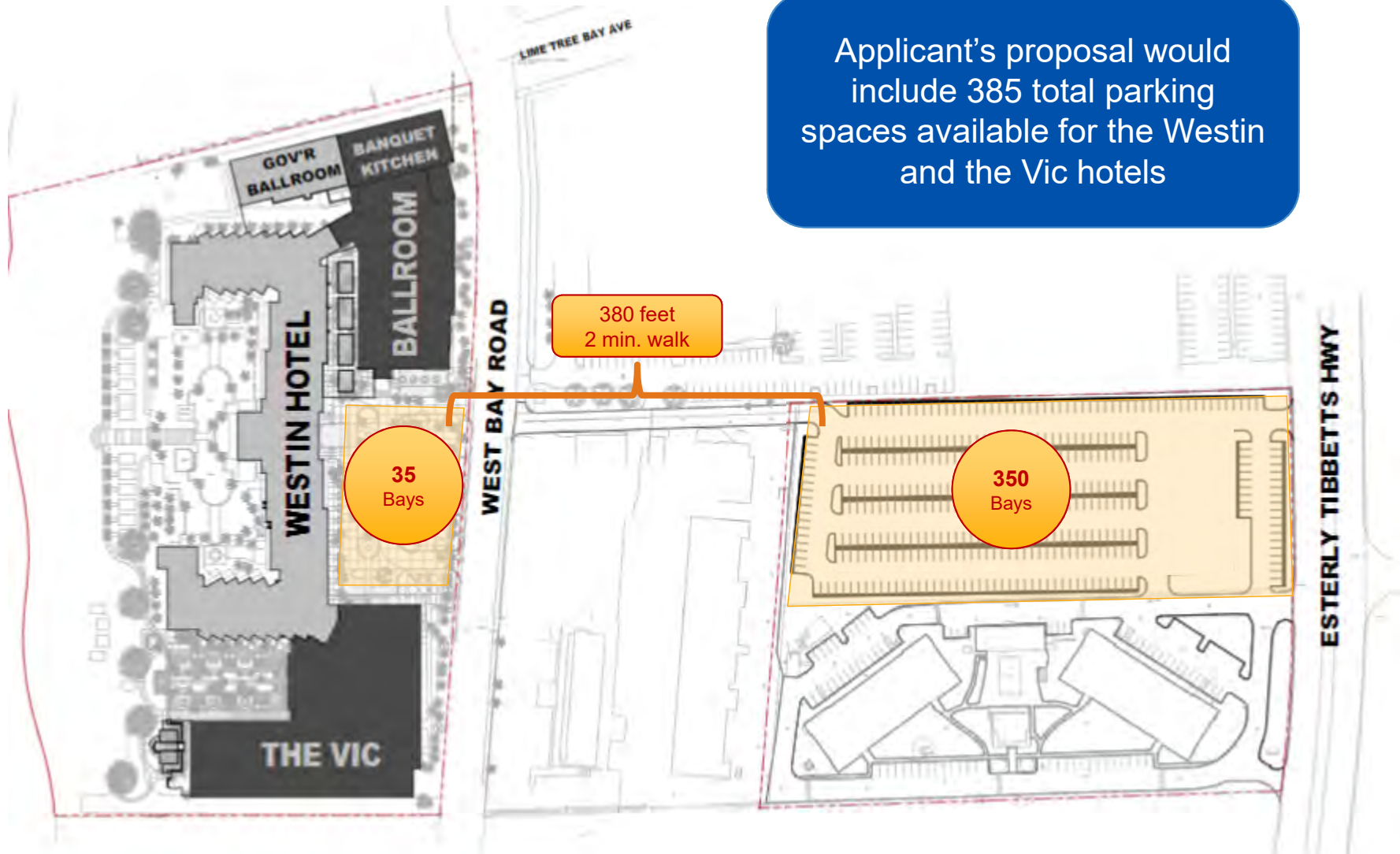
We would ask for 91% off-site parking variance for employee parking **shuttle to be provided**

Current Site Layout



Applicant requests a variance to allow the off-site parking to be increased from a maximum of 50% to 90%

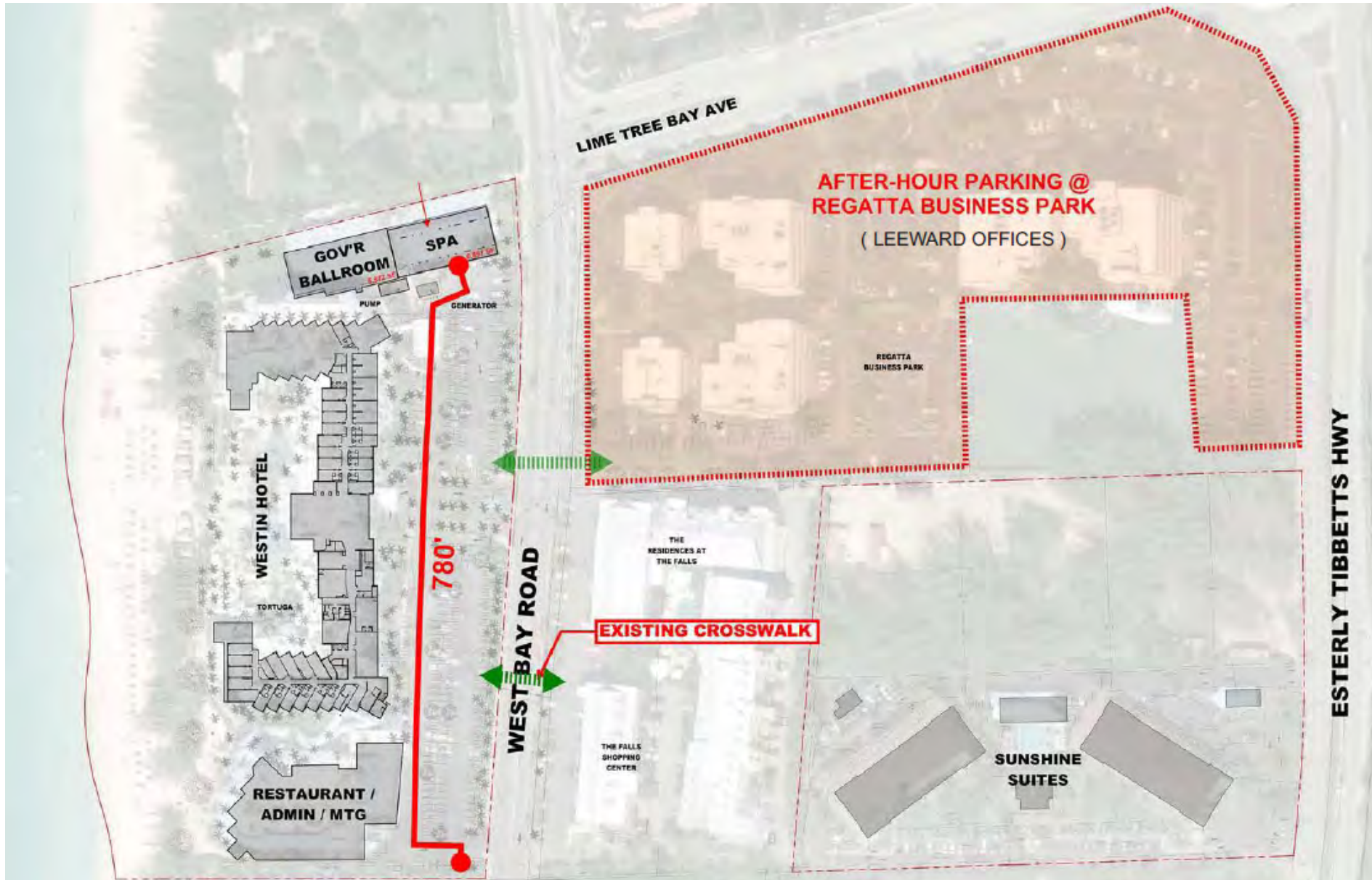
Proposed Site Layout



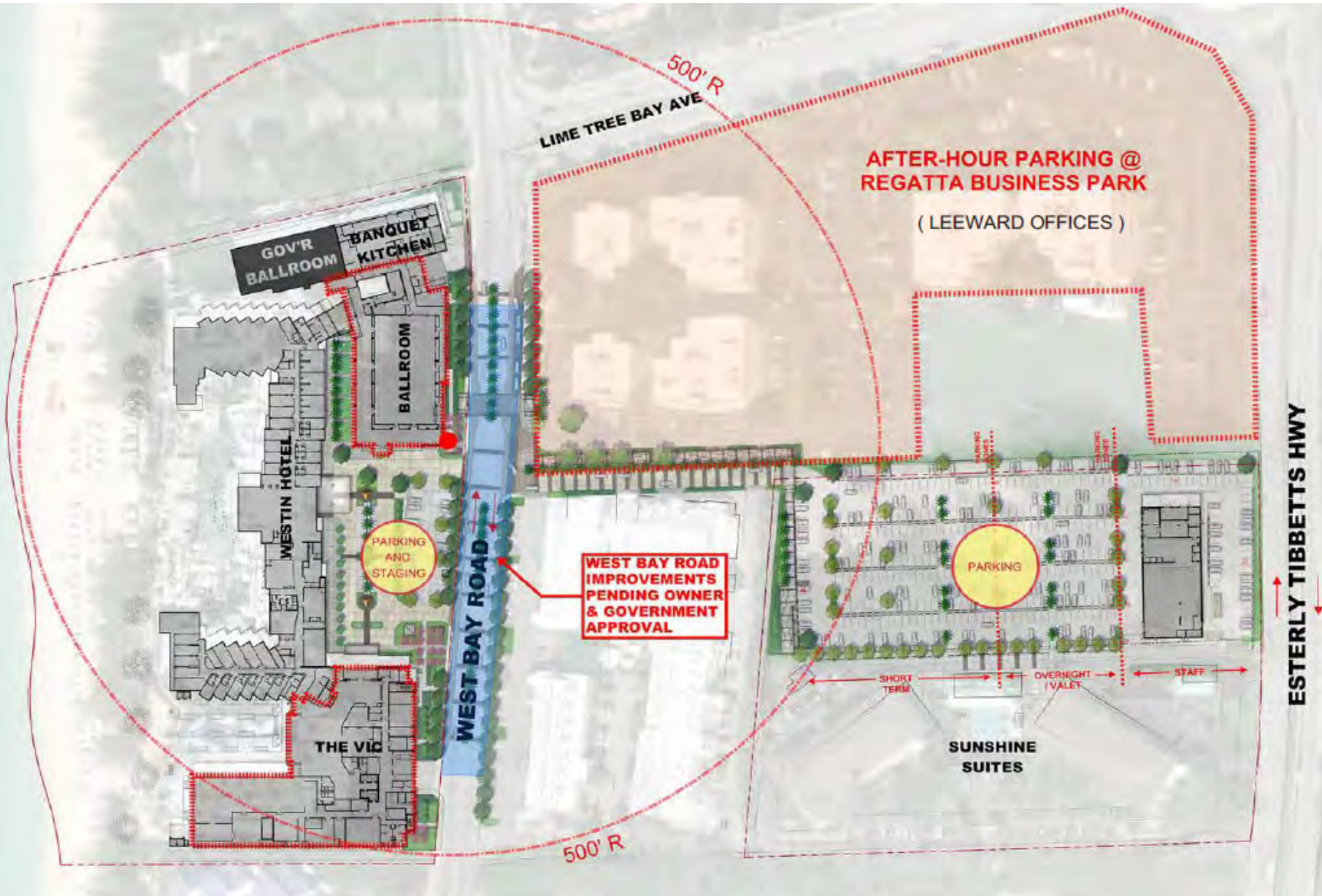
An aerial photograph of a tropical resort. In the foreground, a large, winding swimming pool with a curved end is surrounded by palm trees and lounge chairs. To the left of the pool is a sandy beach with many people, umbrellas, and small boats in the turquoise water. To the right is a multi-story resort building with balconies. The background shows a clear blue sky and distant land.

Parking Mitigation Plan

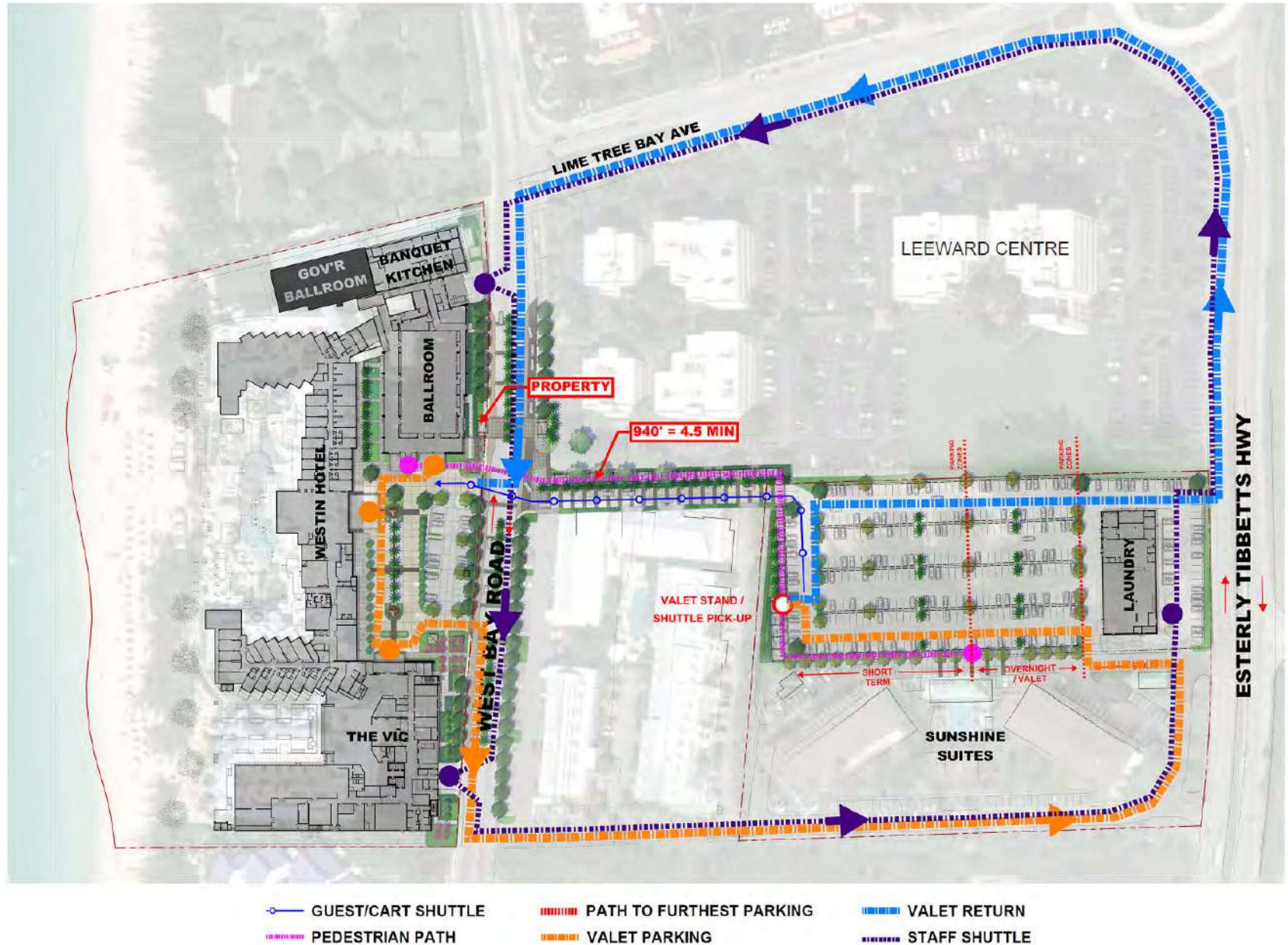
Current Condition



Proposed Condition



Proposed Traffic Flow



Parking Lot – Proposed Landscaping and Mood Imagery



Parking Lot – Proposed Pedestrian Promenade



1) PROMENADE FROM PARKING TO HOTEL WEST BAY ROAD CROSSING



2) PROMENADE FROM PARKING TO HOTEL WEST BAY ROAD CROSSING



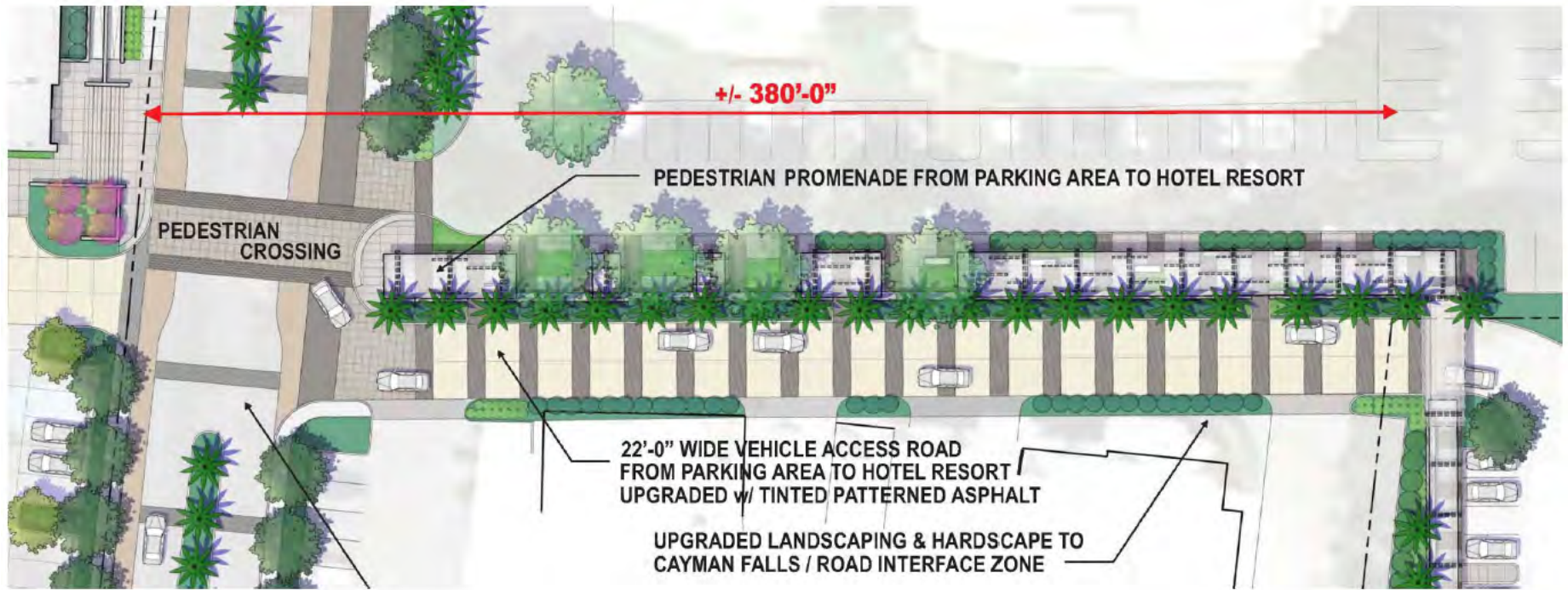
3) WEST BAY ROAD WITH TRAFFIC-CALMING PAVING & BANDING & UPGRADED PLANTING WITHIN RAISED MEDIAN



01 PEDESTRIAN PROMENADE ENLARGEMENT



Parking Lot – Proposed Pedestrian Promenade



Parking Lot – Proposed Pedestrian Crossing Safety Features



ENHANCED PAVING BANDS, SEAT WALL, BENCHES & PLANTERS



SHADE STRUCTURE ABOVE PROMENADE



LIGHT BARS SUSPENDED FROM SHADE STRUCTURE



TRAFFIC CALMING PAVER BANDS ALONG EDGES OF WEST BAY ROAD



LIGHTED PEDESTRIAN CROSSING WITH TEXTURED PAVING TO ALERT VEHICLES



WARNING SIGNS AND MEDIAN CUT TO PROVIDE SAFE CROSSING AT WEST BAY ROAD

Parking Lot – Proposed Pedestrian Crossing – View from West Bay Rd.



View of Pedestrian Crossing from West Bay Road

Parking Lot – Proposed Pedestrian Crossing – Aerial View



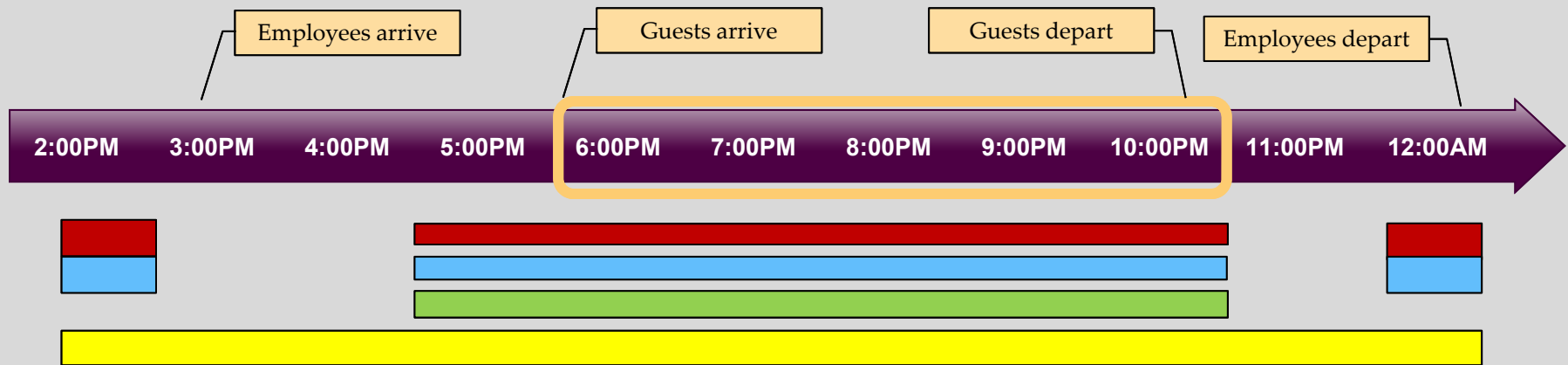
Parking Lot – Proposed Pedestrian Crossing – View from Parking Lot



Local Events: Major Driver of Parking Demand

- The Westin historically hosts 12-18 local annual events, conferences, and/or galas that exceed 100 local attendees. In 2019, Westin hosted 16 events over 100 attendees with only 6 of these events in excess of 300 attendees. In 2018, Westin hosted 13 events in excess of 100 attendees with only 2 exceeding 300.
- These local events create the most parking demand, because those attendees are typically driving themselves to the event
- It is expected that the offsite parking lot and the pedestrian crosswalk across West Bay Road will be most heavily utilized before and after these events.
- Our parking mitigation ensures that these events, while limited in number, will be executed safely.

EXAMPLE EVENT TIMELINE (6:00PM – 10:00PM EVENT):



- Shuttle Service between Hotel and Offsite Parking Lot (continuous)
- Crossing guard at illuminated West Bay Road pedestrian crosswalk
- Valet parking service for event guests
- Parking Monitor provided in The Falls parking lot to ensure no illegal parking

Government House

- Government House, located adjacent to the Westin to the north, frequently hosts events including dinners, galas, and receptions.
- Government House has very limited parking, and individuals attending these events typically park along West Bay Road or in the parking lots of nearby businesses.
- Event attendees at Government House will be welcome to park in the new proposed parking lot on the east side of West Bay Road. This will significantly relieve congestion along West Bay Road and create a safer experience for event attendees and drivers alike.



Regatta Business Park

- Regatta Business Park, located on the east side of West Bay Road directly across from the Westin and new proposed Conference Center, would be a beneficiary of the proposed expansion.
- Dart, the owner of the Regatta Business Park, has expressed their support for the expansion.
- The tenants of the Regatta Business Park will benefit from the new pedestrian crossing across West Bay Road, as it will give them safer access to the Westin resort, the new Autograph Collection resort, and the resorts' restaurants and amenities.
- Currently, the Regatta's patrons do not have a convenient cross walk available for safe maneuvering of West Bay Road.



The Falls

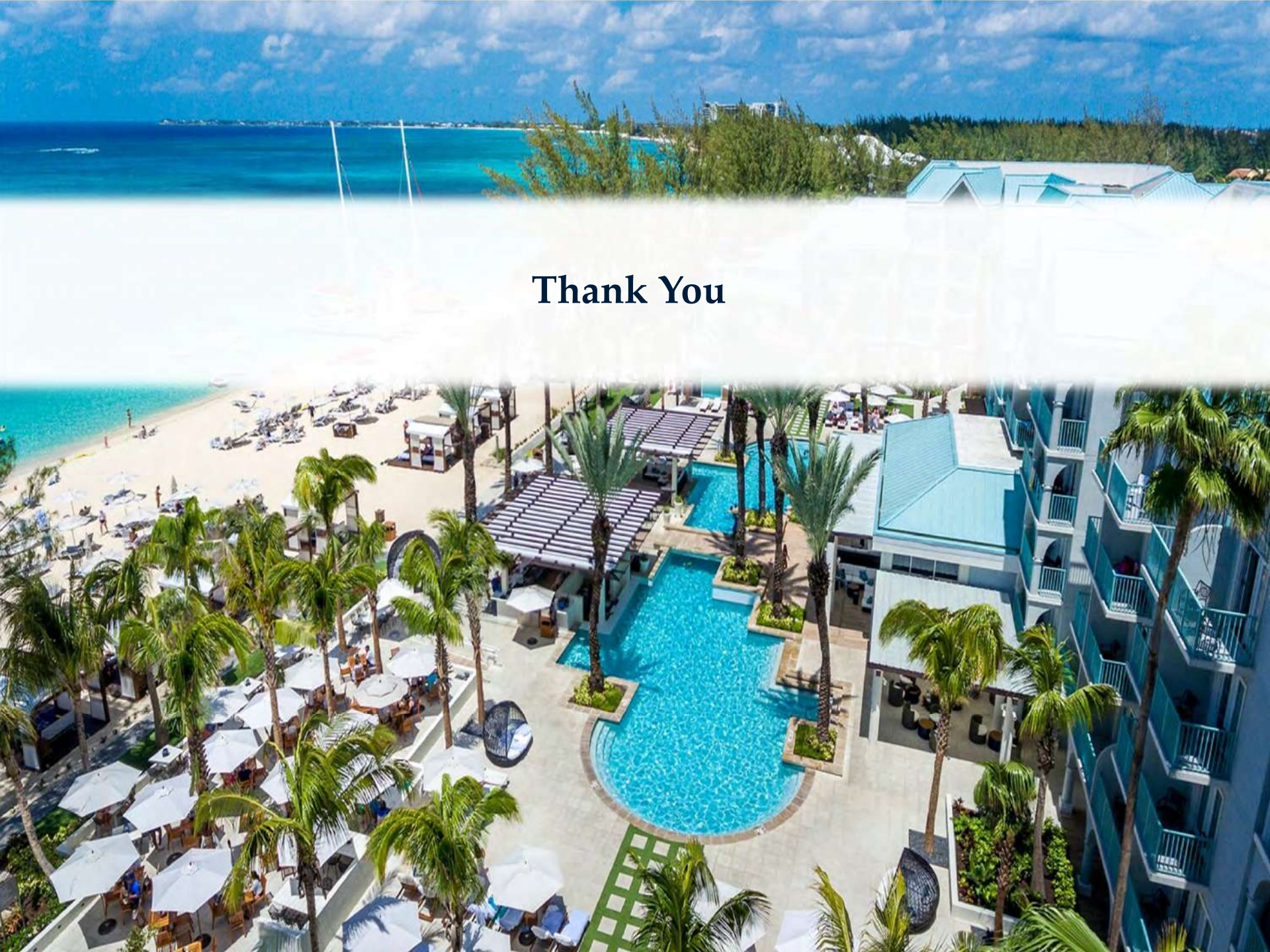
- The Falls – a 2-storey strip mall with restaurants, offices, shops, and residences – has a parking shortfall.
- Patrons of the Falls' restaurants are utilizing the Westin's existing parking spaces during high demand periods (lunch and dinner) adversely impacting the current parking for Westin guests and creating an unsafe passage of West Bay Road.
- Subject to availability, the proposed parking expansion on the east side of West Bay Road would benefit the tenants of the Falls.
- The new dedicated pedestrian cross walk will provide safe passage to the Falls' office tenants who wish to utilize the Westin's food and beverage outlets.



Villas of the Galleon

- The Villas of the Galleon is a condominium property located immediately south of the new proposed tower along Seven Mile Beach.
- The strata of the Villas of the Galleon is supportive of the proposed expansion of the Westin resort and the new Autograph Collection tower and the associated parking mitigation plan.
- The strata and the condominium owners look forward to taking advantage of the new amenities and dining outlets.
- The strata has no outstanding objections to the expansion project.





Thank You