

Central Planning Authority

Minutes of a meeting of the Central Planning Authority held on February 6, 2019 at 10:00 a.m. in the Conference Room, 1st Floor, Government Administration Building, Elgin Avenue.

3rd Meeting of the Year

CPA/03/19

Mr. A. L. Thompson (Chairman)

Mr. Robert Watler Jr. (Deputy Chairman) (except 2.11 to 2.13) (left at 12:40)

Mr. Kris Bergstrom (except 2.2) (left 11:00)

Mr. Peterkin Berry

Mr. Edgar Ashton Bodden

Mr. S. T. (Tommie) Bodden (apologies)

Mr. Joseph Coe (except 2.9)

Mr. Ray Hydes

Mr. Trent McCoy

Mr. Rex Miller

Mr. Eldon Rankin

Mr. Selvin Richardson

Mr. Fred Whittaker (except 2.2, 2.3) (left 11:00)

Mr. Haroon Pandohie (Executive Secretary) (apologies)

Mr. Ron Sanderson (Acting Executive Secretary)

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

List of Applications Presented at CPA/03/19

1. 1 **Confirmation of Minutes** of CPA/02/19 held on January 23, 2019.4

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2. 2 **BAMBOO BEACH** Block 73A Parcel 97 (F11-0261) (P18-1230) (\$725,000) (JP)
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2. 4 **TORTUGA RUM CO. LTD.** Block 1C Parcel 1 (FA78-0263) (P18-1052)
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2. 5 **FREDERICO DESTRO & SARAH ANN RITCHIE** Block 9A Parcel 855
(F18-0522) (P18-1239) (\$490,000) (CS)70

2. 6 **TEMPORARY COMMERCIAL BEACH RESORT** Block 12E Parcel 119
(F18-0533) (P18-1264) (\$500,000) (JP)74

2. 7 **NATIONAL CEMENT LTD.** Block 19E Parcels 186 and 187 and Block 13D
Parcel 458 (F10-0060) (P17-0491) (P18-1212) (\$645,000) (CS)78

2. 8 **MARIA B. KORMOS & CORT G. KORMOS** Block 12C Parcel 260 (F18-
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2. 9 **DKS INVESTMENTS LTD.** Block 13E Parcel 173 (F04-0033) (P18-0991) (P19-
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2. 10 **JOSIE WELCOME** Block 72C Parcel 238 (F18-0505) (P18-1177) (\$3,800) (JP)
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2. 11 **COCONUT VILLAGE** Block 25B Parcels 575 H24 (F11-0309) (P18-0973)
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5. 2	CAYMAN 27 INQUIRY (HP)	110
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5. 1	GIFFORD PALMER TOWNHOUSES Block 24E Parcel 535 (F06-0381)(RS)	110

APPLICANTS THAT APPEARED BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
The Shores (JP)	10:30	2.1	5
Bamboo Beach (JP)	11:00	2.2	47
Clayton McGhie (MW)	11:30	2.3	59
Tortuga Rum Co. Ltd. (JP)	12:00	2.4	64
Frederico Destro & Sarah Ann Ritchie(CS)	1:00	2.5	70

1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/02/19 held on January 23, 2019.

Moved: Selvin Richardson

Seconded: Peterkin Berry

Confirmed

2.0 APPLICATIONS
APPEARANCES (Items 2. 1 to 2. 5)

2.1 THE SHORES Block 10E Parcel 65 (F18-0499) (P18-1171) (\$20 million) (JP)

Application for a 10-storey hotel with generator and two (2) pools.

An appearance had been scheduled for 10:30, but prior to the meeting, all invitees were informed that the hearing would be re-scheduled due to a procedural problem.

FACTS

<i>Location</i>	West Bay Road
<i>Zoning</i>	HT
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	2 AC/87,120 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Hotel/Tourism

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

1. The applicant is required to undertake the process of notifying adjacent land owners again as revised plans had been submitted during the original notification period which has caused a procedural problem which must be cured.

AGENCY COMMENTS

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

Chief Environmental Health Officer

“The department has no objections to the proposed in principle. However, the applicant must submit the following for review and approval:

1. *Detailed floor plan for the restaurant.*
2. *Detailed floor plan for the bar.*
3. *Equipment schedule for both restaurant and bar.*
4. *Detailed drawing of the commercial kitchen hood, including the specifications.*
5. *A pool application prior to construction of the pool.*
6. *The applicant must make provisions for a compactor; the site plan must be revised indicating a location for the compactor that meets DEH’s requirements.*
7. *What provisions are being made for recycling?”*

Water Authority

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

Wastewater Treatment

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

The developer shall notify the Water Authority’s Engineering Department at 949-2837 ext 3000, as soon as possible to ensure that:

- the site-specific connection requirements are relayed to the developer,*
- any existing sewerage appurtenances on the property can be clearly marked to prevent damage (for which the developer would be held responsible), and*
- the Authority can make necessary arrangements for connection.*

The developer shall be responsible for providing the site-specific sewerage infrastructure required for connection to the WBBSS. The site’s wastewater infrastructure shall be designed and installed to the Authority’s specifications. Copies of the Authority’s specifications are available at the Water Authority’s office on Red Gate Road, or the web:

The developer shall submit plans for the infrastructure to the Authority for approval.

The Authority shall make the final connection to the WBBSS, the cost of which shall be borne by the developer.

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

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

Elevation installation

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

Generator and fuel storage tank(s) installation

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

The monitoring wells shall comply with the standard detail of the Water Authority. All wells shall be accessible for inspection by the Authority.

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

Water Supply

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 December 3rd, 2018 the NRA has reviewed the above-mentioned planning proposal.

Please find below our comments and recommendations based on the site plan provided.

General Issues

Specification 7.1 of NRA Design Construction Specifications for Subdivision Roads and Property Development stipulate that:

“Driveways may be no closer to the corner of intersecting rights of way than 60% of parcel frontage or one-hundred feet (100); whichever is less. Driveways may be no closer to each other than fifty feet (50) and, shall not align with driveways on the opposite side. A separation of one-hundred and twenty feet (120) is desirable.”

On that basis, the NRA recommends that ingress/egress for the subject development should be relocated to the southern end of the property in order to satisfy the separation requirement from the intersection of driveway of parcels 10E50 and 10E39 to the north.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 129 Rooms has been assessed in accordance with ITE Code 310 - Hotel. The anticipated traffic to be added onto West Bay Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>
<i>1151</i>	<i>86</i>	<i>50</i>	<i>36</i>	<i>90</i>	<i>44</i>	<i>46</i>

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

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

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

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

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

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

Fire Department

Awaiting comments.

Department of Environment

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

The application site is low lying and consists of tidally flooded mangrove habitat. The Department notes that the surrounding area is currently prone to flooding. With the proposed conversion of the mangrove habitat, it is essential that drainage is properly assessed. The Department, therefore, recommends the incorporation of a storm-water management plan in any grant of approval to prevent any further flooding to adjacent properties.

The DoE also notes that the proposed 10-storey hotel is to be located directly across from an active turtle nesting beach. While we believe that the existing Mandalay condo building and the existing vegetation on the empty lot across the road will be enough to block the proposed hotel’s lighting being visible from the beach and causing a sea turtle misorientation, the applicant should be mindful that they are located across from an active turtle nesting beach when designing lighting for the proposed 10-storey hotel. Although we are not requesting turtle-friendly lighting for this property at this time, we ask that the applicant does not include any floodlights or spotlights which are directed towards the turtle nesting beach.

Lastly, should the Central Planning Authority be minded to grant approval for the proposed hotel, the Department assumes that the need for the hotel has been appropriately evaluated by both the Planning and Tourism Departments against available relevant information including the current hotel stock, occupancy rates and the projected visitation rates for Grand Cayman.”

Cayman Islands Airports Authority

“After reviewing the attached application, the Airport Operations Department finds the proposed structure to be in compliance with the airport Obstacle Limitation Surface, which restricts obstacles to a maximum height of 144 feet above mean sea level at the proposed location. Provided that the building plans remain at the proposed height as depicted on the architects renderings of 130 feet. The CIAA have no objections, provided the adherence to the caveat below:

- *During the construction phase of this proposed complex, when/if a crane will be necessary, a request shall be made to the CIAA prior to any operation, containing the maximum height of the crane along with an estimated duration of the crane operation. The crane shall also be appropriately lit to identify its extremities during hours of darkness.”*

OBJECTIONS

Letter #1

“We have today become aware of a Planning application from Libanon Corporation to build a 10 story, 129 room hotel on Block 10E Parcel 65, directly across the street from The Mandalay.

We hereby submit our very strong objection to the potential approval of this project based on many concerns which include, but are not limited to:

Failure to comply with notification provisions for affected persons/ properties. Only one of 6 owners of The Mandalay received notification of this application which led him to query it with the Manager this morning.

The hotel is proposed to be a 10 story, 129 room facility situated on a 1.9 acre site with what appears to be app. 100 ft. frontage on West Bay Rd. located directly across the street from The Mandalay. The Mandalay is a very small property of six, 4100 sq. ft. units valued at \$4.5M+. The property does not permit any daily rentals. Owners of units at The Mandalay have made substantial investments in purchasing and supporting their condos based largely on the value of the serene environment away from the crowds and congestion of hotel and commercial areas. It is clear that the proposed hotel, located on the land side of West Bay Rd. would not be in compliance of the character of the area and, in fact, would most certainly affect the quality of life that now exists.

The proposed hotel will clearly be detrimental to our property, as well as those nearby from the standpoint of drastic increases in traffic, dangerous entrance and egress of potentially over 100 cars, many times per day onto West Bay Rd. and the safety of the many pedestrians who can be expected to be walking on and crossing the road.

Guests of a hotel located on Seven Mile Beach would most certainly expect to have beach access readily and conveniently available during their stay. The fact that hotel guests would, indeed, decide to access the beach through The Mandalay property cannot be denied. This would clearly pose a great nuisance and be a total invasion of the privacy that The Mandalay offers its owners at a very high price. Any attempt to prohibit foot traffic through the property, use of our pool, beach chairs, showers, etc. would require substantial increases in security services at very high costs. We should not be expected to incur these high expenses to facilitate a proprietary hotel property's profit while attempting to preserve our privacy and facilities.

In addition to the increased vehicular presence posed by hotel guests and staff, we are concerned about the accessibility to the site by garbage trucks, fire trucks, service vehicles and delivery vehicles. It is already difficult to pull onto the road from The Mandalay at times due to the nature of the traffic and the large numbers of vehicles which can be anticipated would certainly worsen the already dangerous situation.

We also have great concerns about any potential arrangement which might be made for the use and/ or development of the old Victoria House site, directly

adjacent to the north side of The Mandalay as beach, restaurant and/ or water sports facilities for the proposed hotel.

Some years ago, we objected to an application by Dart, the owners, for development of the site into a public beach. Please be advised that all of our objections to that application remain as well as others which would be posed with the advent of hotel guest usage. As we have not been advised of any such arrangement as of this date, this is speculative; however we would like to go on record as vehemently opposing any such proposal should it arise.

As our owners have not received proper notification of this application, we would note that our objections may not be limited to those above. We would, however further note that objections are not frivolously made and enumerate some very serious outcomes that may be expected should development of the proposed hotel be permitted to go forward.

We would humbly request that the Planning Board not grant approval of this application.”

Letter #2

“We wish to express our objection to the proposed development of a “10 storey, 129 room hotel, with a restaurant, pool, generator and amenities” on Block 10E, parcel 65.

The main reason for our objection is that this development, if approved, will have a negative impact on the surrounding properties and neighbourhood. The introduction of a lower quality hotel will devalue the surrounding properties and the proposed higher density property will forever change the quiet nature of the north end of Seven Mile Beach.

The north end of the beach has long been known as “the quiet end of Seven Mile Beach”. We market and promote our properties as being on “the quiet end of Seven Mile Beach” and have done so for years. The north end is unique, offering an alternative on SMB to the areas that are much more active. Our tourism industry as a whole benefits from being able to offer diverse experiences, including an area of SMB that is tranquil and uncrowded. Images from this area of the beach are often used to promote the Cayman Islands.

Those that visit and own property in this area have done so because of the very peaceful, tranquil and uncrowded surroundings. The value this brings to the overall tourism product cannot be over stated nor over looked.

We also object on the basis that there is no beach frontage for the hotel and wonder where will those guests will go to the beach. With 129 rooms there will be a significant increase in volume of people in this area and they will be vying for the public accesses and impacting those areas normally used by locals. We are already at a point whereby our local population is finding it harder to access and enjoy the beach; adding a hotel to this area will only add to an increasingly difficult situation.

As a nearby property, we will have increased costs for security and property cleaning. Guests from the hotel with no beach will try to utilize neighbouring

property amenities. As a result, we will have to hire additional security to maintain the privacy of our property and amenities for our owners and guests. We will also need to increase the common area cleaning staff due to increased traffic and usage along the beach.

We have a successful tourism industry with world class restaurants; world class sporting events; world class cultural events and festivals; all catering to a more affluent visitor. This higher density, lower quality hotel is not in keeping with our established market. We should be doing all we can to maintain quality over quantity.

We welcome any opportunity to further express our concerns.”

Letter #3

“I recently received via regular post the notice from Libanon Corporation for the proposed 10-storey hotel with a restaurant, pool, and spa on block 10E parcel 65.

I would like to object to the application on the following grounds:

Failure to Adhere to the Notice Provisions- The planning law states that the notices must be sent by prepaid registered letters addressed to all owner within a minimum radius of 30 feet. This has not been done because I received my notice via regular mail.

Height of Building out of character for the area and size of property – Most of the properties in the area are three stories and quite quaint to look. However, this 10-storey building squeezed on less than two acres of land will be completely out of character and frankly not very pleasing to look at because of the condensed nature of the proposed property.

No Access of Emergency Vehicles – It is unclear from the drawing if the proposed applicant is compliant with the setbacks required under the planning law. This is a huge concern for our property as it regards access for emergency vehicles such as fire trucks in the event of a fire.

Ample parking and noise for the parking lot – The plans show 95 parking spots for this property which I think is ridiculous for a property of this size with a restaurant that will be open to the public. I feel given the proximity of Villa Royale to the parking lot we will suffer both from the noise and also have people parking on our property.

Proposed Entrance – The proposed vehicular entrance is on the far left side of the property which puts it right next to the entrance for Villa Royale, I believe that this will create a safety hazard for cars pulling in and out of both properties. This will also be a very congested area with the hotel guests who are on foot trying to cross the West Bay Road to get to the beach. So not only will we have to be aware of cars we will also have watch for tourist on foot and I believe this will create quite a hazardous situation.

In conclusion I feel that planning needs to take a long hard look at this proposed property and the negative impact it will bring to the area.

Letter #4

“We recently received the notification from planning with respect to the development next door.

We would like to formally submit an objection and complaint about the proposed development on the following grounds:

- *This is a residential area – a hotel should not be built in a residential area as there are no facilities to support that kind of hotel. Specifically:*
 - *The character of existing development on our side of the road is small, family use, owner-occupied apartments. Families with children and slow, peaceful lives. Where people know each other and feel safe. Neighbours whose children all play together outside.*
 - *The proposed development is awful and is completely out of character with other buildings in the area and will have a massively negative impact on the area.*
 - *It will absolutely compromise our privacy and the rooms will directly look into my childrens’ bedroom windows.*
- *The development itself looks cheap and nasty. It will attract the worst kind of tourist to the area. We will feel unsafe letting our children run around outside knowing that the strangers looking for cheap accommodation are staying next door.*
- *It is an enormous hotel for budget accommodation and it is completely out of character for the area. They are making it 10 floors given that it is only 100 foot wide. The property simply isn’t big enough to make a hotel, so they are going upwards. Cramped rooms towering on top of each other to fit more than the site can hold, with beds and kitchen facilities squeezed into each room*
- *it looks worse than university housing.*
- *The 10 story monstrosity will remove all the natural sunlight in our house. The condos we live in already struggle for light. This hotel will remove more than half the light in our house, given that the biggest window in our condos actually face the development.*
- *The beach across the road is not equipped for this volume of tourists. We have all seen the impact of high traffic in certain parts of the beach such a Smith Cove and Public Beach. Both of these are maintained by the government and still encounters overflowing rubbish bins at the end of the day. Litter and forgotten items laying around. This may be appropriate for a public beach, a tourist area, but not in a residential area.*
- *There should not be a commercial restaurant/ kitchen in the hotel. This is a residential area. This will lead to a putrid smell with the dumpsters at the back of the restaurant. There is food being cooked, old oil, refuse, dumpsters, vermin It’s the reality of restaurants. Which is why they aren’t in residential areas. The roaches and rats and mice and ants aren’t going to stay on their side of the property line. They will become our problem. Just like the*

smell from the dumpsters. How many dumpsters will the hotel need for 129 kitchens in each room and the main kitchen serving 900 covers a day?

- *The parking spaces will be insufficient. They will need cleaners in every day to clean 129 rooms, and a kitchen, and a restaurant and then gardeners to look after the landscaping, and no doubt leaf blowers up and down in the grounds every day. They will need concierge staff. And kitchen staff, waiters, cashiers... Where are all the service people going to park? And where do they go on their break?*
- *The height of the building will negatively impact the light in our house, the view, our privacy, the feel of the neighbourhood since it is completely out of character with other buildings in the area.*
- *Our homes will no longer be safe and our children will no longer be able to run around the complex with the other kids knowing that there is some massive hotel next door with over 200 people looking out at them.*

Please do not approve this development. It will absolutely negatively impact our existing homes and our investment.”

Letter #5

“It has come to our attention, that there is a proposed 10 storey hotel planned for development adjacent to the Villa Royale townhouses on West Bay Road. As the owner of two of the units at Villa Royale, Mr Tompkins should like to register his very strong objection to any such building of this magnitude alongside the site. Please advise as to how we can take his objection further.”

Letter #6

“I recently found the attached notification in my mail box. I therefore went to the planning department in the government building last Thursday during my lunch hour and was horrified when shown the plans for the hotel to which the letter refers. I was also told that the letter should have been sent by registered mail – which it wasn't. I spoke to the two lads on the front desk – who put me on the phone to a gentleman named Ron Sanderson since I was becoming jolly upset. He was very sympathetic and told me I could complain on any grounds I felt strongly about.

First of all – there shouldn't be a hotel built in the neighbourhood – no matter which plot of land or what the structure looks like. This is a quiet, residential area. There are no tourist facilities. There are areas in Cayman which are dedicated to tourists. Seven Mile Beach. The Kimpton area. Rum point. George Town.

There are also areas which are residential. Areas for us to live quiet, normal lives. The character of existing development on our side of the road is small, family use, owner-occupied apartments. Families with children and slow, peaceful lives. Where people know each other and feel safe. Neighbours meeting at strata events, chatting outside in the communal areas and visiting each other's homes. Neighbours whose children all play together outside.

The proposed monstrosity of a development is completely out of character with other buildings in the area and will have a massively negative impact on the feel of the street.

It is an enormous hotel for budget accommodation. Cramped rooms towering on top of each other to fit more than the site can hold, with beds and kitchen facilities squeezed into each room (like an Extended Stay hotel in America, more basic than Sunshine Suites – which at least provides separate living areas for bed and kitchen) and one long corridor connecting them all like university housing. It will bring hundreds of strangers every day to stay right next to us. Strangers looking for cheap accommodation and who are therefore unlikely to be paying the prices charged by local taxis to be taken from our residential area to the main tourist sites. Instead they will stay at the hotel, walking across the road to the hitherto quiet, unspoiled stretch of beach opposite – taking drinks, food, snacks etc... from the hotel. Then leaving behind the empty containers, plastic cutlery, bottles, plastic glasses etc.... when finished.

We have all seen the impact of high traffic in certain parts of the beach. Smith Cove and Public Beach spring to mind. Both of these are maintained by the government and still one encounters overflowing rubbish bins at the end of the day. Litter and forgotten items laying around. During the day a noisy, rambunctious feel – as it should be on a public beach – and sometimes at night loud music and partying. All appropriate for a public beach, a tourist area. None of this is appropriate in a quiet section of the beach in a residential area. It will be the residents who will be left to clean up after these unwanted visitors. Residents who are already negatively impacted by the noise and the crowds of over 260 people a day trudging through their properties to get to the beach. And how long will it take for those looking to profit from the tourists to move in? Selling liquor and renting beach chairs. Offering to braid hair and sell half hour experiences on beach toys. An operation like Royal Palms, in the tourist area, operating on the beach front, has a vested interest in keeping the beach clean in front of their business. Sunshine Suites send their guests across to the Westin – which monitors the activities and keeps the beach clean. What incentive do the owners of a cheap stay hotel have? They are clearly looking to provide budget accommodation with an emphasis on quantity over quality. I purposefully bought an apartment opposite a quiet stretch of beach. Not a part of the beach with 260 tourists sitting on it every day – marching back and forth across the road right outside my apartment, trekking to and from the sea.

The developers do not care that they building in between people's homes on a quiet street. They do not care that there will be no attractions nearby for their visitors to enjoy. They are clearly looking for a captive audience who will have to eat their meals at the restaurant which is to be located at the front of the hotel facing the street – and thereby looking to attract trade in addition to hotel guests. We are therefore looking at a kitchen which must be capable of providing meals for over 260 guests (129 rooms, double occupancy at least and some with additional people (children etc...)) as well as meals for people from outside the hotel who they hope to attract with the roadside positioning for the restaurant,

staff meals for kitchen staff and probably everyone else working at the hotel since there are no other places to go and eat nearby. Again: it is a residential area. So the kitchen will need to churn out three meals a day for over 300 people at each sitting. At least 900 covers a day. Kitchen staff, waiters, other front of house. All needing to go on break. To stand outside and have a quick smoke. Let's not pretend any kitchen anywhere is a completely non-smoking environment.

And the smell! We all know how the back of restaurants smell. Whether it's the back of Sunshine Suites, or the back of restaurants by World Gym, or the back of Morgan's Harbour or the back of Grand Old House. You can't avoid it. There is food being cooked, old oil, refuse, dumpsters, vermin It's the reality of restaurants. Which is why they aren't in residential areas. Like the restaurant next to Whitehall House where I work - which smells of frying and food every night as I walk in and out when I work late. It's horrible. There is nothing you can do to avoid it. I do not want to then drive home to that - on a much larger scale. What is the possibility of them containing the vermin problem? None. None at all. The roaches and rats and mice and ants aren't going to stay on their side of the property line. They will become our problem. Just like the smell from the dumpsters. Our strata does a really good job of keeping the area around the one dumpster which services the kitchens in our complex - one for each apartment. How many dumpsters will the hotel need for 129 kitchens in each room and the main kitchen serving 900 covers a day? And how will that smell?

The parking spaces will be insufficient. They will need cleaners in every day to clean 129 rooms, and a kitchen, and a restaurant and then gardeners to look after the landscaping, and no doubt leaf blowers up and down in the grounds every day. They will need concierge staff. And kitchen staff, waiters, cashiers... Where are all the service people going to park? And where do they go on their break? Walking up and down the road outside Villa Royale going to and from Fosters? I don't need that many strangers walking past every day staring in at my apartment, seeing my garage door open - the way I leave it most of the weekend - with my beach items in it. Or seeing that there are stairs up to the back of the apartment and a large glass window...not door.

The restaurant is right at the front of the hotel on the road - and will be open to the public. How many additional cars will that be? And where will people park who come to the restaurant? All along the road outside so we can't see properly to pull out? And most likely in the grounds of Villa Royale. Each will think - oh it's just me ... and they will all park along our access road. We'll have buses and taxis dropping off and picking up for early flights and late flights. Congestion in the quiet road I wanted to live on, since I knew the bypass behind us would take all the traffic other than the few cars requiring local access. What about deliveries of laundry, staff, restaurant provisions, cleaning provisions We've all seen the delivery areas for hotels on island. We know how large and how smelly they are. And all that traffic will also be coming down our quiet street, ruining the surface so our tyres suffer.

And how long will it take to build a gigantic concrete block with hundreds of windows? There will be cranes, and trucks and workmen All on a site 100 feet

wide? And where will they all go during their lunch break? Where will the overflow be? Where will the cranes be positioned? How long will the noise last? And the dust?

One reason I bought my apartment is because the master bedroom window is high up on the fourth floor. Since the Villa Royale apartment complex consists of alternating three and four storey buildings, it gives me privacy in the master bedroom – which has floor to ceiling sliding glass doors leading on to the balcony. My daughter currently sleeps in this bedroom and I do not want ten floors, each with fifteen rooms with at least two occupants – being over 260 complete strangers staring into my daughter's window every night. I bought the property in the expectation of privacy and this will completely rob me of any privacy whatsoever.

I do not need 260 tourists – changing daily/weekly - wandering around our apartment block since it's right next door, they can all see it from their windows – every single room in the hotel will have a window facing Villa Royale. Every Single Room. All 260 or more occupants of all 129 rooms will have a window allowing them to stare into my home. Into my bedroom. I don't want them all walking past to 'just have a look around'. I do not need to be a tourist attraction. I do not want my home, my garage, my car and my children to be a tourist attraction.

The height of the building will negatively impact my view, my privacy, the feel of the neighbourhood since it is completely out of character with other buildings in the area. Right now I love sitting on my balcony in the sun, or leaning on the railing and staring out at night, in the peace and quiet that is Villa Royale. If I see anyone walking we say hello – most people know each other. I can see the sea, I can watch fireworks down the beach on New Year's Eve, I can watch the stars at night, see the sun rise in the morning..... Now all I'll see is a monstrosity. A vast, skinny, tall building of rooms piled on top of each other. Knowing that they are all looking back at me. When I renovated, I put the sink under the kitchen window so I can look out. Because the apartments are all built above their respective garage the kitchen is on the first floor and I can see landscape, green and then sky above the green. If the hotel is built then all I will see is hotel. Ten storeys of hotel. Even if I crouch on the floor and stare up it will be difficult to be at an angle where I will be able to see the sky again. That is not reasonable.

We have children who need to go to school in the morning and we all need to go to work. It is a quiet, out of the way apartment block. Away from Seven Mile Beach and Camana Bay. We have a small quiet pool with rules about late night use. How many tourists will wonder across from next door if their pool is full – quite likely with hundreds of guests and one small pool. We all know the noisiness of tourists partying late into the night round hotel pools. And how late at night will the restaurant be open? To hotel guests and other members of the public? And that noise as well? There will be guests being dropped off at all hours – I don't want to think about karaoke! There will be guests partying in rooms, sometimes with windows open. Our ability to enjoy our amenities – being

outside quietly by our pool will no longer be possible with a noisy hotel next door. And how long until children wonder down in the morning to find empty bottles and cigarettes and passed out tourists by our pool?

I lay by the pool for a couple of hours over the weekend. It was quiet. I could hear some wind in the trees and the occasional air conditioning unit kick into life. It was so peaceful. Each time I walked back to my apartment I saw garage doors wide open and unattended. It is a complex which feels and is safe. And private. The people who buy and rent here did so for that reason. Not because they are located close to schools, or close to town or close to shops. They are not.

Another reason people bought property in Vila Royale is because the apartments are a good investment. They withstood Ivan. They are well built, the roof doesn't leak, the grounds are well maintained and the apartments hold their value, indeed have steadily increased in value over the last few years. But what if someone is allowed to develop a small 100 foot wide site by placing a wrongly zoned, over-populated eye-sore next door, crammed full of budget conscious tourists looking to spend as little as possible on their stay in Cayman? I bought my apartment as a long term home. My children's names are on the deeds. I spent a fortune on renovations for it to be my final home and just how I want it. I will never recoup the money if I now have to sell it. And who will I sell it to with an enormous, ugly hotel right next door? No-one will ever buy at Villa Royale again. The value of the property will plummet.

Will the hotel developers buy from me for the amount it's worth – with all the renovations? Because no-one else will. And who will want to rent there? We'll have to drop the rent to attract people -and it will no longer be attractive to professional families with children. It will be a very different demographic choosing to live there. The only people willing to rent will be the staff for the hotel next door. The complex will devolve into being staff accommodation for the adjacent property.

I bought the apartment for a number of reasons. Not to have a hotel built next door and all the negative impacts, the intensity of use of all facilities, the impact on the road, our resulting inability to enjoy our amenities, crime in the area, congestion in all adjacent areas, complete lack of any privacy.

As you can tell ... I am very unhappy and urge you to prohibit the misguided construction of a hotel on the adjacent piece of land."

Letter #7

"We represent the Proprietors of Strata Plan No. 142 ("Our Client") who received a copy of the notice in respect of the abovementioned application via ordinary mail. Our Client is the strata corporation for The Commonwealth which is located at the northern end of Seven Mile Beach on the ocean side of West Bay Road at Block and Parcel 10E52, just across the road from the location of the proposed hotel. The Commonwealth common property also includes Block and Parcel 10E67 adjacent to the proposed development.

We are instructed to object to the application on the grounds that follow.

Failure to adhere to Notice Provisions

Pursuant to The Development and Planning Law (2017) ("the Law"), section 15 (4) (as read with section 40) requires that the notice must be sent by prepaid registered letter addressed to owners entitled to receive it at their address as provided in the Land Register, and the Law stipulates that the Authority shall not consider an application in the absence of service.

The Development and Planning Regulations (2018) ("the Regulations") provide at regulation 8 (12A) (c) that all owners at a minimum radius of 300 feet from the perimeter land are to be served.

Accordingly, we are instructed that Our Client has not been served with the requisite notice in compliance with the Law and the Regulations. Moreover, it is further our understanding that the individual owners of the units at The Commonwealth have not been served as is required.

It is trite that the notice provisions under the Law and the Regulations are mandatory and cannot be abrogated. Each and every owner, not only of The Commonwealth, but also of Mandalay at Block and Parcel 10E3, The Anchorage at 10E45, and London House at 10E49 needed to be individually sent the notice by prepaid registered letter. This requirement also applies to the adjacent parcels and the properties off Marsh Road.

It is for the applicant to prove that the notice provisions set out at section 15 (4) and section 40 have been complied with, and it is our clear understanding that they have not. Accordingly, the Authority is therefore not permitted under the Law and the Regulations to consider the application and the matter need go no further.

Without prejudice to this position, we make the further observations as set out below.

Setbacks not included on Zoning Data Pursuant to regulations 10(f) and (g), the minimum setbacks are 20 feet for the sides, and 25 feet for the road edge or lot boundary respectively. We note that this information has not been provided on the zoning data, and it therefore remains unclear if the application is compliant with the regulations- a review of the drawings appears to suggest it is not.

The Authority will have regard to the plans, however our client is in particular concerned as to the narrow setback at the side (SE) which is to be partially landscaped and would be unsuitable for emergency or refuse vehicles.

Sewerage and Drainage

Our understanding is that the sewerage system does not extend as far as the proposed development site, so it remains unclear whether the plan is for this to be extended, or for sewerage to be handled by septic tanks. Our Client has obvious and understandable concerns as to how wastewater from a high density hotel would be handled in a manner that was both safe and appropriate.

Our client is also concerned that the plans are inadequate in respect of how additional drainage from rainwater is to be accommodated given that the development would require a substantial quantity of fill.

Character of the area

When the owners of The Commonwealth purchased their units, the maximum building height permissible was three storeys. They purchased the units because of the quiet peacefulness of the area, the residential community ambiance, and the low density of the accommodation.

The area and developments were fully in keeping with the high standards that the Caymanian heritage required. As to the applicant's proposal, with no disrespect to the architect given the limitations of the plot size and dimensions, the narrow, tall, high density design has the look of cruise ship which has unfortunately been left high and dry on the wrong side of the road. It is inevitable that the proposed sterile monolith will impact negatively on the value of the units at The Commonwealth and the other homes in the area. It is our understanding that high-storey developments permitted to date have only been luxury hotels and on the beach.

Our Client therefore vigorously objects to this proposal on the basis that both the height and contemporary design of the hotel is in no way in keeping with similar buildings in the area- indeed, it is wholly at odds with them. The owners of The Commonwealth are horrified at the prospect of a hotel of this height, design and high-density even being contemplated at this location.

The proposed hotel is of a density at the very maximum that could be permitted under the Law and Regulations given the narrow building area- and provision of 129 rooms would suggest that the hotel would be targeted at the lower end market, which is not at all consistent with the character of the area. At its heart, the application is for an off the beach high density budget hotel aimed at less affluent tourists, who may well be tempted to use the facilities of the nearby high end, low density developments such as The Commonwealth, negatively impacting the amenity and value of existing residences as well as promoting an undesirable precedent likely to harm the high-end Cayman Islands tourism product.

There are presently no such hotels on that side of the West Bay Road, so the granting of the application could be the catalyst for more applications for high rise hotels, utterly destroying the ambiance and character of the locale. This development will necessarily undermine the privacy enjoyed by the owners at The Commonwealth in their homes as they would now be dwarfed, overlooked and in all likelihood cast into shadow by this displeasing block-shaped contemporary structure.

Traffic and safety, beach access, and likely trespassing

When the hotel and restaurant are full, this tall development on a relatively narrow plot will perhaps regularly be accommodating up to 250 people (not including staff).

The development will therefore markedly increase traffic and congestion in the area due to the residents of the hotel and patrons of the restaurant. The proposed number of parking spaces, while technically within the minimum limits under Regulation 10, is highly likely to be insufficient when the hotel and restaurant are both busy - leading to vehicles being parked on the roadside or on private property. It will be noted that parking on the roadside is a problem at the Ritz.

Our Client is also concerned that the development will create a safety hazard as the many residents and guests will regularly need to cross the busy West Bay Road in order to reach the public beach access.

The public beach access itself is some 750 feet north of the proposed development between The Discovery Point Club and The Christopher Columbus. There is another potential access over private land at block and parcel 10E12 about 500 feet north of the proposed development adjacent to The Anchorage which residents and guest of the hotel will be tempted to use.

The hazards created by so many people making this journey along the West Bay Road and attempting to cross are significant and obvious.

Moreover, given the distance to the public beach access, it is inevitable that many residents and guests would simply succumb to the temptation of using the private common areas of The Commonwealth or Mandalay as a shortcut to access the beach, and in all likelihood regularly use the private amenities, such as the pool and beach chairs, further creating a nuisance and invading our Client's privacy. This could only be addressed by a review of fencing and security which will significantly increase costs for owners and undermine the open community feel.

Restaurant

The proposed restaurant is likely to be accompanied by an increase in associated noise due to parties and functions, which is of concern to our Client given the present residential character of the local neighbourhood.

Fencing and Dumpster

It is noted that the dumpster appears to be located on the south side of the proposed development, at or within the area of the mandatory 20 foot setback. It is unclear what fencing is proposed on the perimeter of the boundary of the development, but our client is very concerned that the dumpster location will be both an eyesore and an odour nuisance in respect of block and parcel 10E67.

Conclusion

It would seem that the notice provisions and regulations have not been complied with, so the Authority cannot consider the application.

In any event, the setback provisions also appear not to have been complied with and it is submitted that the tall design and size of the hotel aimed at high density budget tourists, and incorporation of a restaurant, are not in keeping with the low-rise, low density residential property in the area and indeed run completely counter to it. The prospect of being cast into the shadow of the hotel and being overlooked is naturally appalling to Our Client.

The public beach access is 750 feet away, which creates a clear danger given the number of residents contemplated, and the obvious nuisance of regular trespassing on private property and using private amenities, in particular at The Commonwealth, Mandalay or London House. Taking steps to reduce this nuisance by employing additional security or taking other measures would be a heavy and unfair price for owners to bear, and would permanently change the atmosphere of these small community developments for the worse.

There are significant concerns that the development will have an adverse impact upon our client's privacy, and with traffic congestion and safety.

Concerns as to sewerage and drainage do not appear to have been addressed.

For the above reasons, our client vigorously objects to the application.”

Letter #8

“I am the Strata No. 81 Chairman and represent the owners of Strata lots at Discovery Point Club, 2043 West Bay Rd., West Bay, Grand Cayman. Though no notice of this planned development was made to Strata No. 81 and possibly is not required, it has come to my attention that the main access to Seven Mile Beach for the guests of the hotel will most likely be the Public Access that is positioned on our south boundary, (between Discovery Point Club and Christopher Columbus). We have always maintained this path and actually it uses our south sidewalk so that the landscaping on our south boundary line could be maintained. Use of this access by Cayman Island residents has been welcomed and without negative incident.

The anticipated increase in pedestrian traffic through the access will require Strata No. 81 to rethink its design of the access and seems an unfair burden to expect Strata No. 81 to assume.

Additionally, the added use by hotel guests will undoubtedly lead to conflicts as to the use of Strata No. 81 private property and exact limits of the “public” portion of Seven Mile Beach right of way adjacent to Discovery Point Club. Strata 81 has great concerns over these issues and the apparent lack of notice to interested parties or stated plans on addressing the parking and pedestrian traffic problems that will undoubtedly arise.

It is our position that this proposed development is ill conceived and poorly thought through. We respectfully Planning reject the development, especially if the myriad of foreseen problems are not addressed and impacted parties fully informed.”

Letter #9

“I'm responding on behalf of The Heritage Club (10E8). We strongly object to the application proposed for 10E65 and hope that we will be able to address the Central Planning Authority regarding the application.

Our concerns for our property and the North End of SMB as a whole are as follows;

- *A continued erosion of the tranquility of the North end of SMB. This is a special section the beach and should be protected from the over-development that has been allowed in the Central and Southern sections.*
- *Potential that this will become a permanent fixture for large noisy events on a regular basis.*
- *Abuse of adjacent properties as a beach access points and overflow parking.*
- *Due process has been ignored, seems like they was submitted with the Christmas/New Year breaks in mind.*
- *Security on our properties will need to be increased to ensure our tranquility is not encroach upon.*
- *Mountains of trash left by beach goers of the hotel in the beach assess points and on the beach itself.*
- *Loss of beach access points (public lands) for public use. The North end beach access points are typically used by local families, the use of the access points by this many guest will only further push locals off the beach.*
- *If this does become a permanent fixture it will impact our property values. Properties on this end have positioned themselves differently, we have a different ambiance, small, tranquil, quaint and guests are will to pay for this exclusivity. A motel will only ruin the tranquility.*
- *The potential obstruction of West Bay Rd. caused by street side parking of staff, guests, service and day visitors.”*

Letter #10

“On behalf of The Anchorage Condominiums, I would like to express our objection and concerns for this application of approval of the 10 storey hotel.

The location of the hotel will change the traffic flow and put many guests in the danger zone when crossing West Bay Road.

The northern end of Seven Mile Beach tourist accommodations currently represent a home away from home vacation with relaxation, lack of congestion and the most tranquil shore of the Caribbean Sea.

Further commercializing the northern area of the beach would take away the paradise that our guests and the others at this end search for and expect when going on their holiday.

The new hotel approval would possibly bring a decrease in value of the current condos and residences in this area.

Cayman will no longer provide a true paradise on Seven Mile Beach. Our guests have mentioned when visiting the hotels they can't wait to get back to our property for the peace and quiet - even when we are at full capacity it is an escape from the hustle and bustle of the business world and hotels.”

Letter #11

“We are writing with reference to the proposed development of a 10 storey, 129 room hotel with restaurant, pool generator and amenities which is proposed to be built next to Villa Royale off West Bay Road.

Please find this email as an objection to the above proposal.

Reasons for our objection are as follows;

The proposed scheme is of sufficient scale that it is at odds with the surrounding developments.

The surrounding developments are all of low rise residential nature, however the proposal is a commercial development which will have a detrimental impact on local residents and the immediate and surrounding environment. With this in mind we would question whether the proposal is correctly zoned for the area. The proposed hotel has no direct access to the beach as the beachfront is already occupied with private residential properties. This is likely to lead to conflict between hotel guests and local residents. This would therefore have a negative impact on the visitor experience to Grand Cayman and reflect badly on the Grand Cayman tourism reputation.

The extra vehicle traffic and noise created by this development would have an adverse impact on the local residents.

The proposed development would have a detrimental impact on the local area rather than a positive one.”

AGENT’S LETTER’S

A covering letter has not been provided, however, the agent has provided two letters (see below) covering the issues raised in the objection letters received.

Letter #1

“Re: Objection letter by The Mandalay- Application of Libanan Corporation for Proposed Hotel on Block10E Parcel 65

Dear Ms. Peacey,

Below please find the responses to the objection letter as referenced above:

- 1. Failure to comply with notification provisions for affected persons/ properties. Only one of 6 owners of The Mandalay received notification of this application which led him to query it with the Manager this morning.*

Notifications were sent via registered posting on December 6, 2018, based on the owner listing obtained from the Department of Lands & Surveys. We have submitted to the Department of Planning the proof of registered posting from the Post Office.

- 2. The hotel is proposed to be a 10 story, 129 room facility situated on a 1.9 acre site with what appears to be app. 100 ft. frontage on West Bay Rd. located directly across the street from The Mandalay. The Mandalay is a very small property of six, 4100 sq. ft. units valued at \$4.5M+. The property does not permit any daily rentals. Owners of units at The Mandalay have made*

substantial investments in purchasing and supporting their condos based largely on the value of the serene environment away from the crowds and congestion of hotel and commercial areas. It is clear that the proposed hotel, located on the land side of West Bay Rd. would not be in compliance of the character of the area and, in fact, would most certainly affect the quality of life that now exists.

We wish to rectify that the site is 1.99 Acres, with a frontage of >168 feet of frontage to West Bay Road. Also important to rectify that the proposed development does not fall directly across from The Mandalay, but rather across from the property line between The Mandalay and Vacant lot 10E-62.

The zoning of this area is Hotel/Tourism, and the current Planning Law allows 10 story buildings. The proposed development follows the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

- 3. The proposed hotel will clearly be detrimental to our property, as well as those nearby from the standpoint of drastic increases in traffic, dangerous entrance and egress of potentially over 100 cars, many times per day onto West Bay Rd. and the safety of the many pedestrians who can be expected to be walking on and crossing the road.*

As per the letter from the National Roads Authority date December 10, 2018, an assessment of the traffic demand generated by the proposed development concluded that the impact on West Bay Road is minimal

- 4. Guests of a hotel located on Seven Mile Beach would most certainly expect to have beach access readily and conveniently available during their stay. The fact that hotel guests would, indeed, decide to access the beach through The Mandalay property cannot be denied. This would clearly pose a great nuisance and be a total invasion of the privacy that The Mandalay offers its owners at a very high price. Any attempt to prohibit foot traffic through the property, use of our pool beach chairs, showers, etc. would require substantial increases in security services at very high costs. We should not be expected to incur these high expenses to facilitate a proprietary hotel property's profit while attempting to preserve our privacy and facilities.*

All ocean front property must provide a 6' wide beach access accessible to the public. Developer is committed to have the Hotel Operator clearly and constantly instruct guests not to cross any private property, and to follow the designated paths to access the beach, which are located both at The Mandalay property and at parcel 10E-62.

- 5. In addition to the increased vehicular presence posed by hotel guests and staff, we are concerned about the accessibility to the site by garbage trucks, fire trucks, service vehicles and delivery vehicles. It is already difficult to pull onto the road from The Mandalay at times due to the nature of the traffic and*

the large numbers of vehicles which can be anticipated would certainly worsen the already dangerous situation.

As per the letter from the National Roads Authority date December 10, 2018, an assessment of the traffic demand generated by the proposed development concluded that the impact on West Bay Road is minimal. Please note that the access to the proposed hotel site has been relocated to the existing road to the north (parcel 10E-39) to reduce even further the traffic impact on West Bay Road.

6. *We also have great concerns about any potential arrangement which might be made for the use and/or development of the old Victoria House site, directly adjacent to the north side of The Mandalay as beach, restaurant and/or water sports facilities for the proposed hotel. Some years ago we objected to an application by Dart, the owners, for development of the site into a public beach. Please be advised that all of our objections to that application remain as well as others which would be posed with the advent of hotel guest usage. As we have not been advised of any such arrangement as of this date, this is speculative; however we would like to go on record as vehemently opposing any such proposal should it arise.*

There is currently no arrangement between the applicant and the owner of parcel 10E-62.

If you have any questions or comments, please contact me at mike@trio-design.net

Letter #2

“Re: Objection letters 2-11

Dear Ms. Peacey,

Below please find the responses to the objection letters as referenced above:

Objection letter 2:

Dear Sir/Madam,

We wish to express our objection to the proposed development of a “10 storey, 129 room hotel, with a restaurant, pool, generator and amenities” on Block 10E, parcel 65.

The main reason for our objection is that this development, if approved, will have a negative impact on the surrounding properties and neighborhood. The introduction of a lower quality hotel will devalue the surrounding properties and the proposed higher density property will forever change the quiet nature of the north end of Seven Mile Beach.

The proposed hotel is not planned to be a “lower quality hotel”, and the number of stars of any hotel development should not be a factor when considered for planning approval.

The north end of the beach has long been known as “the quiet end of Seven Mile Beach”. We market and promote our properties as being on “the quiet end of

Seven Mile Beach” and have done so for years. The north end is unique, offering an alternative on SMB to the areas that are much more active. Our tourism industry as a whole benefits from being able to offer diverse experiences, including an area of SMB that is tranquil and uncrowded. Images from this area of the beach are often used to promote the Cayman Islands. Those that visit and own property in this area have done so because of the very peaceful, tranquil and uncrowded surroundings. The value this brings to the overall tourism product cannot be over stated nor over looked.

The zoning of this area is Hotel/Tourism, and the current Planning Law allows 10 story buildings. The proposed development follows the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT’s policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

We also object on the basis that there is no beach frontage for the hotel and wonder where will those guests will go to the beach. With 129 rooms there will be a significant increase in volume of people in this area and they will be vying for the public accesses and impacting those areas normally used by locals. We are already at a point whereby our local population is finding it harder to access and enjoy the beach; adding a hotel to this area will only add to an increasingly difficult situation.

Any insinuation that Cayman’s beaches are private, and for the exclusive use of residents of ocean front properties should be rejected. Cayman’s beaches are public, and for the use of all. The allegation described above that developing a project on a dry land will discourage the local population from using the beach is baseless.

As a nearby property, we will have increased costs for security and property cleaning. Guests from the hotel with no beach will try to utilize neighboring property amenities. As a result, we will have to hire additional security to maintain the privacy of our property and amenities for our owners and guests. We will also need to increase the common area cleaning staff due to increased traffic and usage along the beach.

All ocean front property must provide a 6’ wide beach access accessible to the public. Developer is committed to have the Hotel Operator clearly and constantly instruct guests not to cross any private property, and to follow the designated paths to access the beach, which should be located both at The Mandalay property and at parcel 10E-62.

We have a successful tourism industry with world class restaurants; world class sporting events; world class cultural events and festivals; all catering to a more affluent visitor. This higher density, lower quality hotel is not in keeping with our established market. We should be doing all we can to maintain quality over quantity.

The proposed hotel is not planned to be a “lower quality hotel”, and the number of stars of any hotel development should not be a factor when considered for planning approval.

We welcome any opportunity to further express our concerns. I may be reached at The Renaissance on 949-8246.

Sincerely,

Wendy Moore

On behalf of The Renaissance Strata Owners

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Objection letter 3:

Dear Sir,

RE: Planning Application for Block 10E Parcel 65 Proposed 10-storey Hotel with restaurant and amenities

I recently received via regular post the notice from Libanon Corporation for the proposed 10-storey hotel with a restaurant, pool, and spa on block 10E parcel 65.

I would like to object to the application on the following grounds:

- 1. Failure to adhere to the Notice Provisions- The planning law states that the notices must be sent by prepaid registered letters addressed to all owner within a minimum radius of 30 feet. This has not been done because I received my notice via regular mail.*

Notifications were sent via registered posting on December 6, 2018, based on the owner listing obtained from the Department of Lands & Surveys. We have submitted to the Department of Planning the proof of registered posting from the Post Office.

- 2. Height of Building out of character for the area and size of property – Most of the properties in the area are three stories and quite quaint to look. However, this 10-storey building squeezed on less than two acres of land will be completely out of character and frankly not very pleasing to look at because of the condensed nature of the proposed property.*

The zoning of this area is Hotel/Tourism, and the current Planning Law allows 10 story buildings. The proposed development follows the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT’s policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

- 3. No Access of Emergency Vehicles – It is unclear from the drawing if the proposed applicant is compliant with the setbacks required under the planning law. This is a huge concern for our property as it regards access for emergency vehicles such as fire trucks in the event of a fire.*

All setbacks are clearly depicted on the Site Plan, and complies with all planning regulations. As part of our response to objections, the entrance of

all vehicles has been relocated to the north, relieving West Bay Road from any additional traffic concerns

4. *Ample parking and noise for the parking lot – The plans show 95 parking spots for this property which I think is ridiculous for a property of this size with a restaurant that will be open to the public. I feel given the proximity of Villa Royale to the parking lot we will suffer both from the noise and also have people parking on our property.*

The project proposes a total of 10 parking spaces in excess of what is required by the planning regulations. Developer is committed to have the Hotel Operator clearly and constantly instruct guests not to park anywhere other than in the designated parking area for this property.

5. *Proposed Entrance – The proposed vehicular entrance is on the far left side of the property which puts it right next to the entrance for Villa Royale, I believe that this will create a safety hazard for cars pulling in and out of both properties. This will also be a very congested area with the hotel guests who are on foot trying to cross the West Bay Road to get to the beach. So not only will we have to be aware of cars we will also have watch for tourist on foot and I believe this will create quite a hazardous situation.*

As part of our response to objections, the entrance of all vehicles has been relocated to the north, relieving West Bay Road from any additional traffic concerns

In conclusion I feel that planning needs to take a long hard look at this proposed property and the negative impact it will bring to the area.

Regards,

*Celita Zimmer
Villa Royale
Block 10E51
10E51- 1 and 10E51 -7*

Objection letter 4:

Dear Ms. Peacey and Mr. Pandohie,

We are writing as the owners of the condo at #9 Villa Royale.

We recently received the notification from planning with respect to the development next door.

We would like to formally submit an objection and complaint about the proposed development on the following grounds:

1. *This is a residential area – a hotel should not be built in a residential area as there are no facilities to support that kind of hotel. Specifically:*
 - *The character of existing development on our side of the road is small, family use, owner-occupied apartments. Families with children and slow, peaceful lives. Where people know each other and feel safe. Neighbors whose children all play together outside.*

- *The proposed development is awful and is completely out of character with other buildings in the area and will have a massively negative impact on the area.*
- *It will absolutely compromise our privacy and the rooms will directly look into my children's' bedroom windows.*

The zoning of this area is not residential, it is Hotel/Tourism. The proposed development follows the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

2. *The development itself looks cheap and nasty. It will attract the worst kind of tourist to the area. We will feel unsafe letting our children run around outside knowing that the strangers looking for cheap accommodation are staying next door.*

We completely disagree with the characterization of our project, as well as of the guests that will visit it.

3. *It is an enormous hotel for budget accommodation and it is completely out of character for the area. They are making it 10 floors given that it is only 100 foot wide. The property simply isn't big enough to make a hotel, so they are going upwards. Cramped rooms towering on top of each other to fit more than the site can hold, with beds and kitchen facilities squeezed into each room it looks worse than university housing.*

We completely disagree with the characterization of our project, as well as of the guests that will visit it. It's important to note that the allowable site coverage is 34,794 square feet, and the proposed hotel has only 20,222 square feet of site coverage (more than 40% less)

4. *The 10 story monstrosity will remove all the natural sunlight in our house. The condos we live in already struggle for light. This hotel will remove more than half the light in our house, given that the biggest window in our condos actually face the development.*

We completely disagree with the characterization of our project. Regarding the natural light, it's important to note that the proposed building will mostly cast a shadow on the tennis courts, and not on Villa Royale. The fact that the building is laid out diagonally with respect to the sun movement, and its narrow footprint helps avoid casting a shadow on neighboring properties.

5. *The beach across the road is not equipped for this volume of tourists. We have all seen the impact of high traffic in certain parts of the beach such a Smith Cove and Public Beach. Both of these are maintained by the government and still encounters overflowing rubbish bins at the end of the day. Litter and forgotten items laying around. This may be appropriate for a public beach, a tourist area, but not in a residential area.*

The zoning of this area is not residential, it is Hotel/Tourism. Any insinuation that Cayman's beaches are private, and for the exclusive use of residents of ocean front properties should be rejected. Cayman's beaches are public, and for the use of all. Developer is committed to have the Hotel Operator clearly and constantly instruct guests the importance of respecting the privacy of residents of all ocean front properties, and the importance of keeping the beach clean.

6. *There should not be a commercial restaurant/ kitchen in the hotel. This is a residential area. This will lead to a putrid smell with the dumpsters at the back of the restaurant. There is food being cooked, old oil, refuse, dumpsters, vermin It's the reality of restaurants. Which is why they aren't in residential areas. The roaches and rats and mice and ants aren't going to stay on their side of the property line. They will become our problem. Just like the smell from the dumpsters. How many dumpsters will the hotel need for 129 kitchens in each room and the main kitchen serving 900 covers a day?*

The zoning of this area is not residential, it is Hotel/Tourism. Developer is committed to have the Hotel Operator keep the premises clean, and adhere to all regulations from DEH, and the Department of Tourism.

7. *The parking spaces will be insufficient. They will need cleaners in every day to clean 129 rooms, and a kitchen, and a restaurant and then gardeners to look after the landscaping, and no doubt leaf blowers up and down in the grounds every day. They will need concierge staff. And kitchen staff, waiters, cashiers... Where are all the service people going to park? And where do they go on their break?*

The project is providing 10 parking spaces in excess of what is required by the planning regulations, both for guests and for staff

8. *The height of the building will negatively impact the light in our house, the view, our privacy, the feel of the neighborhood since it is completely out of character with other buildings in the area.*

The zoning of this area is not residential, it is Hotel/Tourism. The proposed development follows the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

9. *Our homes will no longer be safe and our children will no longer be able to run around the complex with the other kids knowing that there is some massive hotel next door with over 200 people looking out at them.*

Not sure what this comment is implying, but the Developer is committed to have the Hotel Operator clearly and constantly instruct guests to respect the privacy of neighboring properties

Please do not approve this development. It will absolutely negatively impact our existing homes and our investment.

Please feel free to contact us on 926 2867 or 325 1105 if you would like to discuss further.

Yours sincerely,

*Darren Jacotine and my own behalf and on behalf of my wife
Owners 9 Villa Royale*

Objection letter 5:

Dear Ms. Peacey and Mr. Pandohie

It has come to our attention, that there is a proposed 10 story hotel planned for development adjacent to the Villa Royale townhouses on West Bay Road. Tompkins should alongside the site.

Yours sincerely,

*Andrea Rose
Executive PA to Mr. Tompkins
Tel: 9280352
Email: andrea.rose@virgin.net*

Objection letter 6:

Dear Ms. Peacey and Mr. Pandohie,

I recently found the attached notification in my mail box. I therefore went to the planning department in the government building last Thursday during my lunch hour and was horrified when shown the plans for the hotel to which the letter refers. I was also told that the letter should have been sent by registered mail – which it wasn't. I spoke to the two lads on the front desk – who put me on the phone to a gentleman named Ron Sanderson since I was becoming jolly upset. He was very sympathetic and told me I could complain on any grounds I felt strongly about.

First of all – there shouldn't be a hotel built in the neighborhood – no matter which plot of land or what the structure looks like. This is a quiet, residential area. There are no tourist facilities. There are areas in Cayman which are dedicated to tourists. Seven Mile Beach. The Kimpton area. Rum point. George Town.

There are also areas which are residential. Areas for us to live quiet, normal lives. The character of existing development on our side of the road is small, family use, owner-occupied apartments. Families with children and slow, peaceful lives. Where people know each other and feel safe. Neighbors meeting at strata events, chatting outside in the communal areas and visiting each other's homes. Neighbors whose children all play together outside. The proposed monstrosity of a development is completely out of character with other buildings in the area and will have a massively negative impact on the feel of the street. It is an enormous hotel for budget accommodation. Cramped rooms towering on top of each other to fit more than the site can hold, with beds and kitchen facilities squeezed into each room (like an Extended Stay hotel in America, more basic than Sunshine Suites – which at least provides separate living areas for bed and

kitchen) and one long corridor connecting them all like university housing. It will bring hundreds of strangers every day to stay right next to us. Strangers looking for cheap accommodation and who are therefore unlikely to be paying the prices charged by local taxis to be taken from our residential area to the main tourist sites. Instead they will stay at the hotel, walking across the road to the hitherto quiet, unspoiled stretch of beach opposite – taking drinks, food, snacks etc... from the hotel. Then leaving behind the empty containers, plastic cutlery, bottles, plastic glasses etc.... when finished.

We have all seen the impact of high traffic in certain parts of the beach. Smith Cove and Public Beach spring to mind. Both of these are maintained by the government and still one encounters overflowing rubbish bins at the end of the day. Litter and forgotten items laying around. During the day a noisy, rambunctious feel – as it should be on a public beach – and sometimes at night loud music and partying.

All appropriate for a public beach, a tourist area. None of this is appropriate in a quiet section of the beach in a residential area. It will be the residents who will be left to clean up after these unwanted visitors. Residents who are already negatively impacted by the noise and the crowds of over 260 people a day trudging through their properties to get to the beach. And how long will it take for those looking to profit from the tourists to move in? Selling liquor and renting beach chairs. Offering to braid hair and sell half hour experiences on beach toys.

An operation like Royal Palms, in the tourist area, operating on the beach front, has a vested interest in keeping the beach clean in front of their business. Sunshine Suites send their guests across to the Westin – which monitors the activities and keeps the beach clean. What incentive do the owners of a cheap stay hotel have? They are clearly looking to provide budget accommodation with an emphasis on quantity over quality. I purposefully bought an apartment opposite a quiet stretch of beach. Not a part of the beach with 260 tourists sitting on it every day –marching back and forth across the road right outside my apartment, trekking to and from the sea.

The developers do not care that they building in between people's homes on a quiet street. They do not care that there will be no attractions nearby for their visitors to enjoy. They are clearly looking for a captive audience who will have to eat their meals at the restaurant which is to be located at the front of the hotel facing the street – and thereby looking to attract trade in addition to hotel guests.

We are therefore looking at a kitchen which must be capable of providing meals for over 260 guests (129 rooms, double occupancy at least and some with additional people (children etc...)) as well as meals for people from outside the hotel who they hope to attract with the roadside positioning for the restaurant, staff meals for kitchen staff and probably everyone else working at the hotel since there are no other places to go and eat nearby. Again: it is a residential area. So the kitchen will need to churn out three meals a day for over 300 people at each sitting. At least 900 covers a day. Kitchen staff, waiters, other front of house. All needing to go on break. To stand outside and have a quick smoke.

Let's not pretend any kitchen anywhere is a completely non-smoking environment. And the smell! We all know how the back of restaurants smell. Whether it's the back of Sunshine Suites, or the back of restaurants by World Gym, or the back of Morgan's Harbour or the back of Grand Old House. You can't avoid it. There is food being cooked, old oil, refuse, dumpsters, vermin It's the reality of restaurants. Which is why they aren't in residential areas. Like the restaurant next to Whitehall House where I work - which smells of frying and food every night as I walk in and out when I work late. It's horrible. There is nothing you can do to avoid it. I do not want to then drive home to that - on a much larger scale. What is the possibility of them containing the vermin problem? None. None at all. The roaches and rats and mice and ants aren't going to stay on their side of the property line. They will become our problem. Just like the smell from the dumpsters. Our strata does a really good job of keeping the area around the one dumpster which services the kitchens in our complex - one for each apartment. How many dumpsters will the hotel need for 129 kitchens in each room and the main kitchen serving 900 covers a day? And how will that smell?

The parking spaces will be insufficient. They will need cleaners in every day to clean 129 rooms, and a kitchen, and a restaurant and then gardeners to look after the landscaping, and no doubt leaf blowers up and down in the grounds every day. They will need concierge staff. And kitchen staff, waiters, cashiers... Where are all the service people going to park? And where do they go on their break? Walking up and down the road outside Villa Royale going to and from Fosters? I don't need that many strangers walking past every day staring in at my apartment, seeing my garage door open - the way I leave it most of the weekend - with my beach items in it. Or seeing that there are stairs up to the back of the apartment and a large glass window...not door.

The restaurant is right at the front of the hotel on the road - and will be open to the public. How many additional cars will that be? And where will people park who come to the restaurant? All along the road outside so we can't see properly to pull out? And most likely in the grounds of Villa Royale. Each will think - oh it's just me ... and they will all park along our access road. We'll have buses and taxis dropping off and picking up for early flights and late flights. Congestion in the quiet road I wanted to live on, since I knew the bypass behind us would take all the traffic other than the few cars requiring local access. What about deliveries of laundry, staff, restaurant provisions, cleaning provisions We've all seen the delivery areas for hotels on island. We know how large and how smelly they are. And all that traffic will also be coming down our quiet street, ruining the surface so our tires suffer.

And how long will it take to build a gigantic concrete block with hundreds of windows? There will be cranes, and trucks and workmen All on a site 100 feet wide? And where will they all go during their lunch break? Where will the overflow be? Where will the cranes be positioned? How long will the noise last? And the dust?

One reason I bought my apartment is because the master bedroom window is high up on the fourth floor. Since the Villa Royale apartment complex consists of

alternating three and four story buildings, it gives me privacy in the master bedroom – which has floor to ceiling sliding glass doors leading on to the balcony. My daughter currently sleeps in this bedroom and I do not want ten floors, each with fifteen rooms with at least two occupants – being over 260 complete strangers staring into my daughter’s window every night. I bought the property in the expectation of privacy and this will completely rob me of any privacy whatsoever.

I do not need 260 tourists – changing daily/weekly - wandering around our apartment block since its right next door, they can all see it from their windows – every single room in the hotel will have a window facing Villa Royale. Every Single Room. All 260 or more occupants of all 129 rooms will have a window allowing them to stare into my home.

Into my bedroom. I don’t want them all walking past to ‘just have a look around’. I do not need to be a tourist attraction. I do not want my home, my garage, my car and my children to be a tourist attraction.

The height of the building will negatively impact my view, my privacy, the feel of the neighborhood since it is completely out of character with other buildings in the area. Right now I love sitting on my balcony in the sun, or leaning on the railing and staring out at night, in the peace and quiet that is Villa Royale. If I see anyone walking we say hello – most people know each other. I can see the sea, I can watch fireworks down the beach on New Year’s Eve, I can watch the stars at night, see the sun rise in the morning..... Now all I’ll see is a monstrosity. A vast, skinny, tall building of rooms piled on top of each other. Knowing that they are all looking back at me. When I renovated, I put the sink under the kitchen window so I can look out. Because the apartments are all built above their respective garage the kitchen is on the first floor and I can see landscape, green and then sky above the green. If the hotel is built then all I will see is hotel. Ten stories of hotel. Even if I crouch on the floor and stare up it will be difficult to be at an angle where I will be able to see the sky again. That is not reasonable.

We have children who need to go to school in the morning and we all need to go to work. It is a quiet, out of the way apartment block. Away from Seven Mile Beach and Camana Bay. We have a small quiet pool with rules about late night use. How many tourists will wonder across from next door if their pool is full – quite likely with hundreds of guests and one small pool. We all know the noisiness of tourists partying late into the night round hotel pools. And how late at night will the restaurant be open? To hotel guests and other members of the public? And that noise as well? There will be guests being dropped off at all hours – I don’t want to think about karaoke! There will be guests partying in rooms, sometimes with windows open. Our ability to enjoy our amenities – being outside quietly by our pool will no longer be possible with a noisy hotel next door. And how long until children wonder down in the morning to find empty bottles and cigarettes and passed out tourists by our pool?

I lay by the pool for a couple of hours over the weekend. It was quiet. I could hear some wind in the trees and the occasional air conditioning unit kick into life. It

was so peaceful. Each time I walked back to my apartment I saw garage doors wide open and unattended. It is a complex which feels and is safe. And private. The people who buy and rent here did so for that reason. Not because they are located close to schools, or close to town or close to shops. They are not. Another reason people bought property in Vila Royale is because the apartments are a good investment. They withstood Ivan. They are well built, the roof doesn't leak, the grounds are well maintained and the apartments hold their value, indeed have steadily increased in value over the last few years. But what if someone is allowed to develop a small 100 foot wide site by placing a wrongly zoned, over-populated eye-sore next door, crammed full of budget conscious tourists looking to spend as little as possible on their stay in Cayman? I bought my apartment as a long term home. My children's names are on the deeds. I spent a fortune on renovations for it to be my final home and just how I want it. I will never re-coup the money if I now have to sell it. And who will I sell it to with an enormous, ugly hotel right next door? No-one will ever buy at Villa Royale again. The value of the property will plummet. Will the hotel developers buy from me for the amount its worth – with all the renovations? Because no-one else will.

And who will want to rent there? We'll have to drop the rent to attract people - and it will no longer be attractive to professional families with children. It will be a very different demographic choosing to live there. The only people willing to rent will be the staff for the hotel next door. The complex will devolve into being staff accommodation for the adjacent property.

I bought the apartment for a number of reasons. Not to have a hotel built next door and all the negative impacts, the intensity of use of all facilities, the impact on the road, our resulting inability to enjoy our amenities, crime in the area, congestion in all adjacent areas, complete lack of any privacy.

As you can tell ... I am very unhappy and urge you to prohibit the misguided construction of a hotel on the adjacent piece of land.

Yours sincerely, Tania Davies No. 2 Villa Royale

The zoning of this area is Hotel/Tourism. The proposed development follows the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island. The developer is committed to have the Hotel Operator clearly and constantly instruct guests to respect the privacy of the hotel's neighbors, as well as to keep the premises clean, and adhere to all regulations from DEH, and the Department of Tourism.

Objection letter 7:

21 December 2018

Dear Sir,

Re: Planning application dated 5 December 2018 by Libanon Corporation Block and Parcel 10E65 Development of a 10-storey hotel with restaurant and

amenities

We represent the Proprietors of Strata Plan No. 142 ("Our Client") who received a copy of the notice in respect of the abovementioned application via ordinary mail. Our Client is the strata corporation for The Commonwealth which is located at the northern end of Seven Mile Beach on the ocean side of West Bay Road at Block and Parcel 10E52, just across the road from the location of the proposed hotel. The Commonwealth common property also includes Block and Parcel 10E67 adjacent to the proposed development.

We are instructed to object to the application on the grounds that follow. Failure to adhere to Notice Provisions Pursuant to The Development and Planning Law (2017) ("the Law"), section 15 (4) (as read with section 40) requires that the notice must be sent by prepaid registered letter addressed to owners entitled to receive it at their address as provided in the Land Register, and the Law stipulates that the Authority shall not consider an application in the absence of service.

The Development and Planning Regulations (2018) ("the Regulations") provide at regulation 8 (12A) (c) that all owners at a minimum radius of 300 feet from the perimeter land are to be served.

Accordingly, we are instructed that Our Client has not been served with the requisite notice in compliance with the Law and the Regulations. Moreover, it is further our understanding that the individual owners of the units at The Commonwealth have not been served as is required.

It is trite that the notice provisions under the Law and the Regulations are mandatory and cannot be abrogated. Each and every owner, not only of The Commonwealth, but also of Mandalay at Block and Parcel 10E3, The Anchorage at 10E45, and London House at 10E49 needed to be individually sent the notice by prepaid registered letter. This requirement also applies to the adjacent parcels and the properties off Marsh Road.

It is for the applicant to prove that the notice provisions set out at section 15 (4) and section 40 have been complied with, and it is our clear understanding that they have not.

Accordingly, the Authority is therefore not permitted under the Law and the Regulations to consider the application and the matter need go no further.

Notifications were sent via registered posting on December 6, 2018, based on the owner listing obtained from the Department of Lands & Surveys. We have submitted to the Department of Planning the proof of registered posting from the Post Office.

Without prejudice to this position, we make the further observations as set out below.

Setbacks not included on Zoning Data

Pursuant to regulations 10(f) and (g), the minimum setbacks are 20 feet for the sides, and 25 feet for the road edge or lot boundary respectively. We note that this

information has not been provided on the zoning data, and it therefore remains unclear if the application is compliant with the regulations- a review of the drawings appears to suggest it is not.

The Authority will have regard to the plans, however our client is in particular concerned as to the narrow setback at the side (SE) which is to be partially landscaped and would be unsuitable for emergency or refuse vehicles.

Please note that all setbacks are clearly indicated on the Site Plan. Emergency vehicles have access to 3 sides of the building, therefore it's not require that a separate access lane be provided on the SE

Sewerage and Drainage

Our understanding is that the sewerage system does not extend as far as the proposed development site, so it remains unclear whether the plan is for this to be extended, or for sewerage to be handled by septic tanks. Our Client has obvious and understandable concerns as to how wastewater from a high density hotel would be handled in a manner that was both safe and appropriate.

Developer has consulted with Water Authority, and there is ample capacity of the system for our development to be connected to.

Our client is also concerned that the plans are inadequate in respect of how additional drainage from rainwater is to be accommodated given that the development would require a substantial quantity of fill.

As it is required by the Planning regulations, we shall submit a Storm Management plan designed in accordance with the requirements of the NRA and approved by the CPA prior to submitting for Building permit.

Character of the area

When the owners of The Commonwealth purchased their units, the maximum building height permissible was three storeys. They purchased the units because of the quiet peacefulness of the area, the residential community ambience, and the low density of the accommodation. The area and developments were fully in keeping with the high standards that the Caymanian heritage required.

As to the applicant's proposal, with no disrespect to the architect given the limitations of the plot size and dimensions, the narrow, tall, high density design has the look of cruise ship which has unfortunately been let high and dry on the wrong side of the road. It is inevitable that the proposed sterile monolith will impact negatively on the value of the units at The Commonwealth and the other homes in the area. It is our understanding that high-storey developments permitted to date have only been luxury hotels and on the beach.

Our Client therefore vigorously objects to this proposal on the basis that both the height and contemporary design of the hotel is in no way in keeping with similar buildings in the area- indeed, it is wholly at odds with them. The owners of The Commonwealth are horrified at the prospect of a hotel of this height, design and high-density even being contemplated at this location.

The proposed hotel is of a density at the very maximum that could be permitted under the Law and Regulations given the narrow building area- and provision of 129 rooms would suggest that the hotel would be targeted at the lower end market, which is not at all consistent with the character of the area. At its heart, the application is for an off the beach high density budget hotel aimed at less affluent tourists, who may well be tempted to use the facilities of the nearby high end, low density developments such as The Commonwealth, negatively impacting the amenity and value of existing residences as well as promoting an undesirable precedent likely to harm the high-end Cayman Islands tourism product.

There are presently no such hotels on that side of the West Bay Road, so the granting of the application could be the catalyst for more applications for high rise hotels, utterly destroying the ambiance and character of the locale. This development will necessarily undermine the privacy enjoyed by the owners at The Commonwealth in their homes as they would now be dwarfed, overlooked and in all likelihood cast into shadow by this displeasing block-shaped contemporary structure.

The zoning of this area is Hotel/Tourism. The proposed development follows the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island. The developer is committed to have the Hotel Operator clearly and constantly instruct guests to respect the privacy of the hotel's neighbors, as well as to keep the premises clean, and adhere to all regulations from DEH, and the Department of Tourism.

Traffic and safety, beach access, and likely trespassing

When the hotel and restaurant are full, this tall development on a relatively narrow plot will perhaps regularly be accommodating up to 250 people (not including staff).

The development will therefore markedly increase traffic and congestion in the area due to the residents of the hotel and patrons of the restaurant. The proposed number of parking spaces, while technically within the minimum limits under Regulation 10, is highly likely to be insufficient when the hotel and restaurant are both busy - leading to vehicles being parked on the roadside or on private property. It will be noted that parking on the roadside is a problem at the Ritz.

Our Client is also concerned that the development will create a safety hazard as the many residents and guests will regularly need to cross the busy West Bay Road in order to reach the public beach access.

The public beach access itself is some 750 feet north of the proposed development between The Discovery Point Club and The Christopher Columbus.

There is another potential access over private land at block and parcel 10E12 about 500 feet north of the proposed development adjacent to The Anchorage which residents and guest of the hotel will be tempted to use.

The hazards created by so many people making this journey along the West Bay Road and attempting to cross are significant and obvious.

Moreover, given the distance to the public beach access, it is inevitable that many residents and guests would simply succumb to the temptation of using the private common areas of The Commonwealth or Mandalay as a shortcut to access the beach, and in all likelihood regularly use the private amenities, such as the pool and beach chairs, further creating a nuisance and invading our Client's privacy. This could only be addressed by a review of fencing and security which will significantly increase costs for owners and undermine the open community feel.

As per the letter from the National Roads Authority date December 10, 2018, an assessment of the traffic demand generated by the proposed development concluded that the impact on West Bay Road is minimal

All ocean front property must provide a 6' wide beach access accessible to the public. Developer is committed to have the Hotel Operator clearly and constantly instruct guests not to cross any private property, and to follow the designated paths to access the beach, which should be located both at The Mandalay property and at parcel 10E-62.

The project is providing 10 parking spaces in excess of what is required by the planning regulations, both for guests and for staff

Restaurant

The proposed restaurant is likely to be accompanied by an increase in associated noise due to parties and functions, which is of concern to our Client given the present residential character of the local neighborhood.

The zoning of this area is Hotel/Tourism. The proposed development and its amenities follow the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

Fencing and Dumpster

It is noted that the dumpster appears to be located on the south side of the proposed development, at or within the area of the mandatory 20 foot setback. It is unclear what fencing is proposed on the perimeter of the boundary of the development, but our client is very concerned that the dumpster location will be both an eyesore and an odor nuisance in respect of block and parcel 10E67.

Under Architectural features such as "green walls" and landscape buffers will be incorporated to address the aesthetic concerns. The developer is committed to have the Hotel Operator to keep the premises clean, and adhere to all regulations from DEH, and the Department of Tourism.

Conclusion

It would seem that the notice provisions and regulations have not been complied with, so the Authority cannot consider the application.

Notifications were sent via registered posting on December 6, 2018, based on the owner listing obtained from the Department of Lands & Surveys. We have submitted to the Department of Planning the proof of registered posting from the Post Office.

In any event, the setback provisions also appear not to have been complied with and it is submitted that the tall design and size of the hotel aimed at high density budget tourists, and incorporation of a restaurant, are not in keeping with the low-rise, low density residential property in the area and indeed run completely counter to it. The prospect of being cast into the shadow of the hotel and being overlooked is naturally appalling to Our Client.

The public beach access is 750 feet away, which creates a clear danger given the number of residents contemplated, and the obvious nuisance of regular trespassing on private property and using private amenities, in particular at The Commonwealth, Mandalay or London House. Taking steps to reduce this nuisance by employing additional security or taking other measures would be a heavy and unfair price for owners to bear, and would permanently change the atmosphere of these small community developments for the worse.

There are significant concerns that the development will have an adverse impact upon our client's privacy, and with traffic congestion and safety. Concerns as to sewerage and drainage do not appear to have been addressed.

As per the letter from the National Roads Authority date December 10, 2018, an assessment of the traffic demand generated by the proposed development concluded that the impact on West Bay Road is minimal

As it is required by the Planning regulations, we shall submit a Storm Management plan designed in accordance with the requirements of the NRA and approved by the CPA prior to submitting for Building permit.

For the above reasons, our client vigorously objects to the application.

Yours faithfully,

Nelson & Co

Objection letter 8:

December, 21, 2018

Dear Sir,

Re: Planning Application by Lebanon Corporation Block and Parcel IOE65

I am the Strata No. 81 Chairman and represent the owners of Strata lots at Discovery Point Club, 2043 West Bay Rd., West Bay, Grand Cayman.

Though no notice of this planned development was made to Strata No. 81 and possibly is not required, it has come to my attention that the main access to Seven Mile Beach for the guests of the hotel will most likely be the Public Access that is positioned on our south boundary. (Between Discovery Point Club and Christopher Columbus). We have always maintained this path and actually it uses our south sidewalk so that the landscaping on our south boundary line could be

maintained. Use of this access by Cayman Island residents has been welcomed and without negative incident.

The anticipated increase in pedestrian traffic through the access will require Strata No. 81 to rethink its design of the access and seems an unfair burden to expect Strata No. 81 to assume.

Additionally, the added use by hotel guests will undoubtedly lead to conflicts as to the use of Strata No. 81 private property and exact limits of the "public" portion of Seven Mile Beach right of way adjacent to Discovery Point Club.

Strata 81 has great concerns over these issues and the apparent lack of notice to interested parties or stated plans on addressing the parking and pedestrian traffic problems that will undoubtedly arise.

All ocean front property must provide a 6' wide beach access accessible to the public. Developer is committed to have the Hotel Operator clearly and constantly instruct guests not to cross any private property, and to follow the designated paths to access the beach, which should be located both at The Mandalay property and at parcel 10E-62.

It is our position that this proposed development is ill conceived and poorly thought through. We respectfully planning reject the development, especially if the myriad of foreseen problems are not addressed and impacted parties fully informed.

Sincerely,

*H. Todd Cubbon, Chairman
Strata No. 81, Discovery Point Club*

Objection letter 9:

Good afternoon Director of the Planning Department,

I'm responding on behalf of The Heritage Club (10E8). We strongly object to the application proposed for 10E65 and hope that we will be able to address the Central Planning Authority regarding the application.

Our concerns for our property and the North End of SMB as a whole are as follows;

- A continued erosion of the tranquility of the North end of SMB. This is a special section the beach and should be protected from the over-development that has been allowed in the central and Southern sections.*
- Potential that this will become a permanent fixture for large noisy events on a regular basis.*
- Abuse of adjacent properties as a beach access points and overflow parking.*
- Due process has been ignored, seems like they was submitted with the Christmas/New Year breaks in mind.*
- Security on our properties will need to be increased to ensure our tranquility is not encroach upon.*

- Mountains of trash left by beach goers of the hotel in the beach assess points and on the beach itself.
- Loss of beach access points (public lands) for public use. The North end beach access points are typically used by local families, the use of the access points by this many guest will only further push locals off the beach.
- If this does become a permanent fixture it will impact our property values. Properties on this end have positioned themselves differently, we have a different ambiance, small, tranquil, quaint and guests are will to pay for this exclusivity. A motel will only ruin the tranquility.
- The potential obstruction of West Bay Rd. caused by street side parking of staff, guests, service and day visitors.

The zoning of this area is Hotel/Tourism. The proposed development and its amenities follow the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

Developer is committed to have the Hotel Operator clearly and constantly instruct guests to respect the privacy of the hotel's neighbors, keep the premises clean, and adhere to all regulations from DEH, and the Department of Tourism, as well as not to cross any private property, and to follow the designated paths to access the beach, which should be located both at The Mandalay property and at parcel 10E-62.

Thank you for your time and consideration we look forward to hearing from you.

Warm Regards,

Justin Miller, Property Manager, The Heritage Club

Cell: 1 (345) 926-7472

Office: 1 (345) 945-4993

www.heritageclubcayman.com

Objection letter 10:

Dear Sir,

Re: Planing application dated 5 December 2018 by Ubanon Corporation Block and Parcel 10E65 Development of a 10-storey hotel with restaurant and amenities.

On behalf of The Anchorage Condominiums, I would like to express our objection and concerns for this application of approval of the 10 story hotel.

The location of the hotel will change the traffic flow and put many guests in the danger zone when crossing West Bay Road. The northern end of Seven Mile Beach tourist accommodations currently represent a home away from home vacation with relaxation, lack of congestion and the most tranquil shore of the Caribbean Sea.

Further commercializing the northern area of the beach would take away the paradise that our guests and the others at this end search for and expect when going on their holiday.

The new hotel approval would possibly bring a decrease in value of the current condos and residences in this area.

Cayman will no longer provide a true paradise on Seven Mile Beach. Our guests have mentioned when visiting the hotels they can't wait to get back to our property for the peace and quiet - even when we area full capacity it is an escape from the hustle and bustle of the business world and hotels. If approved, the increase in traffic (beach and street) this new hotel project would bring a change of Seven Mile Beach's quiet end's landscape to being a part of the commercialized vacations.

There would no longer be anywhere on Seven Mile Beach that is not congested. We would become the Caribbean's Miami Beach.

We appreciate your consideration to our objection and would like to be present when this application is appealed.

Judith Lankford

Manager

The Anchorage Condominiums smanchor@candw.ky

345-945-4088

The zoning of this area is Hotel/Tourism. The proposed development and its amenities follow the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

Objection letter 11:

To the Director of Planning,

We are writing with reference to the proposed development of a 10 storey, 129 room hotel with restaurant, pool generator and amenities which is proposed to be built next to Villa Royale off West Bay Road.

Please find this email as an objection to the above proposal.

Reasons for our objection are as follows;

The proposed scheme is of sufficient scale that it is at odds with the surrounding developments. The surrounding developments are all of low rise residential nature, however the proposal is a commercial development which will have a detrimental impact on local residents and the immediate and surrounding environment. With this in mind we would question whether the proposal is correctly zoned for the area.

The proposed hotel has no direct access to the beach as the beachfront is already occupied with private residential properties. This is likely to lead to conflict between hotel guests and local residents.

This would therefore have a negative impact on the visitor experience to Grand Cayman and reflect badly on the Grand Cayman tourism reputation.

The extra vehicle traffic and noise created by this development would have an adverse impact on the local residents.

The proposed development would have a detrimental impact on the local area rather than a positive one.

Yours Sincerely

*Ron Tompkins, On Behalf of Madronet 2012 Ltd
Owner of 6 & 15 Villa Royale*

The zoning of this area is Hotel/Tourism. The proposed development and its amenities follow the regulations and restrictions of the Law, and corresponds with the intent of the Planning Law, which were drafted in coordination with DOT's policies of activating the Seven Mile Beach corridor into a vibrant tourist destination, able to efficiently accommodate the increasing number of visitors to our Island.

If you have any questions or comments, please contact me at mike@trio-design.net"

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within the Seven Mile Beach area of Grand Cayman. West Bay Road forms the western boundary beyond which The Mandalay and vacant land is located. To the north Villa Royale residences form the northern boundary. Vacant land is to the east. Finally, a tennis court and associated facilities form the southern perimeter.

The application seeks planning permission to develop a 10 storey hotel with 129 rooms and associated facilities such as a restaurant/bar, 2 pools and generator.

Zoning

The property is zoned Hotel-Tourism.

Specific Issues

a) Principle of Development

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

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

- Maximum number of bedrooms permissible for the identified lot is 129. The application proposes 129 bedrooms.
- No apartments are proposed.
- Minimum lot size is half an acre. The application site is 2 acres.

- Minimum lot width is 100 feet. The application site measures 169' 3" in width.
- Residential development is not proposed.
- Maximum site coverage of 40%. The application provides for 23%.
- Minimum side setbacks of 20 feet are met.
- Minimum rear and road setbacks of 25 feet are met.

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

b) Height of Development

Regulation 8(2)(e) identifies the maximum height of hotels in Hotel/Tourism Zone 1 shall not exceed 130 feet or 10 storeys. The submitted plans propose a 10 storey hotel with a maximum height of 123' 7". Roof access is provided for maintenance and purposes, however, no roof terrace is proposed.

c) Access

The Authority should note the comments from the NRA in regard to the location of the access driveway. The NRA is recommending that the proposed driveway be relocated to the southern portion of the property in order to increase the separation distance from the driveway on the northerly adjoining property. It should be noted that such a change to the site plan would typically require re-notification of the adjacent land owners.

d) Parking

Regulation 8(1)(iii) requires one parking space per 200 square feet of restaurant bar area and (vi) seeks one space per two guest rooms.

On this basis:

22 spaces are required for the restaurant/bar

65 spaces are required for the hotel rooms

87 spaces are necessary to support the anticipated demand generated by the proposal.

The application proposes 95 parking spaces and an additional 4 accessible spaces.

2.2 BAMBOO BEACH Block 73A Parcel 97 (F11-0261) (P18-1230) (\$725,000) (JP)

Application for a restaurant, bar, two (2) duplexes, one (1) house, storage structure, gazebo, generator with LPG and LPG tank.

Appearance at 11:00

Fred Whittaker and Kris Bergstrom declared conflicts and left the meeting room.

FACTS

<i>Location</i>	Austin Connolly Drive
<i>Zoning</i>	HT
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	1.31 AC/57,064 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Commercial/Residential

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

1. Regulations 8(12) and 8(12E) state that persons within the required notification radii and who satisfy the ownership criteria may lodge objections stating their grounds. In reviewing the objector's grounds, the Authority is of the view that the proposed development is not in keeping with the residential character of the surrounding area and this will unacceptably detract from the ability of the neighbouring land owners to enjoy the amenity of the area and their properties.

AGENCY COMMENTS

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

Chief Environmental Health Officer

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

1. *Detailed floor plan for the restaurant's kitchen.*
2. *Detailed floor plan for the bar.*
3. *Equipment schedule for both restaurant and bar.*
4. *Detailed drawing of the commercial kitchen hood, including the specifications.*

This development requires (1) 8 cubic yard garbage container with daily servicing."

Water Authority

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

Wastewater Treatment and Disposal

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

The proposed development requires Aerobic Treatment Unit(s) with NSF/ANSI Standard 40 (or equivalent) certification that, when operated and maintained per manufacturer’s guidelines, the system achieves effluent quality of 30 mg/L Biochemical Oxygen Demand and 30 mg/L Total Suspended Solids. The proposed system shall have a treatment capacity of at least 4,350 US gallons per day (gpd).

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

To achieve gravity flow, treated effluent from the ATU must enter the disposal well at a minimum invert level of 4’7” above MSL. 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.

A grease interceptor with a minimum capacity of xxx 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 ATU.

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 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 Road Authority

“Road Capacity Issues

The traffic demand to be generated by the above proposed mixed-use development 5,296 sq. ft. of restaurant and 5 residential units has been assessed in accordance with ITE. The anticipated traffic to be added onto Austin Conolly Drive is as follows:

<i>ITE code</i>	<i>Expected daily trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak In</i>	<i>AM Peak Out</i>	<i>By-Pass traffic</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak In</i>	<i>PM Peak Out</i>	<i>By-Pass Traffic</i>
<i>932 restaurant</i>	<i>674</i>	<i>57</i>	<i>18</i>	<i>15</i>	<i>25</i>	<i>52</i>	<i>18</i>	<i>12</i>	<i>22</i>
<i>220 apartment</i>	<i>33</i>	<i>3</i>	<i>1</i>	<i>2</i>	<i>N/A</i>	<i>3</i>	<i>2</i>	<i>1</i>	<i>N/A</i>
<i>Total</i>	<i>707</i>	<i>60</i>	<i>19</i>	<i>17</i>	<i>25</i>	<i>55</i>	<i>19</i>	<i>13</i>	<i>22</i>

Based on these estimates, the impact of the proposed development onto Austin Conolly 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 Austin Conolly 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 die 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 Austin Connolly 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 hut for the existence of such canal, conduit, pipe or raised structure have done so, whether or not such canal, conduit, pipe or raised structure adjoins the said road"

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

Fire Department

No comments received.

Department of Environment

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

The subject parcel is directly adjacent to Colliers Pond, which is a Protected Area under the National Conservation Law (2013). The part of the land parcel to the west of Austin Connolly Drive is also protected, as it is within the buffer zone of the Protected Area. Austin Connolly Drive represents the boundary of the buffer zone. The plans indicate that the part of the site which is protected will remain as-is and undisturbed. This is appropriate and this area should not be used during the construction process, e.g. for the stockpiling of material. The site itself is man-modified and of limited ecological value, but beach habitat remains ecologically significant.

The Department welcomes the 100 ft setback proposed, which should help maintain the beach and increase resilience from climate change.

The site is situated on an active turtle nesting beach, therefore we recommend that a condition for turtle friendly lighting also be included.

OBJECTIONS

The Authority is advised that two of the persons/companies referenced in Letter #1, Cardinal Investments Inc. and Sean MAAS, are not owners within the 1000' radius per Regulation 8(12) and cannot be included as objectors on record.

Letter #1

"I act on behalf of the following:

- 1. Joseph Pongonis who owns 73A Parcel 72*
- 2. Cardinal Investments Inc. that owns 73A Parcel 114 and 115*
- 3. Sean MAAS who owns 73A Parcel 118*
- 4. Nadine Lorraine Brown owner of 73A Parcel 74*
- 5. Jerry Troesch and Robbie McKee owners of block and parcel number 73A 58.*

My clients have instructed me to file the following objections on their behalf.

The proposed development is not in keeping with the zoning of the area and the large scale restaurant is out of character with the surrounding properties.

The first issue is that stand alone restaurants are not typically allowed in Hotel Tourism zones. It is my client's view that this is not a cottage colony as defined in the Development and Planning Law but rather a thinly disguised, fully fledged, large scale restaurant especially in light of the fact that at least two thirds of the development is related to the restaurant activities. There is even large outdoor dining deck and buried storage tank.

The second issue is that there seems to be some ambiguity in this application. The notification form says 'residential' cottages, the site plan says duplexes. It's difficult to tell if they are residential or commercial? Are they cottages or duplexes? If they truly are duplexes, they dont seem to follow the definitions of the Planning Regulations per below.

Definitions from Development and Planning Regulations (2017 Revision)

"cottage colony" means any premises or complex of premises which are operated on a commercial basis for providing living accommodation for six or more paying guests, the character of which is that of a group of cottages;

"duplex" means two dwelling units one above the other or side by side having a common wall and being on one lot;

It is my client's position that residential is usually the opposite of commercial per the definition of cottage colony and if these are in fact duplexes though they are not on separate lots, then this is not a cottage colony and now we are now discussing an inappropriate zoning issue.

Ordinarily bars/restaurants etc are ancillary to hotels but in this case it looks like the 'cottages' or 'duplexes' are ancillary to the restaurant and bar.

My clients concern is that this large scale restaurant and bar will destroy the quiet and tranquil area and will be a nuisance. The sheer magnitude of the restaurant and bar puts it on the same level as Grand Old House, the Wharf and Cayman Kai to name a few.

This certainly was not was contemplated for the zoning of the said parcel. It is quite apparent that with a restaurant and bar development this is not designed to cater to the tourists that would stay at the resort or cottage colony but rather to be of a general commercial restaurant and bar for Grand Cayman. This operation will bring with it increased traffic and loud music and lots of people streaming through the property on a daily basis.

This type of activity will attract party goers and large functions such as weddings, office parties and the like. The restaurant and bar will attract more rodents and other pests that are drawn to food waste or food products in general. It is evident that to make such an enterprise profitable it will require music and dancing and a constant flow of customers at all hours of the day and night through the property. This will cause a nuisance and loss of amenity to the adjoining property owners who have invested millions of dollars to preserve the charm and tranquility of the area for future generations to enjoy. My clients have invested in homes and home sites for luxurious homes. This investment would have never been undertaken had a restaurant and bar been in existence or had my client known that a commercial development of this scale and mass would be built on parcel 73A 97.

The third issue is that it is noted that the site data says just over 30% site coverage. The Regulations provide for 25% site coverage of the lot. It is our view that even if this type of development is allowed in this zone, which we respectfully state that it is not, it has exceeded the prescribed site coverage.

The scale and mass of the restaurant and bar is certainly not in keeping with the spirit of the Development and Planning Law and the Development and Planning Regulations.

The rooms appear to be an afterthought and are clearly ancillary to the restaurant and bar and not the other way around. This type of development will detract from the houses in the area and is not conducive to a quality tourism product.

There appears to be some issues with respect to the drawing as it appears that the garbage truck has to crash into a building because it can't make the radius to the dumpster.

The fourth issue is that this large scale commercial development will generate lots of waste and will require that waste to be removed on far more frequent basis than a typical cottage colony would generate. The constant coming and going of garbage trucks, commercial delivery trucks, gas delivery trucks and customers vehicles will create a lot of noise and obnoxious fumes at the property. This nuisance will detract from my client's quiet enjoyment of its property.

The fifth issue is the aesthetics of the plan and design are also not compatible with the area. There appears to be very little landscaping and quite a large area

of hard surface including the building, the deck and the parking lot. This will be detrimental to the natural charm and beauty of the area.

This development is unsuitable for this area and would be best located in a commercially zoned area that contemplates this type of busy restaurant and bar.

It is our respectful submission that this application should be refused for all the points raised herein.”

Letter #2

“I act on behalf of Ace Oasis Ltd. Owner of Block 73A Parcel 55.

My client has instructed me to file the following objections on their behalf.

The proposed development is not in keeping with the zoning of the area and the large scale restaurant is out of character with the surrounding properties.

The first issue is that stand alone restaurants are not typically allowed in Hotel Tourism zones. It is my client’s view that this is not a cottage colony as defined in the Development and Planning Law but rather a thinly disguised, fully fledged, large scale restaurant especially in light of the fact that at least two thirds of the development is related to the restaurant activities. There is even large outdoor dining deck and buried storage tank.

The second issue is that there seems to be some ambiguity in this application. The notification form says 'residential' cottages, the site plan says duplexes. It's difficult to tell if they are residential or commercial? Are they cottages or duplexes? If they truly are duplexes, they don't seem to follow the definitions of the Planning Regulations per below.

Definitions from Development and Planning Regulations (2017 Revision)

“cottage colony” means any premises or complex of premises which are operated on a commercial basis for providing living accommodation for six or more paying guests, the character of which is that of a group of cottages;

*"duplex" means two dwelling units one above the other or side by side having a common wall and **being on one lot**;*

It is my client’s position that residential is usually the opposite of commercial per the definition of cottage colony and if these are in fact duplexes though they are not on separate lots, then this is not a cottage colony and now we are now discussing an inappropriate zoning issue.

Ordinarily bars/restaurants etc are ancillary to hotels but in this case it looks like the 'cottages' or 'duplexes' are ancillary to the restaurant and bar.

My client’s concern is that this large scale restaurant and bar will destroy the quiet and tranquil area and will be a nuisance. The sheer magnitude of the restaurant and bar puts it on the same level as Grand Old House, the Wharf and Cayman Kai to name a few.

This certainly was not contemplated for the zoning of the said parcel. It is quite apparent that with a restaurant and bar development this is not designed to cater to the tourists that would stay at the resort or cottage colony but rather to be of a

general commercial restaurant and bar for Grand Cayman. This operation will bring with it increased traffic and loud music and lots of people streaming through the property on a daily basis.

This type of activity will attract party goers and large functions such as weddings, office parties and the like. The restaurant and bar will attract more rodents and other pests that are drawn to food waste or food products in general. It is evident that to make such an enterprise profitable it will require music and dancing and a constant flow of customers at all hours of the day and night through the property. This will cause a nuisance and loss of amenity to the adjoining property owners who have invested millions of dollars to preserve the charm and tranquility of the area for future generations to enjoy. My client owns a second parcel, 73A 56 which is located to the south and adjacent to the property in question and has invested over 4 million dollars in a private luxury residence on parcel 73A 55 that will be completed in three months. This investment would have never been undertaken had a restaurant and bar been in existence or had my client known that a commercial development of this scale and mass would be built on parcel 73A 97.

The third issue is that it is noted that the site data says just over 30% site coverage. The Regulations provide for 25% site coverage of the lot. It is our view that even if this type of development is allowed in this zone, which we respectfully state that it is not, it has exceeded the prescribed site coverage.

The scale and mass of the restaurant and bar is certainly not in keeping with the spirit of the Development and Planning Law and the Development and Planning Regulations.

The rooms appear to be an afterthought and are clearly ancillary to the restaurant and bar and not the other way around. This type of development will detract from the houses in the area and is not conducive to a quality tourism product.

There appears to be some issues with respect to the drawing as it appears that the garbage truck has to crash into a building because it can't make the radius to the dumpster.

The fourth issue is that this large scale commercial development will generate lots of waste and will require that waste to be removed on far more frequent basis than a typical cottage colony would generate. The constant coming and going of garbage trucks, commercial delivery trucks, gas delivery trucks and customers vehicles will create a lot of noise and obnoxious fumes at the property. This nuisance will detract from my client's quiet enjoyment of its property.

The fifth issue is the aesthetics of the plan and design is also not compatible with the area. There appears to be very little landscaping and quite a large area of hard surface including the building, the deck and the parking lot. This will be detrimental to the natural charm and beauty of the area.

This development is unsuitable for this area and would be best located in a commercially zoned area that contemplates this type of busy restaurant and bar.

It is our respectful submission that this application should be refused for all the points raised herein.”

AGENT’S LETTER

“We write on behalf of our client Christopher Guckert, the owner of the subject lands known as Block 73A Parcel 97, and the applicant for planning permission for a restaurant, bar, 5# dwellings, storage room, entry cabana, parking and associated works.

We are in receipt of an objection letter dated 16th January 2019 from Wade DaCosta LLB who acts on behalf of Ace Oasis Ltd the owner of 73A55 which is immediately to the south of our client’s lands.

The letter raises what the objector describes as five issues to which we briefly respond as follows:

Issue #1 – *The applicant is seeking planning permission for a restaurant and bar and associated facilities on his land which is zoned Hotel Tourism. Clause 10(3) of the Planning Regulations states: Entertainment facilities which are related primarily to the needs of the tourism industry should normally be located within a Hotel/Tourism development zone.*

Issue #2 – *The applicant seeks approval for 5# residential units which are described in the forms and shown in the applicant’s drawings. The units are single storey and arranged upon the site as coupled or individual units ie. by architectural definition as cottages or in a duplex’d arrangement. The applicant is not applying for permission for a cottage colony noting, by definition, cottage colonies are for 6# or more paying guests.*

The applicant’s land is 1.33 acre zoned Hotel Tourism which allows for up to five storeys and/or 65 feet in height. The Planning Regulations allow for up to 33# apartments. The applicant is applying for 5# residential units, all of the buildings are single storey buildings that are 21’4” to the highest point of their roofs. The scale and massing of the proposals are entirely suitable, befitting to their purpose and to the architectural design and character of traditional buildings in the Cayman Islands.

Issue #3 – *the site coverage proposed is 30.7% which is less than the coverage allowable in Hotel Tourism zoned lands.*

Issue #4 – *the applicant’s proposals cannot be described as “large scale commercial development” in consideration of all of the above responses and in relation to what the Planning Laws of these islands allow for in Hotel Tourism zoned lands.*

The facilities have been reviewed and approved by the Dept of Environmental Health, the Department of the Environment, the National Roads Authority and the Water Authority and all proposals have been favourably reviewed by those authorities.

Issue #5 – *the landscaping of the proposed facilities will be of the highest standards for our client and in accordance with the policies and standards*

required by the Director of Planning and the Central Planning Authority for this form of development.

The applicant looks forward to meeting with the Central Planning Authority on 5th February 2019 at which time we will be pleased to answer any other queries or concerns.

Thank you for this opportunity.”

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the East End district of the Island bound to the east by the sea and Austin Connolly Drive to the west.

Zoning

The property is zoned Hotel Tourism.

Specific Issues

a) Cottage Colony v Residential

Regulation 10 relates to hotel/tourism development and identifies hotels, cottage colony developments and apartments as permissible in this zone.

A cottage colony is defined as:

“any premises or complex of premises which are operated on a commercial basis for providing living accommodation for six or more paying guests, the character of which is that of a group of cottages”

However, the application title specifically refers to duplexes and a detached house.

A duplex is defined within the Regulations as:

“two dwelling units one above the other or side by side having a common wall and being on one lot”

A detached house is defined as:

“a dwelling unit on its own exclusive lot”

In light of the above definitions further information was sought from the agent to aid interpretation of the scheme with regards to the intended end users as the scheme does not directly fit into any of the definitions. The following was received:

“The residences may also become short-term tourist rentals to be licensed by CI. Department of Tourism”

Regulation 10(2) permits unrelated development subject to that scheme conforming to the hotel/tourism zone and all other requirements applicable to its own particular type of development. The scheme complies with low density residential zoning contained in regulation 9(8).

Members are invited to consider the above interpretations and establish the acceptability of the proposal.

b) Provision of a Restaurant and Bar

Regulation 10(2) of the Regulations permits unrelated development subject to compliance with all other requirements applicable to its own particular type of development.

Members are invited to note all setbacks are compliant with the Regulations and adequate parking is provided to support visitors attracted to the site. Site coverage is discussed below.

Members are invited to consider the acceptability of the restaurant and bar as a facility within a hotel/tourism zone.

c) Parking

The proposed development requires 35 parking spaces and 37 have been provided. However, the driveway aisle in front of the two accessible spaces is only 13' 6" wide which is not sufficient for vehicles to enter or exit those spaces. It would appear that the parking area could be re-designed to increase the aisle width, but likely 2 spaces would have to be deleted, leaving a total of 35 which still complies with the regulations.

d) Site Coverage

Regulation 13(11) relates to commercial development, such as restaurants, it accommodates a maximum site coverage of 75% which includes driveways and parking areas.

Regulation 9(8)(h) enables a site coverage of 30% for development within low density areas, to be used in the event that the accommodation is deemed acceptable under Regulation 10 above.

Regulation 10(1)(h)(iii) permits the development of cottage colonies and sets a maximum site coverage of 25% per cent of the lot size.

The application proposes an overall site coverage of 30.7%.

At 11:00, Mr. & Mrs. Chris Guckert appeared as the applicants and John Doak as their agent. Waide DaCosta appeared on behalf of several objectors. There was discussion regarding the application and summary notes are provided as follows:

- Mr. DaCosta noted that two persons mentioned in his one letter of objection fall outside of the required 1000' radius and that his other client noted in the second letter is building a house next door on 73A 55.
- Mr. Doak explained the background of the applicant's pursuing the application. He noted that the application is for 5 units for residential accommodation arranged in a cottage style. He advised that he had uploaded some colour plans to OPS. The Authority asked if Mr. DaCosta objected to having the plans viewed and Mr. DaCosta replied that he has no instructions from his client on the matter. The Authority proceeded to view the plans.
- Mr. Doak noted the discussion item in the Department's report in the Agenda regarding the categorization of the proposal. He noted that he has used varied

words to describe the proposal, but it is not a cottage colony. There will be 5 privately owned units and a bar and restaurant. The Authority asked if they intended to strata the units and Mr. Doak replied in the affirmative. The Authority noted that the members were struggling with what the proposal is. Mr. Doak noted that they could be apartments, but the Authority advised that they could not be as they are not joined into a block with a minimum of 3 units. Mr. Doak explained that it is 2 duplexes and 1 house.

- Mr. Doak explained that the ambience is very residential in scale and is akin to the old Tortuga Club. He also noted that in the Development Plan, the Hotel/Tourism zone allows for residential and it says bars and restaurant should be in that zone. The Authority sought clarification in that Mr. Doak was referring to Regulation 10(3) when he refers to bars and restaurant and is considering them entertainment facilities. Mr. Doak replied in the affirmative.
- Mr. DaCosta advised that he disagrees with Mr. Doak's assertion that this proposal is okay in the Hotel/Tourism zone. He noted that houses and duplexes are usually in the transition zone, Beach Resort/Residential. He then referred to Regulation 13 (1)(a)(iii) which lists restaurants and bars as uses that would be found in the General Commercial zone and he doesn't believe that the Hotel/Tourism zone is the proper zone for restaurants and bars.
- He noted that he had wanted confirmation if this was being considered a cottage colony and Mr. Doak has confirmed that it is not. He noted that houses and duplexes are usually located in residential zones.
- He advised that his clients will suffer a major nuisance from the activities associated with the proposal. He explained that Royal Palms bar/restaurant used to be part of a resort, but when that was destroyed, the bar/restaurant became on their own by default and they have caused a big nuisance to the neighbours. He noted that the nuisance from the proposed development will far exceed any benefit for the tourism product.
- The Authority noted that the area is zoned Hotel/Tourism and shouldn't his clients be expecting this type of development? Mr. DaCosta replied maybe a cottage colony, but not this type of development. He noted that the proposal clearly does not fit in the zone and he stands by what he has submitted in writing.
- The Authority asked the applicant if there would be music and dancing? Mr. Guckert replied yes, but it wouldn't be like Royal Palms. He noted that he loves Seven Mile Beach, but it's not his thing and he wants to fit in with the East End lifestyle. He explained that there would be short term stays in the units with the availability of the bar and restaurant. He noted that there wouldn't be a lot of noise or nuisance as they have to take care of their own guests on site. He explained that the site has been used for years by kite boarders and he has never intended to build a house there and everyone in the area knows that.

- The Authority asked what the seating capacity would be and Mr. Guckert replied about 100, but he wouldn't expect all them to be used at any given time. He explained that the proposal is for an open air facility to enjoy the breezes and a beach bar atmosphere. He noted that it would be like Over the Edge where there is some seating inside, but it is rarely used.
- The Authority asked if they have any intentions for water sports activities and Mr. Guckert replied that there would be kite boarding and paddle boarding. He noted that it could be a destination for cruise shippers who want to kite board.
- Mr. DaCosta noted that his client would never have bought here if he knew this proposed development would be next door.
- The Authority asked if the location on site for the bar/restaurant and units could be flipped and Mr. Guckert replied that that could be considered.

2.3 CLAYTON MCGHIE Block 28D Parcel 29 (FA82-0063) (P17-0796) (\$93,161.25) (MW)

Application for after-the-fact permission for the change-of-use from commercial to institutional (Church Hall).

Appearance at 11:30

Fred Whittaker had declared a conflict prior to his leaving the meeting for the day at 11:00.

FACTS

<i>Location</i>	Shamrock Road, Bodden Town
<i>Zoning</i>	NC
<i>Notice Requirements</i>	300' and 2 Newspaper Advertisements
<i>Parcel Size Proposed</i>	0.14 Ac (6,098.4 sq. ft.)
<i>Parcel Size Required</i>	20,000 sq. ft.
<i>Current Use</i>	Existing Commercial Building
<i>Proposed Use</i>	ATF Church w/ Hall
<i>Building Size</i>	7,947 sq. ft.
<i>Building Coverage</i>	33.9% (Building) /30.2% (Parking) = 64.1%
<i>Proposed Parking</i>	6 spaces
<i>Required Parking</i>	14 spaces
<i>Number of Units</i>	1

BACKGROUND

February 22, 2018 (CPA/04/18; Item 2.5) – The after-the-fact change-of-use

application was adjourned in order for the applicant to appear before the Authority to discuss concerns with the application.

October 17, 2018 (CPA/23/18; Item 2.1) – The after-the-fact change-of-use application was adjourned, for the following reason:

1. The applicant must provide a copy of a signed lease demonstrating that they can use a minimum of 8 off-site parking spaces.

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

1. The applicant is unable to provide a lease for a minimum of 8 off-site parking spaces which means that there are only 6 on-site parking spaces dedicated for the church and this does not comply with the required 14 parking spaces per Regulation 8(1)(i). The Authority is of the view that the applicant failed to demonstrate that there was sufficient reason or exceptional circumstance per Regulation 8(13)(b) to warrant allowing lesser parking spaces.

The applicant is further advised that the use of the property and building for the purposes of a church must cease within 30 days of the date of this decision.

AGENCY COMMENTS

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

National Roads Authority

“As per your memo dated August 15th, 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 traffic demand to be generated by the above proposed development of 2,070 sq. ft. has been assessed in accordance with ITE Code 560 - Church. The anticipated traffic to be added onto Shamrock Road is as follows:

<i>Expected Daily Trip</i>	<i>AM Peak Hour Total Traffic</i>	<i>AM Peak 16% In</i>	<i>AM Peak 84% Out</i>	<i>PM Peak Hour Total Traffic</i>	<i>PM Peak 67% In</i>	<i>PM Peak 33% Out</i>
<i>18</i>	<i>1</i>	<i>1</i>	<i>0</i>	<i>N/A</i>	<i>N/A</i>	<i>N/A</i>

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

At the inspection stage for obtaining a Certificate of Occupancy, the applicant shall demonstrate that the installed system will perform to the standard given.

The National Roads Authority wishes to bring to the attention of the Planning Department that non-compliance with the above-noted stormwater requirements would cause a road encroachment under Section 16 (g) of The Roads Law (2005 Revision). For the purpose of this Law, Section 16(g) defines encroachment on a road as

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

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

Water Authority

“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. 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.*
- ***If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Septic Tank Inspection Form.***
- ***The completed inspection form shall be returned to the Water for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for occupancy.***
- ***Treated effluent from the septic tank shall discharge to an effluent disposal well, constructed by a licenced driller in strict accordance with the Authority’s standards. Licenced drillers are required to obtain the site-specific minimum borehole and grouted casing depths from the Authority prior to pricing or constructing an effluent disposal well.***
- ***To achieve gravity flow, treated effluent from the septic tank must enter the disposal well at a minimum invert level of 5’ 9” 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 facility is connected to the Water Authority’s piped water supply.

- *Requirements for making changes to an existing account can be found on the Water Authority’s website”*

Chief Environmental Health Officer

“The Department has no objections to the proposed.

The developer is required to have no less (2) 32 gallon garbage bins.

Minimum Enclosure Dimensions for Manual Collection:

Number of Containers	Dimensions (ft)		
	Width	Length	Height
2	2.50	5.00	2.50

LETTER FROM APPLICANT

“In reference to the parking space Block 28D/304 which is located off Shamrock Road in Savannah, I Albert Hislop hereby give Pastor Clayton McGhie/Honor and Glory Church located at Block 28D/29 permission to use this lot as additional parking for the Church when needed. Feel free to reach me at 947-3186/916-3506.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for an after-the-fact change-of-use from commercial to institutional (church and church hall) located on Shamrock Road, Bodden Town.

Zoning

The property is zoned Neighbourhood Commercial.

Specific Issues

a) Suitability

The surrounding land uses in the immediate area are single-family residential, institutional (church) and commercial properties. It should be pointed out that the Church of God would be abutting the proposal Block 28D 31 and 32. In accordance with Regulation 13(1)(b) of the Development and Planning Regulations (2017 Revision), the Authority needs to ascertain whether or not that the proposal is suitable for the area.

b) Parking

As depicted on the site plan, the proposed access to the development is off Shamrock Road. A total of 6 parking spaces are proposed 1 of which is handicap accessible and 13.8 (14) parking spaces are required. The parking spaces are proposed on one side of the building (existing area) and the traffic circulation shows one access in and out on to Shamrock Road. There is some concern that the number of parking spaces is not sufficient for the church and that vehicles are parking on the roadside leading to traffic congestion and traffic safety problems.

SUPPLEMENTARY ANALYSIS #1

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

SUPPLEMENTARY ANALYSIS #2

The application was last seen on October 17, 2018 (CPA/23/18; Item 2.1), and it was resolved to adjourn the application and have the applicant provide a copy of a signed lease demonstrating that they can use a minimum of 8 off-site parking spaces. The applicant has provided a signed permission letter. The board will need to determine if the proposed is acceptable as it is not a lease as requested by the board.

At 11:30, Mr. McGhie appeared as the applicant. There was discussion regarding the application and summary noted are provided as follows:

- The Authority asked if there was parking on site and Mr. McGhie replied it was very limited.
- Mr. McGhie noted that at the last meeting he was told to find more parking and he now has a letter of permission from Mr. Hislop to use some of his parking spaces. The Authority noted that he was supposed to get a lease for the parking spaces.
- The Authority asked what size was the congregation and Mr. McGhie replied about 25 to 30. He also noted that they undertake counselling sessions too.
- The Authority asked how the patrons would get from the off-site parking to the church? Mr. McGhie replied that there is a sidewalk on Shamrock and they can also use the back roads. He also noted that most of the congregation is bussed in.
- The Authority asked how many parking spaces are on site and Mr. McGhie replied there were 6.
- The Authority advised that the reason the lease is needed is to ensure that the off-site parking spaces remain available as there is a concern that the owner has given permission to several other persons to use the same parking spaces.

2.4 TORTUGA RUM CO. LTD. Block 1C Parcel 1 (FA78-0263) (P18-1052) (\$40,000) (JP)

Application for change-of-use from commercial to industrial.

Appearance at 12:00

FACTS

<i>Location</i>	North West Point Road
<i>Zoning</i>	NC
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.6 AC/26,136 sq. ft.
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Industrial

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

Conditions (1-7) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) 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). The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.

- 2) The applicant shall submit a Stormwater Management plan 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.**
- 3) 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.*
- 4) Construction drawings for the proposed wastewater treatment system and disposal system shall be submitted to the Water Authority for review and approval. The Central Planning Authority must receive confirmation of the Water Authority's approval.
- 5) 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. **If the subject site is on the sea, the plan shall include notes indicating that: i) no machinery shall operate seaward of the high water mark; and ii) no construction work, vehicle access, storage of equipment/materials or other operations will take place on the beach during turtle nesting season (1st May – 30th November) without the express consent of the DoE.**
- 6) 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.
- 7) 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, conditions (8 - 9) shall be complied with before a final Certificate of Occupancy can be issued.

- 8) The applicant shall provide written approval from the Water Authority for the method by which Trade Effluent will be treated.
- 9) The applicant shall provide written approval from the Water Authority for the continued use of the existing septic system.

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.

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**.

To prevent potential delays and save money, the applicant may wish to coordinate with the following agencies prior to commencing any construction: **Caribbean Utilities Company, a Telecommunication Company of your preference and the Cayman Water Company and/or the Water Authority - Cayman**.

Reason for the decision:

1. Regulation 12(4) states that light industrial development may be permitted by the Authority in other areas than an industrial zone provided the development is not offensive and does not adversely affect the area. In this instance, the Authority is of the view that the proposed distillery operation, while light industrial in nature, is of a small scale which will not be offensive to the area nor adversely affect the area and is suitably located in the Neighbourhood Commercial zone.

AGENCY COMMENTS

Comments from the National Roads Authority and Department of Environment had been submitted, but were not included in the Agenda. However, they were made available for the Authority's consideration at the meeting and are provided below. Due to late circulation of the plans to the Water Authority by the Department, the below comments were received after the Agenda had been published. However, the comments were available for the Authority to consider and were forwarded to the applicant for consideration.

National Roads Authority

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

National Conservation Council (via Department of Environment)

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

Adequate provisions should be made for the suitable disposal of waste products from the distillery process."

Water Authority

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

Domestic Wastewater:

Domestic wastewater is that which is characteristic in concentration and constituents found in wastewater generated by households; e.g., cleaning, bathing, washing, cooking.

- *If the developer proposes to utilize the existing septic tank and/or disposal well, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority's website.*
- *The completed inspection form shall be returned to the Water for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for occupancy.*

Trade wastewater from the proposed distillery cannot be accommodated by the existing system.

Trade Wastewater:

Trade wastewater is that which is wholly or in part produced in the course of any trade or industry but does not include domestic wastewater.

*The distillery process generates trade wastewater that is incompatible with standard wastewater treatment systems which are designed to treat domestic wastewater. **The applicant is therefore required to complete the attached Trade Effluent Discharge Application and submit it to the Water Authority for review.** The Water Authority will determine whether treatment of the wastewater is feasible locally (a specialized, and proven, treatment system for wastewater characteristic of the distillery process) or if the wastewater shall be contained in holding tank(s) for delivery to the central treatment facility where flow equalization can be employed to prevent upset of the system.*

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."*

APPLICANT'S SUPPORT INFORMATION

"The visitor attraction small distillery at our west bay location is no difference than the 200 liter at 7 mile beach plaza (attached) except this is a 500 liter and instead of electrical heated a small boiler that's less costly and more efficient is being used. The still is manufactured by the same company Minnetonka in Minnesota. The company sent there top engineer Mr. Dan Khan to oversee the 7 mile shop installation and had a meeting with planning that was attended by with Mr. John. Davis.

Mr. Steve Bell who has installed many boilers for dry-cleaning establishments visited the site and will be retained to install it. This still produces 16 liters of

90% ALC in 5 hours distillation and diluted to 40% ALC that's 40 liters (3.5 liter cases) in a 5 hours. The waste of approx. 1000 gallons per week is stored for one week and the cesspool tanker from industrial equipment ltd takes it away. The sewage plant welcomes this material.

I welcome a site visit with all concerned please advise when that's possible?

The 7 mile plaza sill has been a tremendous success and visited my many on island visitors the west bay Tortuga cruise ship visitor Centre we expect the same response.

I may add Mr. Mike Delevante a 50 year experienced distiller is retained by Tortuga rum co ltd as our consultant and is copied also Mr. Jordan Telford our distiller please feel free to ask any questions."

PLANNING DEPARTMENT ANALYSIS

General

The application relates to an existing building on North West Point Road adjacent to Macabuca seeking planning permission for the installation of a 500 litre distillation still, external alterations to the building fenestration and conversion of basement into a cistern/tank for sugarcane wash from the still for the purpose of manufacturing rum from the location.

Zoning

The land is zoned Neighbourhood Commercial.

Specific Issue

a) Industrial Use in Neighbourhood Commercial

The application site is located in a neighbourhood commercial zone. The current building operates as a retail shop with an ancillary baking operation for patties. For the avoidance of doubt, the primary use is commercial. Therefore, the existing building conforms to the present Neighbourhood/Commercial zone.

The Department understands through information provided by the applicant that a 10 hour manufacturing process end-end provides an output of 40 litres. However, the application is silent on business operating practices. To aid member's consideration regarding suitability of the proposed use the Department attempted to garner further information regarding the business operations such as opening times, manufacturing hours and days. So far the following response has been provided:

"location opens daily for cruise and I island tours. Distilling depends on demand"

A total of 40 litres (10 gallons) is made in 10 hours. This has the potential of 672 litres (177.5 gallons) a week with the still in constant operation or 80 litres (21 gallons) in a 20 hour operation.

Using the above calculations and in the absence of robust additional information from the applicant, the premises would have the capacity to

produce 80 x 1 litre bottles per day (20 hour period). This does not account for clearance of waste, preparation for next batch etc as these are crude calculations based on the information at hand.

Previous distillery applications, at different sites, had the following outcome:

Cayman distributors

13D 425

P14-0340 CPA/15/14;2.1

100 gal per day = 500 bottles per day

CPA considered heavy industrial use

Jon Pedley

20 B 317 H3

P15-1047 CPA/07/16; 2.2

6 gal per day = 30 bottles per day

CPA considered light industrial use

Regulation 13(6) enables non-commercial uses in a commercial zone if that can be done without changing the primary commercial use of that zone.

Members are invited to consider whether the proposed use constitutes a deviation from the principle commercial use of that zone.

At 12:00, Robert Hamaty, Neil Hamaty, Jordan Talford and a representative of TAG Architects appeared on behalf of the applicant. There was discussion regarding the application and summary notes are provided as follows:

- The Authority noted two previous applications for distilleries, one for Cayman Distributors and one for Jon Pedley, and they are seeking additional information on the scale of this proposal in order to come to a proper determination.
- Mr. R. Hamaty noted that it would be of a similar size as what is at Seven Mile Shops, which was given a permit. He explained that it would be run once a day to produce about 8 to 10 gallons.
- Mr. R. Hamaty provided a USB drive which contained a short video of how the distillery operates.
- Mr. Talford noted that this is a small still and is not under pressure.
- Mr. Hamaty explained how the waste products would be collected and disposed of.
- Mr. R. Hamaty noted that this is next door to the pumps for the Turtle Farm and that is industrial.

2.5 FREDERICO DESTRO & SARAH ANN RITCHIE Block 9A Parcel 855 (F18-0522) (P18-1239) (\$490,000) (CS)

Application for a house, pool and cabana.

Appearance at 1:00

FACTS

<i>Location</i>	Plumago Way, West Bay North West
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	15,137 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Floor area</i>	3,663 sq. ft.
<i>Site Coverage</i>	24%

BACKGROUND

There is no Planning history for this site.

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

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

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

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

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

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

Reasons for the decision:

1. With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2018 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 (2018 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;
 - c) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997; and
 - d) No objections were received that raised grounds for refusing permission.

OBJECTION (owners of 9A 803, 807, 808 & 809)

“My wife and I are the registered proprietors of the above mentioned Properties. We have received notification from Tropical Architectural Group LTD on behalf of Federico Destro and Sarah Anne Ritchie for Planning permission for the purpose of a Proposed Home with Pool with a 12 feet rear setback variance, on Parcel 9A 855.

While we have no problem with the Development we strongly object to the granting of planning approval of the requested variance.

We believe that the established guidelines for setbacks are to be enforced to engender orderly development and privacy. We look forward to receiving your favourable response.”

APPLICANT’S LETTER

“Further to the application submitted to build Three (3) Bedroom- One Storey House on Block 9A Parcel 855, we hereby request for a setback variance of which requires a 20 ft. Side Setback.

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

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

1. *While we have complied with the minimum required side and front setback of 20ft. and 10ft. respectively, we would like to request for a rear setback variance of 12'. The request for variance is due to the odd orientation/location of the road. Upon doing the initial plan, we thought that the front setback is the northern side of the parcel, by making the northern side as the front there will be no setback issue, but upon consulting the Planner, it is the East side that should be the front that is why we have a setback variance.*
2. *The adjacent parcel 9A/155 is a nursery/plant farm so we are anticipating that there will be no or maybe just a minimal effect on this parcel.*

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a house, pool and cabana.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Setbacks

The applicant is requesting to have a 12' rear setback versus the required 20' setback (Regulation 9(8)(i)). The applicant's justification for the variance request is included above.

The Authority is recommended to consider whether the applicant has provided adequate justification for the setback encroachment.

At 1:00, Mr. Destro appeared as the applicant and Darrel Ebanks and another employee of TAG Architects appeared as agents. Leonard Ebanks appeared as an objector. There was discussion regarding the application and summary notes are provided as follows:

- The Authority noted that the applicant is seeking a rear setback variance which is not an unusual request. It was also noted that the setback variance is along a boundary not next to the objector.
- Mr. L. Ebanks noted that he doesn't object to the development per se, but that there are Regulations for a reason to retain order. He explained that if the variance was for only a couple of feet that would be different.
- There was discussion about the status of the old portion of public road and it was determined that it did not affect the application.
- The Authority asked if Mr. L. Ebanks is objecting to the setback variance and he noted that is correct as he feels an 8' variance is too much.

- The Authority noted that the proposed house would be 18' 2" from Mr. L. Ebanks property and this more than complies with the required side setback along that boundary.

2.0 APPLICATIONS
REGULAR AGENDA (Items 2. 6 TO 2. 16)

2. 6 TEMPORARY COMMERCIAL BEACH RESORT Block 12E Parcel 119 (F18-0533) (P18-1264) (\$500,000) (JP)

Application for a temporary commercial beach facility, consisting of change-of-use of existing dwelling to bar, kitchen unit with adjacent gas tanks, toilets, storage unit and 6' high perimeter fence.

FACTS

<i>Location</i>	West Bay Road
<i>Zoning</i>	HT
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	9 AC/392,040 sq. ft.
<i>Current Use</i>	Residential
<i>Proposed Use</i>	Commercial

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

1. The conditions of approval of CPA/25/17; item 2.10 regarding the relocation of existing public easements to the sea must be fully complied with; i.e. registration of the relocated easements and ensuring they are physically unobstructed.

AGENCY COMMENTS

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

Chief Environmental Health Officer

“The applicant must note the following:

The bathroom located in the proposed converted bar cannot open directly to the serving area.

A hand wash sink, 2 compartment prep sink and a 3 compartment wash sink are required for the proposed kitchen unit.

Specifications for the kitchen hood and hot water heater must be submitted for review and approval.

Where are the restrooms for the kitchen/food staff?

No objections to the temporary office and restrooms facilities.”

Water Authority

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

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

- *The developer shall notify the Water Authority’s Engineering Department at 949-2837, extension 3003 as soon as possible to determine any site-specific requirements for connection; i.e., direct or indirect connection of the addition to the WBBSS. Plans for the connection shall then be submitted to the Engineering Department for approval.*
- *A grease interceptor with a minimum capacity of 1,500 US gallons is required to pre-treat kitchen flows from fixtures and equipment with grease-laden waste. Fixtures and equipment includes 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.*

The developer shall notify the Water Authority’s Customer Service Department at 814-2144 to make application for sewerage service additions.

Water Supply:

Please be advised that the proposed development site is located within the Cayman Water Company’s (CWC) 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 Road Authority

:As per your memo dated December 20th 2018 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

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

Fire Department

No comments received.

Department of Environment

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

The site is situated on an active turtle nesting beach, therefore we recommend that a condition for a turtle friendly lighting plan be included. It is important that this includes any lights on the existing dwelling which is proposed to be converted to a bar, because the building is situated very close to the Mean High Water Mark.

There is existing vegetation on site, and native vegetation should be retained where possible. Invasive vegetation should be removed.”

Department of Tourism

“CIDOT has reviewed the attached documents regarding the request for input on the above-named application.

It is noted that the updates to the property proposed will be an enhancement to the adjacent property owned by the developer. Currently, DOT does not have any objection to this proposed temporary beach facility.

AGENTS LETTER

“the Beach Facility is intended as a temporary installation, but due to the anticipated life span of 3 years, we make application for a Commercial Permission with a time limitation.”

PLANNING DEPARTMENT ANALYSIS

General

The application site is located in the Seven Mile Beach area of Grand Cayman. West Bay Road forms the eastern boundary and the sea restricts the site to the west. Residences are located to the north and south of the application site.

The application seeks planning permission to:

Convert existing dwelling to bar;

Erection/installation of buildings to provide kitchen, toilets and storage facilities;
6' high fence;

Installation of gas tanks.

Zoning

The property is zoned Hotel/Tourism.

Specific Issue

a) Principle of Commercial Use in Hotel/Tourism Zone

Regulation 10(2) of the Regulations permits unrelated development subject to compliance with all other requirements applicable to its own particular type of development.

Commercial development attracts setbacks of 6' to the side and 20' from the road.

Members are invited to note all setbacks are compliant with the Regulations and adequate parking is provided to support visitors attracted to the site, through the use of parking at the existing Royal Palms business.

Members are invited to consider the acceptability of the restaurant and bar as a tourism facility within a hotel/tourism zone.

b) High Water Mark setback

Regulation 8(10)(e) requires structures and buildings to be setback a minimum of 130' from the high water mark.

An authenticated high water mark survey accompanies the planning application.

For the avoidance of doubt two (2) structures are sited within the high water mark, however, these are existing. All new development is sited outside of the high water mark.

Members are invited to note the difference between the existing and proposed structures.

c) Temporary Nature

Members are advised that the Regulations do not recognise temporary development as anything other than that required following a national disaster for the purpose of restoring the Island. However, the applicant is seeking a limited period of time to operate; specifically three years. On that basis, a condition is recommended for inclusion in the event members are minded to support the application. Also, as the use is temporary, the applicant appears to be intending to use the parking area at Royal Palms with an overflow parking area next to the new proposal. It should be noted that the overflow parking area is not demarcated and will be graded and compacted, but not surfaced in asphalt.

2.7 NATIONAL CEMENT LTD. Block 19E Parcels 186 and 187 and Block 13D Parcel 458 (F10-0060) (P17-0491) (P18-1212) (\$645,000) (CS)

Application for an industrial building, concrete batch plant, silos, cabana and a 5,000 gallon diesel tank with generator.

FACTS

<i>Location</i>	Sherwood Drive, George Town
<i>Zoning</i>	HI
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	5.8 acres
<i>Current Use</i>	Cement Plant
<i>Proposed Use</i>	Cement Plant
<i>Proposed Building Footprint</i>	10,409 sq. ft.
<i>Proposed Floor Area</i>	13,284 sq. ft.
<i>Site Coverage</i>	4.12%
<i>Required Parking</i>	25
<i>Provided Parking</i>	54

BACKGROUND

CPA/21/11; Item. 2.12 - The Authority granted permission for a 10' wall divided into three sections to create a storage area for aggregate.

June 7, 2017 (**CPA/12/17; Item 2.14**) - The Authority granted planning permission for four (4) mobile offices, and a 10' fence along with modifications to floor plans and site design.

Decision: It was resolved to adjourn the application at the applicant's request.

AGENCY COMMENTS

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

National Roads Authority

"As per your memo dated December 13• 2018 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.*

General Comment

In July 2016, Boundary Plan 593 was gazetted to accommodate widening along the Esterley Tibbetts Highway by about 120 feet with the specific purpose of

adding a third southbound lane. The construction of that 3" lane is almost completed and instruction to have a Prescribed Composite Map have been issued to the Lands & Survey Department in order to incorporate that section of road into the public road domain. The applicant's site does show Boundary Plan 593 in a green dashed line. On that basis, the NRA request that any setbacks be measured from what will be new western boundary of the property; and we therefore ask that the shown proposed parking be offset from the new property boundary.

Road Capacity Issues

The traffic demand to be generated by the above proposed development of 9,631 sq. it. has been assessed in accordance with ITE Code 120 – Heavy Industrial. The anticipated traffic to be added onto Sherwood Drive is as follows:

Expected Daily Trip	AM Peak Hour Total Traffic	AM Peak In	AM Peak Out	PM Peak Hour Total Traffic	PM Peak In	PM Peak Out
14	5	4	1	2	0	2

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

Access and Traffic Management Issues

Two-way driveway aisles shall be a minimum of Twenty-Four (24) ft wide.

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

Tire stops (if used) shall be 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: ie no worse than pre-development runoff. To that effect, the following requirements should be observed:

- The applicant shall demonstrate, prior to the issuance of 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.
- Constrict a gentle 'hump' at the entrance/exit (along the entire width of each driveway) in order to prevent stormwater runoff from and onto Sherwood

Drive. Suggested dimensions of the 'hump' would be a width of 5 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 down outs are not acceptable. We recommend piped connection to catch basins or alternative stormwater detention devices. ID catch basins are to be networked, please have applicant to provide locations of such wells along with details of depth and diameter prior to the issuance of any Building Permits.*

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

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

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

Department of Environment

Letter #1

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

Although the existing pond is man-made and of limited ecological value the mangroves around the pond, outside of the proposed area of filling, should be retained to provide water quality benefits and habitat.

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

Letter #2

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

The current application provides limited detail on the environmental management controls and measures that will be put in place, in order to minimise the impacts of the operation on the environment.

Although the subject parcel is zoned industrial, there is the potential for fine dust particles to become a nuisance to nearby parcels including the highly trafficked Esterley Tibbetts Highway and the church across the road. The best way to mitigate this is through good design, maintenance and operating practices.

Shown in Figure 1 below, the Industry Environmental Guide for Concrete Batching produced by Brisbane City Council (2015) includes a number of mitigation measures to avoid or minimize dust leaving concrete batching plants and impacting the surrounding environment and community.

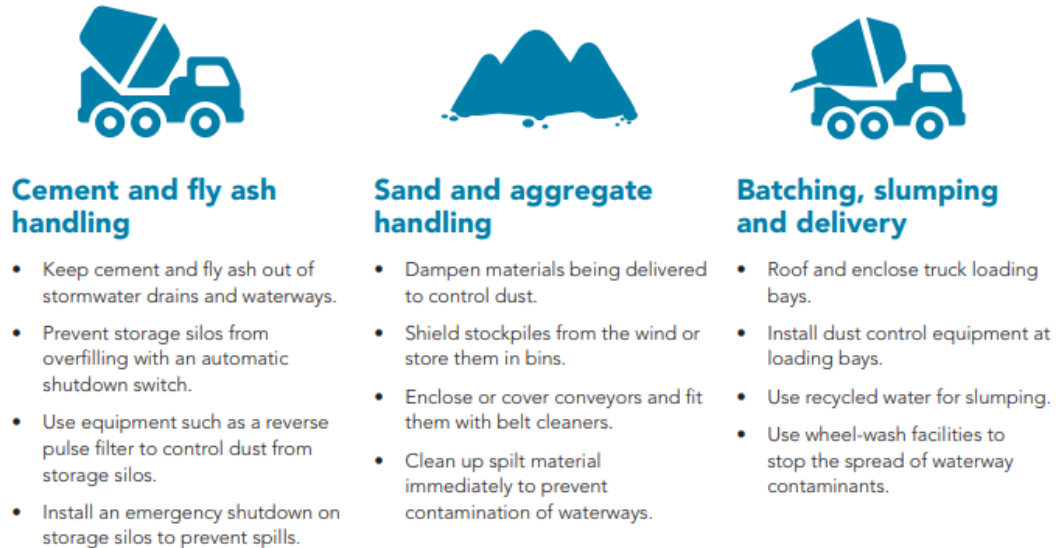


Figure 1: Actions businesses can take at various stages of the concrete production process to protect the environment and surrounding community. These are explained in greater detail within individual chapters of the Industry Environmental Guide for Concrete Batching produced by Brisbane City Council (2015).

The Department appreciates that the applicant has been operating for a number of years. However, given the size of the expansion, should the Central Planning Authority be minded to grant permission for the current proposal, we recommend the inclusion of conditions to minimize the impacts of the operation, especially the effects of dust on the surrounding community, be added to any grant of approval.

In addition to the above, the Department also reiterates its previous comments dated 19 December 2018:

“Although the existing pond is man-made and of limited ecological value the mangroves around the pond, outside of the proposed area of filling, should be retained to provide water quality benefits and habitat.”

Water Authority

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

Wastewater Treatment & Disposal

- *The developer shall provide a septic tank with a capacity of at least (1,500) US gallons for the proposed. The septic tank shall be constructed in strict accordance with the Authority's standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools.*
- *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 4'4" above MSL. The minimum invert level is that required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*
- *If the developer proposes to utilize the existing septic tank and/or disposal well for the existing Buildings 1-3, the system shall be inspected and serviced per the Septic Tank Inspection Form that can be downloaded from the Water Authority's website.*
- *The completed inspection form shall be returned to the Water for review and determination as to whether the existing system meets Water Authority design specifications. Any deficiencies noted will require repair or replacement prior to final approval for occupancy*

GENERATOR AND FUEL STORAGE TANK(S) INSTALLATION

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

Water Supply

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

- *The developer shall contact Water Authority's Engineering Services Department at 949-2837, without delay, to be advised of the site-specific requirements for connection to the public water supply.*
- *The developer shall submit plans for the water supply infrastructure for the development to the Water Authority for review and approval.*

- *The developer shall install the water supply infrastructure within the site, under the Water Authority’s supervision, and in strict compliance with the approved plans and Water Authority Guidelines for Constructing Potable Water Mains.*

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

Chief Environmental Health Officer

“The department has no objections to the proposed in principle, however a site plan indicating the location of the solid waste facility must be submitted for review and approval.”

Chief Petroleum Inspectorate

“Fuel tanks will need to be protected with bollards. Also, and impermeable pad will need to be put by the fuel dispensing tank and this is where vehicles will park to be fueled so that any spills are contained. Setbacks are within code. Tank appurtenance details will be required in BCU stage.”

Applicant’s Letter

*“Our client, National Cement Ltd. currently operates a cement storage and bagging operation on George Town Central Block 13D, Parcel 458 (“**Parcel 458**”) and is the holder of 100 percent of the shares of National Road Ltd., which is the registered proprietor of George Town East Block 19E, Parcels 186 (“**Parcel 186**”) and 187 (“**Parcel 187**”).*

*Our client recently obtained approval for a series of improvements to Parcel 458 (CPA12/17 item 2.14, P17-0491) (the “**Approval**”), including the renovation of a building and the demolition and reconstruction of another building and the construction of a car park lot and temporary offices.*

*Our client proposes to subdivide Parcel 186 and to combine a portion of it with Parcel 187 and Parcel 458 to form one large parcel (the “**Compound**”). Within the Compound our client proposes to relocate the car park and temporary offices described in the existing Approval, and our client proposes to erect concrete batching plants, aggregate bins, cement silos, standby generator with diesel tank and a two storey control building and cabana.*

This proposal would allow our client to unify all of its concrete, cement and administrative functions within one integral Compound, instead of splitting its operations between Parcel 458 and other non-adjacent land to the north (George Town Central Block 13D, Parcel 459, approved according to a separate application P17-0406). This proposal would greatly promote the efficient use of land and improve productivity and will serve to avoid the outlay of duplicated infrastructure, thereby significantly reducing development and operating costs of those operations, with only aggregate stockpiling and handling operations remaining on the separate site to the north.

Please find enclosed an application for the modification of the existing Approval to include the additional items described above.

*Parcel 187 contains an excavated area (the “**Excavated Area**”), which in its current state is a polluted eyesore that invites the dumping of garbage into it. In order to complete the proposed development, our client is proposing to incorporate all of Parcel 187 into the compound and to fill the western portion of the Excavated Area in the very short term and to continue filling the balance of the Excavated Area over time using waste concrete, ultimately transforming the entire Excavated Area into useful land. Therefore, our client is seeking as part of this application the requisite planning permission to continue filling the balance of the excavated area with waste concrete over time.*

*As indicated in the letter submitted by our client’s attorneys, namely Jackson Law, dated 11 October 2018, and as further discussed on 31 October 2018 when, Mr. J. Samuel Jackson of that firm appeared before the Central Planning Authority (“**CPA**”), our client proposes to keep the uncombined portion of Parcel 186 as a private road (the “**Private Road**”).*

*However, as indicated at the aforementioned meeting, our client would consent to the designation of that remaining Private Road as Land for Public Purposes (“**LPP**”) as part of this planning application, subject to the complete removal of all erroneous LPP designations concerning Parcel 187 wherever and in whatever form they may exist, as has been accepted by the CPA and communicated to our client by way of letter dated 6 November 2018. In furtherance of this initiative, our client hereby gives its consent to the registration of the Private Road as LPP, provided that the erroneous LPP designation has been removed from the Register for Parcel 187 and from the Land Information System as well as from wherever else the same may appear in any other official records concerning Parcel 187.*

It should be noted that certain adjacent parcels enjoy rights of way across the parcels that our client proposes to subdivide and combine. Please note that we have carefully designed the Compound such that it improves access to/from adjacent parcels and does not in any way impair or impede access to/from adjacent parcels. In accordance with the proposed reconfiguration of the Compound, our client has prepared Variation of Easement forms (enclosed), which reflect the reconfiguration of the roadway and the easements and which our client will duly execute and give to all affected landowners to register for their respective benefits. It is our understanding that the acquisition/grant, variation and enforcement of easements/rights of way are not within the statutory remit of the CPA, but are, legally speaking, matters which fall within the remit of the Registrar of Lands and, in certain instances, the Grand Court. However, we do understand that any proposed physical construction of roadways along an easement/right of way would be a matter within the CPA’s remit, as that would involve development. Our client is therefore not seeking the CPA’s permission to modify/relocate these easements, as the CPA has no legal power to approve such variation. Rather, our client is seeking planning permission for the relocation of the roadways, which will be realigned in accordance with the easements and in accordance with the proposed redesign of the Compound. Our client would also

like to inform the CPA that all steps which are required by our client in order to vary the existing easements will be done. Whilst it might appear practical to the CPA to impose a condition precedent on planning approval that requires such variations to be registered before such roadways are built, our client would urge the CPA to not impose such a condition, as the same would not only be impractical, but would be, we are advised, erroneous in law, as the registration of the grant of variation itself would have to be done by the landowners to whom such variation is granted, and so that would be beyond the control of our client. We are further advised that there is binding legal precedent that the CPA cannot compel an applicant to perform anything that the applicant cannot legally accomplish himself (per the Planning Appeals Tribunal decision in the Brown's Esso vs CPA appeal). In the circumstances, our client would therefore be happy for the CPA to impose a condition of approval requiring our client to duly execute and deliver these Variations of Easement Forms to the affected landowners for registration, as that is as much as our client can be legally required to do.

We have notified all neighbouring property owners within a 300-foot radius concerning this Application for Planning Modification.

We trust that this application clearly explains our request on behalf of our client. Please do not hesitate to contact me if you have any queries."

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for an industrial building, concrete batch plant, silos, cabana and a 5,000 gallon diesel tank with generator.

Zoning

The property is zoned High Industrial.

Specific Issues

a) Filling of Pond

There is an existing man made pond on the site. As stated in their letter, the applicant wishes to fill the balance of the excavated area with waste concrete over time. The Authority is asked to consider whether filling the pond with waste concrete is appropriate or whether a natural material, such as marl, should be used to fill the pond.

If the pond is filled, the Authority may wish to require an updated stormwater management plan be prepared for NRA review.

b) Fence

The applicant wishes to install a 10' chain link fence topped with barbed wire around the compound. Any fence greater than 4' feet or includes razor or barbed wire does require CPA consideration.

c) Road setback

Per Regulation 8(8)(b), the minimum road setback is 20' unless otherwise specified by the Authority. The application does comply with the 20' setback

when measured from the existing property boundary. However, as noted in the comments from NRA, BP593 affects the subject parcel and when registered, the new property boundary will shift easterly such that the silos and parking area will not comply with the 20' setback – ranging from 2' to 16'. The Authority should determine if the setbacks from the future and eventual property boundary are acceptable.

d) Nuisance & Aesthetics

The Authority may wish to consider how the west property boundary should be treated along its frontage with Esterley Tibbetts Highway. As the current plan shows there will be a marl surfaced parking area and a series of 33' tall silos along this edge, separated by ETH with an existing 10' chain link fence. The Authority may wish to consider mitigation measures to minimize any potential negative effects on the ETH and surrounding properties in regard to dust from the operation of the plant and the overall visual appearance of the industrial operation.

2.8 MARIA B. KORMOS & CORT G. KORMOS Block 12C Parcel 260 (F18-0171) (P18-0422) (BES)

Application to modify planning permission in order to revise a condition of approval so that parking lot does not have to be paved.

FACTS

<i>Location</i>	Canal Point Drive, next to Copper Falls Steakhouse
<i>Zoning</i>	NC
<i>Parcel Size</i>	0.3614 acre
<i>Proposed Use</i>	Food Truck Court

BACKGROUND

September 19, 2018 (CPA/21/18; Item 2.6) – The Authority granted planning permission for jerk stand, two (2) mobile food trucks, covered seating area, bar, LPG tank, 4' fence and sign with conditions.

Decision: It was resolved to adhere to planning permission CPA/21/18; item 2.6.

Reason for the decision:

1. The Authority is of the view that commercial developments should be served with parking areas that are surfaced with asphalt or concrete in order to ensure proper functionality and to prevent the degradation of the parking areas. The Authority is also of the view that the applicant did not provide sufficient reasons to persuade the Authority to deviate from the typical manner in which parking areas for commercial developments are surfaced.

LETTER FROM APPLICANT

“On behalf of the Owners of the property Maria and Cort Kormos and as the Owner of the proposed development on Block 12c Parcel 260 we received a letter dated October 3, 2018 with (5) conditions that had to be met before permit drawings can be submitted to the Department of Planning. We have no issue with condition items 2-4. However we have an issue with part of condition number one (1) as defined below:

Condition 1: The applicant shall submit a revised site plan showing tire stops for accessible parking spaces only and the parking area curbed and surfaced with asphalt or concrete.

We are trying to develop a green food truck court project that feels like one is in the islands. We agree and are willing to put in tire stops at accessible parking spaces only and curb the parking area however we feel that surfacing the parking area in asphalt or concrete is in contradiction with our green goals and making people feel as though they are at a Food Truck Court in the islands. We are willing to pave the accessible parking space and have a paved accessible path for ADA patrons to exit their vehicle and enter our establishment.

We are also willing to pave both curb cuts from Canal Point Drive into the project back 20’. This will make for a more durable surface for entering and exiting and help to hold the gravel on our property. It is our intention to have the rest of the parking area graveled as established in the site plan we submitted for planning approval.

Reasons for not paving all of the parking lot:

- 1. The proposed project has gone to great lengths to be a model green project and as such the impact of this project from an environmental standpoint will be substantially less than a typical project. In our opinion projects that promote ‘Site Stewardship’ (minimize long term environmental damage) should be encouraged in the Cayman Islands and will hopefully set a precedent for future developers to follow.*
 - a. This project has been designed as an open air establishment using as little electricity as possible while at the same time promoting a more traditional island atmosphere.*
 - b. Recycled CUC poles are being used as the main structural elements of the building.*
 - c. All disposable food serving implements will be made of recycled materials and will be recycled by the operators. There will be no plastics utensils or straws.*
 - d. All food waste that can be composted will be composted.*
 - e. Local ‘heat island effect’ will be reduced by using gravel and light colored concrete at the sidewalks with an SRI of at least 29 or better and or shaded from new trees.*

- f. *The site has been designed to minimize soil erosion and run-off from the property. The gravel parking lot will be permeable and the area under the food trucks will be gravel pave. Impermeable surfaces and roof water runoff will be directed towards appropriate permanent infiltration feature such as deep wells and gravel paving. Through these measures the project will endeavor to eliminate water runoff from the site onto adjacent lots and the road.*
- g. *This project will use the paved area at the curb cuts not only to hold in the gravel but also to assist in directing storm water runoff to infiltrations features.*
- h. *No invasive plants will be planted and any invasive species found on the lot will be removed.*
- i. *Only drought tolerant plants throughout the project. We believe that we are developing a responsible project that will degrade the environment less than a typical project.*

We respectfully request that you remove the surface the parking lot in asphalt or concrete conditional requirement.”

PLANNING DEPARTMENT ANALYSIS

General

The application is for re-consideration of condition 1) of (CPA/21/18; Item 2.6). The site is located on Canal Point Drive, next to Copper Falls Steakhouse/The Strand off West Bay Road.

Zoning

The property is zoned **Neighborhood Commercial**.

Specific Issue

a) Condition 1) of (CPA/21/18; Item 2.6)

The applicant is seeking to modify planning permission to re-consider condition 1) of (CPA/21/18; Item 2.6), to pave the parking lot with gravel and asphaltic concrete – the applicant’s reasons are noted in his letter above.

2.9 DKS INVESTMENTS LTD. Block 13E Parcel 173 (F04-0033) (P18-0991) (P19-0069) (CS)

Application to modify conditions of approval for an approved apartment development.

Joseph Coe declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Helen Drive, George Town
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	3.3 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Apartments

BACKGROUND

December 12, 2018 (CPA/27/18; Item 2.2) The Authority granted planning permission for eight (8) apartments, eight (8) raw land strata lots, pool and cabana, subject to the following conditions:

- 1) The applicant shall submit a revised site plan showing:
 - a) The 5’ wall along Helen Drive setback 6’ and a 6’ sidewalk along the road side of the wall.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/27/18; item 2.2 be modified as follows:

- Delete condition 1) and re-number the remaining conditions accordingly
- Allow the revised plans as shown on the plans labelled “CPA display” and submitted on January 15, 2019.

All other conditions of CPA/27/18; item 2.2 remain applicable.

Reason for the decision:

1. The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2018 Revision).

APPLICANT'S LETTER

“Regarding Condition 1(a) from CPA/27/18; Item 2.2 we have proposed placing the sidewalk on the alternative side of the road as we have very little space to shift the units in our master plan of the project to continue to meet code requirements for minimum separation. Our relocated location of the sidewalk also allows for the sidewalk to be continuous and also integrate with a near by property’s sidewalk...As we also own 13E 171 a part of the sidewalk would flank the boundary and be partially located on that property.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to modify the conditions of approval for an approved apartment development.

Zoning

The property is zoned High Density Residential.

Specific Issues

a) Sidewalk & Wall locations

For the reasons stated in their letter above, the applicant wishes to not relocate the proposed 5’ perimeter wall and relocate the required 6’ sidewalk to the other side of Helen Drive. As proposed, 4’ of the sidewalk will be located on the subject site, while 2’ will encroach into Parcel 171, which the applicant owns. If the Authority finds this acceptable, they may wish to consider the 2’ strip be combined into Parcel 173.

Additionally, a portion of the sidewalk in front of Parcel 164 will be 4’ in width, not 6’. The Authority needs to determine if a 4’ sidewalk is acceptable or if changes to Helen Drive should be made to accommodate a 6’ sidewalk.

2. 10 JOSIE WELCOME Block 72C Parcel 238 (F18-0505) (P18-1177) (\$3,800) (JP)

Application for a two (2) lot subdivision.

FACTS

<i>Location</i>	Sea View Road
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.25 AC/10,890 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Subdivision/Residential

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

- 1) The applicant shall submit a revised plan showing lot B with the pedestrian access strip increased in width to a minimum of 6’.
- 2) Lot A shall be combined with 72C 64 and Lot B shall be combined with 72C 237.
- 3) The surveyor's final drawing **shall include the surveyed dimensions of all lots and must show all required easements** and shall be submitted to the Director of Planning for approval prior to the survey being registered.

Reason for the decision:

1. The Authority considered the application and determined that planning permission would be granted as the application complies with the Development and Planning Regulations (2018 Revision). Further, the Authority determined that the pedestrian access needed to be increased to a minimum of 6’ in width in order to be functional.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of the 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.”

AGENT’S LETTER

“The attached application is submitted for consideration by the Central Planning Authority for permission to subdivide the subject parcel to create two (2) parcels as shown on the attached plot.

The subject parcel is zoned as LDR and to subdivide it will create undersized lots. The understanding is that these lots would have to be combined with the adjoining parcels. Lot A is intended for transfer to the proprietor of parcel 72C64 and Lot B will go to Parcel 72C237.

Please note that as per the proprietors desire, they propose a 3 feet pedestrian passage as part of Lot B between part of the west boundary of the subject parcel and the proposed Lot A. This would facilitate the convenience of pedestrian access to the proprietor's interest in the beach properties. There is no development on this site.

Additional supporting information received:

In a previous discussion with applicant Josie Welcome I advised that the normal pedestrian right away is 6 feet wide, but she questioned the need for that width in this matter with comparison to the passageway in a house. As explained in the application, this access would only be for the convenience of the proprietors of parcel 72C 237 who are intended to obtain Lot B of the proposal and who also has interests in parcels 72C 77 and 72C 195 on the opposite side of the road.

As I understand the proprietors would prefer outright ownership of and access passage rather than an easement access. If your suggested 6ft pedestrian easement is an option, can you say more on other possible options, particularly an adequate width for the initially proposed passage?"

PLANNING DEPARTMENT ANALYSIS

General

The application seeks planning permission for a two (2) lot subdivision within an established residential area. The application site is bound to the south by Sea View Road, to the north and east by an existing dwelling house and vacant land to the west.

The proposed subdivision would result in lots of 4,700 sq. ft. and 5,500 sq. ft.

Zoning

The land is zoned Medium Density Residential.

Specific Issue

a) Lot Size & width

Regulations 9(7)(d) & (g) require a minimum lot size of 7,500 sq. ft. and a minimum lot width of 60'. Both of the proposed lots fall below these prescribed thresholds. However, the intent of the application is for Lot A to be combined with Parcel 64 and Lot B to be combined with Parcel 237. As such, there is no particular concern with the lots.

b) Pedestrian Passage

A pedestrian passage is proposed along the western boundary to provide access to lot B. The 3' width of such is considered inadequate to accommodate comfortable movement along this access as the typical pedestrian access would be 6'.

2. 11 COCONUT VILLAGE Block 25B Parcels 575 H24 (F11-0309) (P18-0973) (\$170,000) (MW)

Application for a 3-bedroom house.

Robert Watler declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Poindexter Road, George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.1105ac (4,815 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	1,360 sq. ft.
<i>Building Coverage</i>	28.2%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

BACKGROUND

March 29, 2012 – 3-bedroom house approved.

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

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

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

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

Reasons for the decision:

1. With the exception of the rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
2. The proposed application does not comply with the minimum required rear and side setbacks per Regulations 9(8)(i) and (j) of the Development and Planning Regulations (2018 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:
 - e) The characteristics of the proposed development are consistent with the character of the surrounding area;
 - f) 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
 - g) The proposal is consistent with the provisions of Section 2.6 of The Development Plan 1997.

LETTER FROM APPLICANT

“Further to the application submitted to build Three (3) Bedroom- One Storey House on Block 25B Parcel 575H24, we hereby request for a setback variance of which requires a 20 ft rear setback and 10 ft side setback.

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

- A. *Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We’d like to present the following points for consideration:*
 - *While we have complied with the minimum required rear setback of 20 ft and side setback of 20 ft, we would like to request for a rear setback variance of 2’-11” , side setback variance of 3’-9” on right and 4’-3” on left side respectively. The request for variance is due to the application of the previous house templates on the same development to the respective lot area. Also, please note that the similar developments within the vicinity was granted the same setback request for similar lot condition and the proposed application complies with all other requirements for a Single-Family Dwelling.”*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 3-bedroom house, located on Poindexter Road, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Rear Setback

Regulation 9(8)(i) states “*the minimum front and rear setbacks are 20'-0”*.”

The proposed residence would be 15'-10” and 17'-2” from the rear boundary, a difference of 4'-2” and 2'-10” respectively.

b) Side Setback

Regulation 9(8)(j) states “*the minimum side setback is 10 feet for a building of one storey*”. The proposed residence would be 5'-9” and 6'-4” from the side boundaries, a difference of 4'-3” and 3'-8” respectively.

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

2. 12 COCONUT VILLAGE Block 25B Parcel 575 H25 (F11-0310) (P18-0974) (\$155,000) (MW)

Application for a 3-bedroom house.

Robert Watler declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Poindexter Road, George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.1112 ac (4,843.872 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	1,238 sq. ft.
<i>Building Coverage</i>	25.6%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

BACKGROUND

February 15, 2012 – 3-bedroom house approved.

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

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

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

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

Reasons for the decision:

1. With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2018 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 (2018 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.

LETTER FROM APPLICANT

“Further to the application submitted to build Three (3) Bedroom- One Storey House on Block 25B Parcel 575H25, we hereby request for a setback variance of which requires a 20 ft rear setback.

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

- A. *Under Regulation 8 (13)(b), the characteristics of the proposed development are consistent with the character of surrounding area and the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We’d like to present the following points for consideration:*
 - *While we have complied with the minimum required rear setback of 20 ft, we would like to request for a rear setback variance of 6’-8 respectively. The request for variance is due to the application of the previous house templates on the same development to the respective lot area. Also, please note that the similar developments within the vicinity was granted the same setback request for similar lot condition and the proposed application complies with all other requirements for a Single-Family Dwelling.”*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 3-bedroom house, located on Poindexter Rd., George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Rear Setback

Regulation 9(8)(i) states “*the minimum front and rear setbacks are 20'-0”*”. The proposed residence would be 13’-4” from the rear boundary, a difference of 6’-8” respectively.

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

2. 13 COCONUT VILLAGE Block 25B Parcel 575 H27 (F11-0312) (P18-0976) (\$170,000) (MW)

Application for a 3-bedroom house.

Robert Watler declared a conflict and left the meeting room.

FACTS

<i>Location</i>	Poindexter Road, George Town
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size Proposed</i>	0.16 ac (6,969.6 sq. ft.)
<i>Parcel Size Required</i>	10,000 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	House
<i>Building Size</i>	1,360 sq. ft.
<i>Building Coverage</i>	19.5%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

BACKGROUND

February 23, 2012 – 3-bedroom house approved.

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

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

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

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

Reasons for the decision:

1. With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2018 Revision).
2. The proposed application does not comply with the minimum required side setback per Regulation 9(8)(j) of the Development and Planning Regulations (2018 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.

LETTER FROM APPLICANT

“Further to the application submitted to build Three (3) Bedroom- One Storey House on Block 25B Parcel 575H27, we hereby request for a setback variance of which requires a 10 ft side setback.

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

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

- *While we have complied with the minimum required side setback of 10 ft, we would like to request for a side setback variance of 1' on right and 3'-9" on left side respectively. The request for variance is due to the application of the previous house templates on the same development to the respective lot area. Also, please note that the similar developments within the vicinity was granted the same setback request for similar lot condition and the proposed application complies with all other requirements for a Single-Family Dwelling."*

PLANNING DEPARTMENT ANALYSIS

General

The application is for a 3-bedroom house, located on Poindexter Road, George Town.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Side Setback

Regulation 9(8)(j) states *"the minimum side setback is 10 feet for a building of one storey"*. The proposed residence would be 7'-4" and 9'-6" from the side boundaries, a difference of 2'-8" and 6" respectively.

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

2. 14 TODD & GLORIA DEOSARAN Block 15D Parcel 64 H26 (F14-0115) (P18-1242) (\$3,000) (EJ)

Application for a 250 gallon LPG tank.

FACTS

<i>Location</i>	South Sound Road
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12,550 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	LPG Tank

BACKGROUND

July 23, 2014 (CPA/17/14; Item 2.12B) - The Authority granted planning permission for a 3-bedroom house.

October 20, 2017 - Planning permission modified to revise floor layout and aesthetics.

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) The applicant is required to obtain the necessary approvals from the Chief Petroleum Inspector.
- 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 the utilization of the LPG tank.**

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 (2018 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 (2018 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.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

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

LETTER FOR VARIANCE

“Further to the application submitted for approval to install an LPG tank for a House on Block 15D Parcel 64 Lot 26, we hereby request for a Road Setback variance of which requires a minimum setback of 20 feet (10’-11” provided).

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

- A. The characteristics of the proposed development are consistent with the character of the surrounding area;*
- B. Planning has already approved this location for a smaller LPG tank (this application is a modification of a previously approved 120 Gallon LPG tank).*
- C. Under Regulation 8(13)(b), the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighborhood, or to the public welfare. We’d like to present the following points for consideration;*
 - 1) The proposed tank location will facilitate the Gas truck offload.*
 - 2) The proposed tank is underground and will not be seen. If you require additional information or further clarification, please don’t hesitate to contact us.*

Thank you.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a setback variance from the Authority for the proposed 250 gallon LPG tank.

Zoning

The property is zoned Low Density Residential.

Specific Issue

a) Deficient front setback

The proposed 250 gallon tank does not meet the required 20’ front (road) setback, proposed at 11’; therefore, the applicant is seeking a setback variance from the Authority. The Authority should determine if there is sufficient reason and exceptional circumstance to warrant allowing the lesser setback.

2. 15 NEAL & SASHA APPLEBY Block 5C Parcel 87 (F18-0404) (P18-0975) (\$134,000) (EJ)

Application for house addition.

FACTS

<i>Location</i>	Genevieve Bodden Drive
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	10,890 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	House Addition

BACKGROUND

House shown on 1958 aerial map, predates planning.

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

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

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

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 (2018 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

(2018 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.

LETTER FOR VARIANCE

“We have submitted an application on behalf of Neal Appleby and Sashsa Appleby on the above mentioned block and parcel number.

Not with standing 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 neighborhood, or 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.

The site plan submitted for approval which shows the front of the residence which faces the (south) which is 37’-0” which is more than the required 20’-0” from the front setback and the rear setback which is 56’0” (north) and right side (east) setback which is 11-7” which meets the required setback of 10’0” and the (west) setback of 20’0” which meets the required minimum.

Having mentioned the above with the orientation of the proposed addition to the existing residence and taking into account the existing road access it would make the (east) side setback accordingly closer than the required 20’0” under the planning regulations (2018 Revisions).

We would like to at this time request a variance to be granted which would allow the proposed addition to the existing residence to be approved as submitted.

We would appreciate the board’s favorable decision to this request.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a setback variance from the Authority for the proposed house addition.

Zoning

The property is zoned Low Density Residential.

Specific Issues

a) Deficient rea setback

The existing house appears on the 1958 aerial map and predates any planning regulations; nevertheless, the applicant is seeking setback variance for the proposed 406 sq. ft. addition to the south side; 73 sq. ft. deck area to the east and a septic tank to the north; proposed at 17.1', 11.7' and 10' respectively; instead of the required 20' rear setbacks. The Authority should determine if there is sufficient reason or exceptional circumstances exist; again, the applicant has notified the adjacent parcels for the setback variances and the Department is not in receipt of any objections to the above mentioned.

2. 16 DECCO LTD. Block 11B Parcels 8, 90, 92 and 93 (FA80-0143) (P17-0081) (P19-0039) (CS)

Application to modify the site plan of an approved public recreation area.

FACTS

<i>Location</i>	West Bay Road, West Bay Beach North
<i>Zoning</i>	POS and NC
<i>Notice Requirements</i>	No objectors
<i>Parcel Size</i>	12.13 acres
<i>Current Use</i>	Public Recreation

BACKGROUND

March 28, 2018 (CPA/07/18; Item 2.1) - The Authority granted planning permission for improvements to West Bay Public Beach including four recreational courts, bathroom facilities, cabana, parking, market stalls and a pathway, subject to the following condition:

- 1) The applicant shall submit revised plans showing the following:
 - a) the parking area curbed and surfaced with asphalt or concrete (tire stops are not required).
 - b) the removal of approximately 30' of the southern end of the wall with a walkway leading from that opening to the internal pathway (the applicant is directed to liaise with the Department in this regard).
 - c) the remaining wall shall be 2.3' in height from the south end to a point on the site plan denoted by BC 6.90; the wall must then be 5' in height travelling to a point on the site plan denoted by BC 6.70, with the remaining portion of the wall reduce to 2.3' in height (the applicant is directed to liaise with the Department in this regard).
 - d) the road side of the wall faced with decorative stone and the inside of the wall faced with decorative rendering.

- e) A 6' wide sidewalk on the road side of the wall, leading from the southern point of the wall to the entrance into Public Beach.

November 14, 2018 (CPA/25/18; item 2.9) - The Authority considered a proposed modification and resolved to adhere to the original conditions of planning permission for the following reason:

1. The Authority remains of the view that the centre portion of the wall needs to be 5' in height and solid in order to prevent persons from climbing over the wall.
2. The Authority remains of the view that the 6' sidewalk must be on the road side of the wall as this will be the most convenient for pedestrians and will not result in safety problems with vehicles on West Bay Road.

Decision: It was resolved that having regard to the Development Plan and other material considerations it is expedient to modify planning permission. Now therefore the Central Planning Authority in pursuance of Section 17 of the Development and Planning Law (2017 Revision) hereby orders that planning permission CPA/07/18; item 2.1 be modified to revise the site layout as shown on the plans submitted January 29, 2019 and labelled "CPA display".

All other conditions of CPA/07/18; item 2.1 remain applicable.

Reason for the decision:

1. The Authority considered the application and determined that planning permission would be modified as the application complies with the Development and Planning Regulations (2018 Revision).

APPLICANT'S LETTER

"In compliance of our CPA approval (P17-0081); we are providing details of the required roadside sidewalk and wall as per Condition 1.

Also, based on a consolidated effort between the Crown, adjacent landowners and DART, several items were modified. The various program components of the previously submitted design have been reconfigured slightly to better address the creation of a secure site and enhance the experience of users:

- *A combination of seat walls, architecture, plazas, and pathways help to define the site perimeter, while providing ample opportunities for gathering and site circulation.*
- *Geometries have been simplified, fill has been minimized to maintain site lines to the beach.*
- *The playground is not been relocated as originally envisioned, due to its excellent adjacency to the bathrooms and the seat wall*
- *The Vendor Hut area has been reconfigured slightly*

- *Further to Condition 1d), we propose to install decorative coral stone cladding to both sides of the roadside wall rather than rendering the beach side.”*

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to modify the site plan of an approved public recreation area. The applicant has now complied with the Authority’s previous conditions regarding the height of the wall and location of sidewalk and there are no concerns with the proposed modifications.

2. 17 SIAN WEINZWEIG Block 4E Parcel 777 (F18-0541) (P18-1291) (\$314,500) (JP)

Application for a 2-storey duplex.

FACTS

<i>Location</i>	Papaya Close
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.1408 AC/6,133.25 sq. ft.
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Residential

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

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

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

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

Reasons for the decision:

1. With the exception of the lot width, rear and side setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2018 Revision).

2. The proposed application does not comply with the minimum required lot width, rear and side setbacks per Regulations 9(6)(f)(h) and (i) of the Development and Planning Regulations (2018 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 width and 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.

AGENT'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 15 ft side setback per Planning Regulation 9 (6)(h) and Planning Regulation 9 (6)(i); and a lot width variance which requires a minimum of 60 ft per Planning Regulation 9 (6)(f). We would appreciate your consideration for this variance request on the following basis: (1) Under Regulation 8 (13)(b)(ii), the unusual terrain characteristics limit the site’s development potential: While we have complied with the minimum required rear and side setback of 20 ft and 15 ft, we would like to request for a variance due to the odd shape/orientation of the lot and location of the road. There’s no other location we can properly fit these areas on the site. The exceeding parts of the building are mostly the exterior staircase access and porch. The area of variance is 314 sq ft in total. The lot width was limited to 30 ft due to the narrow and irregular shape of the lot.”

PLANNING DEPARTMENT ANALYSIS

General

The application site is located within an undeveloped subdivision set in the established residential area of West Bay. The area is eclectic in character whereby a mix of houses, duplexes and apartments together with commercial premises is present.

The application seeks planning permission for the erection of a duplex designed over 2-stories.

Zoning

The land is zoned High Density Residential.

Specific Issues

a) Rear Setback Variance

Regulation 9(6)(h) requires a 20' rear setback. The application proposes 8'-10" as the rear setback. The agent provides commentary on this aspect. Members are invited to consider the variance request against the above regulation.

b) Side Setback Variance

Regulation 9(6)(i) requires a side setback of 15' for two stories or more. The application proposes 9'-9".

Members are invited to consider the variance request in determining whether adequate justification has been provided.

c) Lot Width

Regulation 9(6)(f) requires a minimum lot width of 60' for duplexes. The application site reduces to 30' in width. The subject parcel was approved as part of an eleven (11) lot subdivision under application 4E 289 P14-0322. The parcel shape and size has been previously accepted/approved.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 STEFAN BARAUD Block 11D Parcel 107 (F17-0269) (P18-0618) (BES)

The Authority was advised that an application for a subdivision had been adjourned as the members wished the applicant to appear in order to provide clarification of the reasons for the subdivision. In response, the applicant provided the following email:

"I'm writing in reference to the recent adjournment of the above captioned. The matter was before the board on January 23rd but was adjourned, as I understood it, the board wanted clarification for the purpose of the subdivision.

In view of the new proposed CPA hearing date of February 20th and the unfortunate delay it is causing for the application of my H#'s, I would be grateful for the opportunity to share the reasoning of the subdivision in advance of the Feb 20th hearing in hopes the matter could be dealt with by the board without the need for a formal hearing. I have also copied in the chairman who I believe can relay the information to the board as they have requested.

The reason for requesting the subdivision is pretty straight forward as we anticipate the first two buildings to be completed before building 3 & 4 and will of course want to be in a position to manage the physical elements of that including the possibility of two separate strata's if need be. I did this very same thing for Turnberry – two parcels with sixteen units as well.

I hope my points can be considered and a decision made in advance of February 20th.

Thank you in advance for your consideration on the matter.”

The Authority considered the email and determined that it lacked sufficient clarification of the purpose of the application and directed the Department to advise the applicant that he is still requested to appear before the Authority.

5.2 CAYMAN 27 INQUIRY (HP)

The Authority considered an email received from Joe Avary from Cayman 27 regarding a request to obtain a limited amount of b-roll footage capturing the beginning of a CPA meeting such as call to order and approval of minutes. Mr. Avary noted that he would then put the camera away. The Authority determined that while they are disinclined to allow the request they would be quite willing to entertain Mr. Avary in person regarding his request.

5.3 REGISTER OF INTERESTS FORMS (HP)

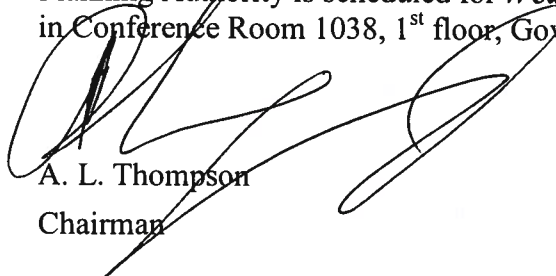
The members were reminded to ensure that they submit their Register of Interests forms to the Director by the end of this week.

5.1 GIFFORD PALMER TOWNHOUSES Block 24E Parcel 535 (F06-0381)(RS)

The Authority was advised that the applicant's agent contacted the Department noting that their client wished to change the exterior appearance of the building, but not change the site plan or floor plan layouts. The Authority reviewed the approved and proposed plans and determined that a modification of permission application would be required together with re-notification of adjacent owners.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

The meeting adjourned at 1:30 pm. The next regular meeting of the Central Planning Authority is scheduled for **Wednesday, February 20, 2018 at 10:00 a.m.** in Conference Room 1038, 1st floor, Government Administration Building.



A. L. Thompson
Chairman



Ron Sanderson
Acting Executive Secretary

c.c. All members of the Central Planning Authority