

Central Planning Authority

Minutes for a meeting of the Central Planning Authority held on October 12, 2016 at 10:00 a.m. in the Conference Room, 1st Floor, Government Administration Building, Elgin Avenue.

22nd Meeting of the Year

CPA/22/16

Mr. A. L. Thompson (Chairman) (left at 1:30)

Mr. Robert Watler Jr. (Deputy Chairman) (except 2.4, 2.10 & 2.13)

Mr. Edgar Ashton Bodden (absent)

Mr. S. T. (Tommie) Bodden

Mr. Dalkeith Bothwell (absent)

Mr. Joseph Coe

Mr. Ray Hydes

Mr. Trent McCoy (absent)

Mr. Rex Miller

Mr. Eldon Rankin

Mr. Selvin Richardson

Mr. Fred Whittaker (except 2.4) (Acting Chairman 2.10 & 2.13)

Mr. Haroon Pandohie (Executive Secretary)

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

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

List of Applications Presented at CPA/22/16

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5. 5	KEVIN HOWARD'S DRESS 4 LESS	110

APPLICANTS APPEARING BEFORE THE CENTRAL PLANNING AUTHORITY

APPLICANT NAME	TIME	ITEM	PAGE
Cayman Realty (BES)	10:30	2.1	5
Christopher Blair (BES)	12:00	2.2	16
Cayland Group Ltd.	12:30	2.3	20
HHG (Cayman) Ltd. (CS)	1:15	2.4	33
Lands & Survey Dept. (CS)	1:45	2.5	40
Vincent Ebanks (BES)	2:15	2.6	44

1.0 CONFIRMATION OF MINUTES

1.1 Confirmation of Minutes of CPA/21/16 held on September 28, 2016.

Moved: S.T. Bodden

Seconded: Joseph Coe

Confirmed

2.0 APPLICATIONS

APPEARANCES (Items 2. 1 TO 2. 6)

2. 1 CAYMAN REALTY Block 12E Parcel 13 (FA77-0171) (P16-0634) (\$175,000) (BES)

Application for a swimming pool.

Appearance at 10:30

FACTS

<i>Location</i>	Seascape on West Bay Road
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	1.31 acres

BACKGROUND

August 3, 2016 (**CPA/17/16; Item 2.9**) - CPA adjourned the application to discuss concerns regarding the proposed setbacks.

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

1. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(e) of the Development and Planning Regulations (2015 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
 - a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

The Authority took into account and considered all submissions including all reports and documentation made available to the Authority, including the report from APEC, and is of the view that:

- a) There are no features of the elevation of the property that would warrant allowing a setback significantly less (27%) than the required minimum.
- b) There are no geologic features of the property that would warrant allowing a setback significantly less (27%) than the required minimum.

- c) There are no aspects of the storm/beach ridge on the property that would warrant allowing a setback significantly less (27%) than the required minimum.
 - d) There is no protective reef adjacent to the property that would warrant allowing a setback significantly less (27%) than the required minimum.
 - e) The development on adjacent properties is setback significantly further from the high water mark than the proposed pool and cannot be viewed as being a reason for allowing a setback significantly less (27%) than the required minimum.
 - f) There are no other material considerations that would warrant allowing a setback significantly less (27%) than the required minimum.
- 2) The proposed development does not comply with the minimum required side setback per Regulation 10(1)(f) and the Authority is of the view that the applicant did not demonstrate that there was sufficient reason or an exceptional circumstance that would warrant allowing the lesser setback per Regulation 8(13)(b).

AGENCY COMMENTS

Comments from the Department of Environment and Department of Tourism are noted below.

Department of Environment

"The Department of Environment's Technical Review Committee has reviewed the submitted proposal for the above referenced application and provides the following comments for consideration.

Overview: The application site is adjacent to the Seven Mile Beach Marine Park and is on a turtle nesting beach. The application site is located within one of the distinct sediment transport systems along Seven Mile Beach, and is prone to erosion events which cause variations in the beach profile (see Figure 1).

Comments/Recommendations: The DOE does not support the construction of the proposed pool within the regulation setback area of 130ft (to a distance of as little as 95.5 ft.) for several reasons pertaining to the preservation of the beach area and natural coastal processes.



Figure 1: LIS 2008 and 2013 Aerial Images of Subject Parcel showing variation in beach width.

The siting of hard structures such as a pool and pool deck within the required setback, not only encroaches on the existing natural beach area and profile, but also has the potential to interrupt the natural fluctuation of beach width and height. As a general principle, the greater the distance waves can travel up a beach profile before encountering a physical barrier, the more energy is dissipated, therefore reducing the erosion of sand by wave energy away from the beach. If waves directly interact with a structure, such as the edge of a pool or pool deck edge, they are reflected seaward thus exacerbating sand erosion from the beach. This has been seen in a number of instances locally including along the northern section of Seven Mile Beach, part of which is now permanently affected and impassible to pedestrians on the beach front.

Historical aerial imagery documents the variation in beach width in this location, due to both erosion and natural accretion and although it has not yet resulted in direct interaction between the structure on the site and wave impact, it is likely to be intensified by climate change and in the instance of severe storm events. The DoE recommends that alternative locations on the site are investigated to accommodate the pool e.g. landward of the main residence.

Given that the proposed pool and structures do not meet the required setbacks set out in the Planning Regulation, the DOE does not support this application and recommends that the proposed pool location is moved to an area landward of the building. As the existing building on the subject parcel does not meet the required 130ft setback for new development, the development of any further hard structures on the beach area seaward of it should not be allowed. If the Authority is minded to grant planning permission for this proposal, and if there is to be any lighting installed on the proposed pool deck or associated development, the DOE recommends that the applicant only use Florida Fish & Wildlife Conservation approved Turtle Friendly Lighting, as this is a turtle nesting beach. "

Department of Tourism

"1. Project at a Glance

The proposed application is for the property located at BLOCK 12E, Parcel 13 to install a pool.

2. Policies Considered In Reviewing the Application CIDOT reviewed this application in the context of the Cayman Islands National Tourism

Management Policy (2009/2013) and the following action items:

7.1 SUSTAIN THE QUALITY OF THE ENVIRONMENTAL PRODUCT

The policy objective: To respect the importance of environmental quality not only as part of the nation's global responsibility but also because the marine and terrestrial environment is the main driver for tourism in Cayman. The aim is to support a tourism sector which is sustainable and capable of flourishing over the long term.

7.3 PROVIDE A HIGH QUALITY, SUSTAINABLE, CAYMANIAN TOURISM PRODUCT

The policy objective

To offer a range of high quality visitor accommodation, attractions and activities and a level of service that is distinctively Caymanian to attract the discerning, affluent visitor, encouraging them to return and promote the Islands to others.

Tourism Considerations

The application proposed will enhance the current tourism accommodation known as Seascape.

Seascape has been a licensed tourism accommodation in the Cayman Islands since 2013. The addition of the pool and spa will enhance the property offering of this tourism accommodation.

Recommendation

In conclusion, the Department of Tourism has no objections to proceed to approve permissions for the entity to install the pool and spa at BLOCK 12E, Parcel 13.

The Department of Tourism is available to discuss these recommendations or answer any questions in regards to these comments. "

OBJECTIONS

Letter #1

"I, Manuela Cornelssen, hereby wish to inform the Director of Planning and the Central Planning Authority that I have received a copy of a Notice of Application for Planning Permission for the purpose to locate a swimming pool and spa 95'5" from the high water mark on Block and Parcel 12E13 and owned by Cayman Realty Ltd..

I am the registered proprietor Block and Parcel 12E39.

I note that upon inspection of the site plan which was submitted to the Central Planning Authority I did not see a complete site plan of Parcel 12E13 as this parcel also has several apartment units which stretch across the parcel and border onto West Bay Road. I therefore wonder whether the requirements of regulation (12A)(c) have been adequately complied with, with regard to notice to the proprietors within a three hundred feet radius from the perimeter of the land which forms part of Parcel 12E39 which was not depicted on the site plan.

I hereby object to the proposed planning permission as it does not meet the requirements of Regulation 10(e) of the Development and Planning Regulations (2015 Revision) (the "Regulations") which requires a minimum setback of one hundred and thirty feet from the high water mark.

I note that pursuant to regulation 8(11) of the Regulations the Authority may grant permission for a setback to be located at a lesser distance than that prescribed, having regard to:

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

I am extremely concerned about the proposed application for permission of construction of a swimming pool and spa 95'5" from the high water mark and the effect of such a development on the erosion of the sand and beach ridge, both in front of the relevant property and those properties surrounding it. The consequences of beach erosion due to the construction of a seawall at the specified location could cause significant damage to the beach in this location on Seven Mile Beach, particularly from storm waves.

The proprietors of parcel 12E13 have already constructed concrete pillars past the required setback to erect a chain style fence. These concrete pillars alone cause significant erosion to the sand and beach in the surrounding area which is particularly obvious in times when there are storm wave conditions.

I also note that there is no protective reef barrier adjacent to the development and that this further increases the likelihood that the construction of the proposed pool deck would severely affect the erosion of the surrounding storm/beach ridge.

I also wish to point out to the Authority that this particular stretch of Seven Mile Beach is frequently used by sea turtles for nesting grounds and that the construction of the proposed pool deck area and the erosion of the beach surrounding it would also negatively impact the natural breeding grounds of the turtles.

Furthermore, the approval of this Application would set a dangerous precedent for the construction of other pools and similar developments on various other properties in breach of the required setback and thereby have disastrous consequences of the future of the beach along Seven Mile Beach.

The protection of Seven Mile Beach is invaluable to the surrounding landowners, tourism and the future generations of the Cayman Islands. I therefore object to this proposed application in the strongest possible terms."

Letter #2

"I, Beate Regenauer, hereby wish to inform the Director of Planning and the Central Planning Authority that I have had sight of a Notice of Application for Planning Permission for the purpose to locate a swimming pool and spa 95'5" from the high water mark on Block and Parcel 12E13 and owned by Cayman Realty Ltd..

I am the registered proprietor Block and Parcel 12E54H40, known as Lacovia Unit 40.

I hereby object to the Central Planning Authority proceeding to hear the proposed planning permission as I am the proprietor of a residence which falls within 300 feet radius of the perimeter of the land subject to the application, yet I did not receive the required notice of application pursuant to Regulation 8(12A)(c) of the Development and Planning Regulations (2015 Revision).

It is my understanding that if I, as a person who is required to be served, am not served with a notice of the application, then the Central Planning Authority is not permitted to hear such application, per Section 15(4) of the Development and Planning Law (2015).

Furthermore, I object to the proposed planning permission as it does not meet the requirements of Regulation 10(e) of the Development and Planning Regulations (2015 Revision) which requires a minimum setback of one hundred and thirty feet from the high water mark.

I am extremely concerned that the construction of, what I have been told would be, a pool and spa area as this would cause extreme and dangerous erosion of the sand and beach in front of Block and Parcels 12E13, 12E54 and other surrounding parcels.

The approval of this Application would set a dangerous precedent for the construction of other pools and properties in breach of the required setback and thereby have disastrous consequences of the future of the beach along Seven Mile Beach.

Parcel 12E13 has already built concrete pillars past the required setback to erect a chain style fence. These concrete pillars alone cause significant erosion to the sand and beach in front of that parcel and parcel 12E54.

I therefore formally submit my strict objection to the proposed Application and expect that I, as well as the other proprietors of Lacovia, be properly served of any applicable notice.”

Letter #3

“First Beach Investment Ltd., hereby wishes to inform the Director of Planning and the Central Planning Authority that we have had sight of a Notice of Application for Planning Permission for the purpose to locate a swimming pool and spa 95'5" from the high water mark on Block and Parcel 12E13 and owned by Cayman Realty Ltd.

First Beach Investment Ltd. is the registered proprietor Block and Parcel 12E53H16, known as Lacovia Unit 16.

We object to the hearing of the Application as we were not properly served with a Notice of Application of Planning Permission pursuant to Regulation 12A(c) of the Development and Planning Regulations (2015 Revision).

It is our understanding that pursuant Section 15(4) of the Development and Planning Law (2015 Revision), failure to give us such required notice means that the Application shall not be considered by the Authority.

If the Application is considered notwithstanding this irregularity we hereby object to the proposed planning permission as it does not meet the requirements of Regulation 10(e) of the Development and Planning Regulations (2015 Revision) which requires a minimum setback of one hundred and thirty feet from the high water mark.

We are concerned that the construction of a swimming pool and spa 95'5" from the high water mark will impact negatively on the beach erosion in front of the relevant parcel as well as the surrounding parcels, including parcel 12E53. If the proposed construction causes long-term erosion of the beach it would have a significant impact on the value of the surrounding properties and the beauty of Seven Mile Beach.

We also wish to note that the beach surrounding the relevant parcel is used for nesting by turtles and the erosion of the beach in that area is therefore of additional concern.

Furthermore we are concerned that the approval of this Application would set a dangerous precedent for other properties to construct similar structures along Seven Mile Beach and cause significant environmental and aesthetic damage.

We therefore formally submit our objection to the proposed Application.”

LETTER FROM APPLICANT

"Our client requests the Central Planning Authority's approval for the swimming pool along with associated exterior works for this setback variance request to allow the pools to be built within the 130ft ocean side setback.

This request is being made on the basis of the following exceptional circumstances:

- In 1989 an existing apartment building was purchased by the current owners and repurposed to become the beach house now known as "Seascape". The building was built more than 100 feet from the ocean as demonstrated by the aerial photos from 1994, 1999, 2004 attached and per LIS dimensioning.*
- The house is one of a very few beach fronting homes that remain or have survived on Seven Mile Beach. Most other ocean fronting properties on this part of Seven Mile Beach have become developed as multi storey, multi-family condominiums.*
- For the last several decades this private family home has enjoyed an enviable reputation as host to a number of distinguished house guests whilst, more recently, "Seascape" has become equally renowned as a luxury property rental having earned its unique tourism profile as it is a stand-alone private home world famous Seven Mile Beach. The Department of Tourism values the Seascape Villa property as a high end villa property, and when complete with a pool, it will be a unique and valuable addition to Cayman's tourism product.*

- *The proposed swimming pool is an appropriate feature for any ocean fronting residence. In particular instance, given the home's luxury profile, a swimming pool is an expected amenity for a luxury rental property.*
- *The beach side of the existing home has mature lush landscaping including tall palm trees and a pair of beach cabanas that have been in existence since the home was built. The existing landscape provides a natural enclave that provides almost complete privacy for house guests. These existing features are to remain hence the pool and spa will be contained and concealed amidst the existing landscape.*
- *In consideration of its prime placement on Seven Mile Beach and having, at the time been built to satisfy 100ft ocean fronting setbacks, the proposed swimming pool can only be built to the Oceanside of the existing villa. With the 130ft setback that current laws and regulations dictate the setback for the swimming pool's location is restrictive however the attached proposals are as respectful as possible of today's requirements while the designs take every step to minimize pool/spa presence and to harmonize their appearance within the existing lush tropical vegetation of the beach house.*
- *The proposed swimming pool is partly set above ground and pool deck level which is envisaged to help withstand any wave action or storm surge that may occur in times of inclement weather.*

In addition to the above reasons, the applicant has attached other aspects to be considered in support this application and which we hope will receive the Central Planning Authority's kind consideration.

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

We look forward to hearing from you in due course."

See Appendix 'A'

PLANNING DEPARTMENT ANALYSIS

General

The application is for a swimming pool and spa to be located at Seascape Apartments on West Bay Road.

Zoning

The property is zoned Hotel/Tourism and the Department would offer comments on certain specific issue addressed below.

Specific Issue:

1. Setbacks

The proposed pool deck setback is 95'-5" and swimming pool setback is 100' from the HWM; whereas, the minimum required setback is 130'. Additionally, the proposed southerly side setback is 11'-8" to the spa deck and 19' to the spa and the northerly setback is 14.5' to the pool deck and 20' to the

pool. The minimum required side setbacks are 20'. Based on Cayman Land Info, there are swimming pools on Block 12E Parcel 18 and Block 13B 2 south of the subject property measuring less than 130'.

In accordance with Regulation 8(11) of the Development and Planning Regulations (2015 Revision), the Authority may grant permission for a setback to be located at a lesser distance than that prescribed, having regard to-

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

Further, the Authority must determine if there is sufficient reason and exceptional circumstance to allow the lesser side setbacks per Regulation 8(13(b)).

SUPPLEMENTARY ANALYSIS

The plans have not been revised and the applicant has been invited to appear before the Authority. As noted above, the applicant has provided additional information in support of the application which can be found in Appendix 'A'.

At 10:30am, Pearse Murphy, John Doak, Stephen Price and Yuri Ferguson appeared on behalf of the applicant. Manuela Cornelssen, Selina Tibbetts and J. Samuel Jackson appeared as objectors. There was discussion regarding certain matters as follows:

- A procedural matter was raised in that there were objectors present that had been sent written invitations to the meeting, but their objection letters were not contained in the Agenda. Copies of the objections were made and distributed to each member and they took several minutes to read the letters. No party objected to the meeting continuing at this point.
- The Executive Secretary confirmed that the applicant had notified all required land owners within a 300' radius.
- Mr. Jackson raised a procedural point in that the site plan does not show all of the buildings on the site as is required in the Regulations.
- Mr. Doak introduced the parties in attendance for the applicant and then presented the application while making reference to a digital display (see Appendix 'A'). He raised certain points as follows:
 - The house is the Price's family home and the pool will only be used in association with their house

- Historically, the HWM setback was 100', now it is 130'. They want the pool on the beach side, but they can't physically comply with the 130' setback. There is a ground floor verandah with a balcony over it which restricts the location of the pool. The Planning Department report says the pool is setback 95' 5", but they can get more than that.
 - The house has been there 40 years and has weathered many storms. The cabanas have been there for years and have survived and the pool will be setback further than the cabanas.
 - The report from APEC has addressed the report from DOE.
 - They do need a side setback variance, but they could meet the 20' setback if needed.
- Mr. Price summarized his letter that is contained in Appendix 'A' and noted that high worth properties need a pool and the people that want to rent this villa have expressed that they want a pool.
 - The Authority noted that the applicant needs to address the provisions of Regulation 8(11) and a concern was noted that should this application be approved then all other properties along Seven Mile Beach would also want pools with similar setbacks.. Mr. Doak responded that they have done this through the report from APEC (see Appendix 'A').
 - Mr. Jackson noted again that the site plan has to show all buildings on the property or else it doesn't comply with the Regulations. He also noted that the high water mark survey has to be done less than 6 months before the application is submitted. The Executive Secretary confirmed that the applicant complied with this requirement.
 - Mr. Jackson explained his position regarding Regulation 8(11) in that it is his view that because at the end of paragraph (e), the word "and" is used that that means an application must satisfy each and every other paragraph (a) through (e) and then (f) can be applied. He also opined that if this subject application is approved then it would be an example of "adjacent development" per paragraph (e) and that this would become a precedent. He noted that the term material consideration has been set out in case law and it is up to the Authority to determine if one exists. He then spoke to a public prescriptive easement over the beach and that the Authority can't give permission to something which would interfere with those public prescriptive rights.
 - Ms. Tibbetts explained that although she understands the applicant's desire to have a pool, it is not always possible to get everything you want at everyone else's expense. She then briefly summarized her client's letter of objection and noted that the beach is very dynamic in this location and can vary greatly. She advised that if this application is approved it would be a dangerous precedent as there are other vacation villas in the immediate area that would also want pools on the beach.
 - Mr. Doak concluded by stating that the APEC report addresses many of the issues raised. He also noted that they may be able to modify the balcony and

patio to increase the setback, but they won't be able to achieve a 130' setback. He also noted that they are not disputing that the beach is dynamic, but that the objectors have exaggerated this issue and that they don't believe that this application will open the flood gates for other pools.

The Authority considered the application further and determined that planning permission would be refused for the following reasons:

1. The proposed development does not comply with the minimum required setback from the high water mark per Regulation 8(10)(e) of the Development and Planning Regulations (2015 Revision). Pursuant to Regulation 8(11), the Authority may allow a lesser setback having regard to:
 - a) the elevation of the property and its environs;
 - b) the geology of the property;
 - c) the storm/beach ridge;
 - d) the existence of a protective reef adjacent to the proposed development;
 - e) the location of adjacent development; and
 - f) any other material consideration which the Authority considers will affect the proposal.

In this instance, the Authority has taken into account all reports and documentation made available to the Authority, including the report from APEC, and is of the view that:

- a) There are no features of the elevation of the property that would warrant allowing a setback significantly less (27%) than the required minimum.
 - b) There are no geologic features of the property that would warrant allowing a setback significantly less (27%) than the required minimum.
 - c) There are no aspects of the storm/beach ridge on the property that would warrant allowing a setback significantly less (27%) than the required minimum.
 - d) There is no protective reef adjacent to the property that would warrant allowing a setback significantly less (27%) than the required minimum.
 - e) The development on adjacent properties is setback significantly further from the high water mark than the proposed pool and cannot be viewed as being a reason for allowing a setback significantly less (27%) than the required minimum.
 - f) There are no other material considerations that would warrant allowing a setback significantly less (27%) than the required minimum.
2. The proposed development does not comply with the minimum required side setback per Regulation 10(1)(f) and the Authority is of the view that the applicant did not demonstrate that there was sufficient reason or an exceptional circumstance that would warrant allowing the lesser setback per Regulation 8(13)(b).

2. 2 CHRISTOPHER BLAIR Block 15E Parcel 105 (F16-0197) (P16-0852) (P16-0853) (P16-0854) (\$2.4 million) (BES)

Application for two (2) dwelling houses, trellis carport and swimming pool.

Appearance at 12:00

FACTS

<i>Location</i>	Adjacent to the Tides Apartments, South Sound Road
<i>Zoning</i>	BR/R
<i>Parcel Size</i>	1.51 acres
<i>Building Size</i>	7446 sq. ft.
<i>Building Coverage</i>	6.1%
<i>Proposed Parking</i>	3
<i>Required Parking</i>	2
<i>Number of Units</i>	1

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

1. The applicant is required to submit a revised site plan showing the seaward edge of buildings and pool aligned with the seaward edge of the buildings that are either existing or have been granted planning permission on the adjoining properties.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

“The location of this proposed development is a beach headland between the west and south coast which is subject to extreme fluctuations in beach profile. The MHWL of the beach varies greatly over relatively short periods of time due to erosion and accretion caused by the complex coastal processes here. Figure 1 shows recent aerial imagery of the site with the current registered MHWL (from 22 March 2016) and proposed building footprint overlaid for reference. It clearly shows the very significant difference in beach extent over just a 6 month timeframe. Other aerial images from previous years (figures 2-4) show that this is not an isolated incident of erosion or the most severe. A setback of 75 ft. will not likely be adequate for the protection of the property from wave impacts and subsequent beach erosion due to this dynamic beach profile.

Despite the proposed setback of the building foundations by a greater distance than 75ft, with an elevated veranda supported by columns at the 75ft setback,

there is still likely to be wave action directly impacting the hard structure foundation of the building. This would likely lead to sand erosion from the beach by wave energy reflection diminishing the beach permanently therefore reducing its recreational value for beach walking and potentially exposing the building to damage in severe weather. The DOE would recommend that the setback of the buildings be increased as much as possible. The side setbacks for the proposal could be granted at a variance, or the orientation of the buildings and pool could be altered to allow this.

The beach in this location is also a turtle nesting beach, with nests having recently been laid within the area of the proposed building footprint. A greater building setback would reduce the encroachment on an ecologically important habitat. The use of artificial lighting in the vicinity of the beach will also be an important consideration to take into account. Only turtle friendly lighting should be allowed as normal artificial lights disorientate and discourage both nesting adult turtles and hatching turtles.

The DOE would also recommend that any sand excavated from the site remain on the site in order that it is not lost from the coastal system. Depletion of sand reserves by removal of excavated sand would exacerbate coastal erosion issues.

NB: The image figures included below in this review are illustrative of the issues addressed and should be included in the record for consideration.

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



Figure 1: Recent aerial imagery of the subject parcel showing the current registered boundary and the proposed building footprint in relation to the actual high water mark (DOE 2016)



Figure 2: 2008 aerial image with the current registered boundary and the proposed building footprint overlaid to show HWM variation (LIS 2008)



Figure 3: 2004 post hurricane Ivan aerial image with the current registered boundary and the proposed building footprint overlaid to show HWM variation (LIS 2004)



Figure 3: 1999 aerial image with the current registered boundary and the proposed building footprint overlaid to show HWM variation (LIS 1999)

PLANNING DEPARTMENT ANALYSIS

General

The application is for two (2) dwelling houses (8,960 sq. ft.), trellis carport and swimming pool to be located adjacent to the Tides apartments under construction, South Sound Road.

Zoning

The property is zoned Beach Resort Residential and the Department would offer comments on certain specific issue addressed below.

Specific Issue

a) High Water Mark Setbacks

The proposed setback from the HWM is 75' and the swimming pool is at 88'-2" respectively. In accordance with Regulation 8 (10)(b), in areas where the shoreline is beach or mangrove (except in a Hotel/Tourism zone), all structures and buildings, including ancillary buildings, wall and structures, shall be setback a minimum of seventy-five (75) feet from the high water mark (HWM). The Authority is asked to discuss whether the minimum required 75' setback from the HWM is sufficient based on the comments provided by the Department of Environment.

It should be pointed out that the Tides South Sound apartments (Block 15E Parcel 106) building setbacks range from 76'-8" (building adjoining the cemetery), pool setback 78'-1" from the HWM and west side of the building

is 110' respectively. Additionally, the existing house on Block 15E Parcel 104 is setback approximately 104' from the HWM.

At 12:00, John Doak appeared on behalf of the applicant. There was discussion regarding certain matters as follows:

- The beach in this location is very dynamic
- The Authority's thoughts that the buildings should be in line with the building on the adjacent land to the west and with the approved building at The Tides on the adjacent land to the east.
- Mr. Doak showed the members a display plan that was supposed to show the propose buildings in relation to the adjacent properties. The Authority noted that the plan did not match the location of the building on The Tides site as shown on the exhibit site plan.
- The Authority indicated that the application should be adjourned and that Mr. Doak can meet with Department staff to determine how the site plan needs to be revised such that the proposed buildings are in line with the adjacent properties.

2. 3 CAYLAND GROUP LTD Block 16A Parcel 18 (FA81-0121) (P16-0058) (\$1 million) (BES)

Application for Outline planning permission for twenty four (24) one-bedroom dwelling units, twelve (12) duplexes, manger's unit, tiki bar, casual dining/bar and pool.

Appearance at 12:30

FACTS

<i>Location</i>	Barkers National Park area
<i>Zoning</i>	LDR and MB
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	9.9 acres
<i>Building Size</i>	40,315 sq. ft.

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

1. Pursuant to the provisions of Section 3.04 of The Development Plan (1997), the applicant did not provide sufficient reason to demonstrate that the site is appropriate for the proposed Hotel/Tourism use.

AGENCY COMMENTS

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

Department of Environment

"The Department's Technical Review Committee has reviewed the proposal and provides the following comments.

The application site lies within the boundaries of the proposed 'Barkers National Park', as delineated in Figures 1 and 2. The concept of a national park in Barkers dates back before the year 2000 but, to-date, primarily due to the lack of a legal framework to create terrestrial protected areas until the passage of the National Conservation Law in December 2013, the park has not yet been officially designated.



Figure 1: Aerial Extract of Application Site (Source: LIS, 2013)



Figure 2: Proposed Barkers National Park boundary

The idea for the park was first floated by the DoE after carrying out a feasibility study funded by the UK Overseas Territories Environment Fund. The concept developed by the DoE and the Ministry of Tourism was tabled by the then Leader of Government Business and Minister of Tourism and Environment, Mr. McKeeva Bush, in the Legislative Assembly in March 2002. Following consultation with the people of West Bay in a public meeting in April 2002, the proposed National Park was dedicated by His Royal Highness Prince Edward on 10th May, 2003. Since that time various parcels of land within the park boundaries were purchased with public (Environmental Protection Fund) funds for the express purpose of establishing the park.

The original concept for the proposed park was based on Barkers' pristine and isolated location and the diversity of the natural surroundings. The following extract from the concept note (attached) summarises the original intent: "The Park would provide a much needed area for relaxation and eco-friendly, family type activities... The Park would primarily be used for low-impact recreational pursuits for the public in a natural environment... It is envisioned that there would be limited vehicular access to the park with cars being restricted beyond a certain point... The Barkers National Park would provide a safe, quiet and relaxing sanctuary in a natural environment for families to enjoy for years to come... The Barkers National Park would be an area set aside to promote healthy human interaction with nature. Low-impact recreational pursuits would be encouraged as follows: walking trails, jogging, horseback-riding, fly fishing,

snorkeling, kayaking, windsurfing, bird-watching, photography, sailing, turtle watching, swimming...The Park could also provide for picnic areas and camping ground.”

The Barkers Peninsula area is ill-suited to conventional real estate development due to its narrowness and the presence of a significant amount of environmentally sensitive mangrove wetland. The Point of Barkers to Palmetto Point area includes several seasonal brackish ponds which together with the associated low beach ridge attracts a wide variety of feeding resident and migratory waterfowl. The proposal includes filling of part of Palmetto Pond to create a car park for the development.

The DoE acknowledges and supports that the applicant has designed the layout of the development to retain the fringing mangroves along the southern boundary of this site, which is very important. These are some of last remaining mangroves on the western peninsula of Grand Cayman and they form an integral part of the marine and terrestrial ecosystems in the Barkers area, which is an area of high biological productivity.

Barkers is also an established mosquito breeding area with an extensive network of dykes; the proposed development is considered incompatible with this due to the potential nuisance issues that will arise. The DoE recommends that the MRCU is consulted further in this regard.

Having undertaken a detailed review of the proposal, the DoE does not support the development for the following reasons:

- 1) The proposed development which involves removal of natural habitat and filling of Palmetto Pond to create car parking is not in line with the widely-acknowledged vision for the proposed Barkers National Park.*
- 2) The application site is adjacent to parcels of land which the Government has acquired primarily for the purpose of environmental protection and creation of a national park. The proposed development will be incompatible with the vision for proposed land use within the park.*
- 3) Vehicular access to the site is inadequate; it is accessed by a poorly maintained single lane dirt track, which is part of the Barkers cycle loop. This low key access route is appropriate for the low-intensity nature-based activities envisaged for the area. If the proposed development is approved then a significantly more substantial vehicular access will need to be provided to allow for construction vehicle access as well as visitors to the development, staff, service vehicles (e.g. deliveries and refuse collection, and emergency service vehicle access. This likely introduction of road infrastructure will be detrimental to the natural setting of the Bakers peninsula and contrary to the vision for the proposed park.*
- 4) Palmetto Pond supports post-breeding dispersal migratory wildlife, including occasionally the Greater Flamingo and the Roseate Spoonbill.*
- 5) The DoE recommends that Government seeks to acquire this land with funds from the EPF. The proposed development of this parcel, and the associated*

infrastructure that will be required to support it, irreversibly undermines the objectives and vision for a National Park. "

"A PROPOSAL FOR THE BARKER NATIONAL PARK

Concept:

This proposal calls for a large and significant portion of the undeveloped land at Barkers, West Bay, Grand Cayman to be declared as the Barkers National Park. The area is noted for its pristine and isolated location and for the diversity of the natural surroundings and the Barkers National Park would provide a recreational area of great importance for Caymanians, residents and visitors alike. The park would provide a much needed area for relaxation and eco-friendly, family type activities. The Park would primarily be used for low-impact recreational pursuits for the public in a natural environment.

It is envisioned that there would be limited vehicular access to the park with cars being restricted beyond a certain point. Structures would be kept to a minimum and would be primarily to provide shade and rest areas. These structures would be built of traditional materials and design to preserve the natural ambiance.

The Barkers National Park would provide a safe, quiet and relaxing sanctuary in a natural environment for families to enjoy for years to come.

The Barkers Site

The Barkers Peninsula area is ill-suited to conventional real estate development due to its narrowness and the presence of a significant amount of environmentally sensitive mangrove wetland. On the other hand the area is an outstanding natural recreational area, with potential for extensive managed human use compatible with protection of the area and its wildlife. Existing recreational activities taking advantage of the natural environment in Barkers include bone-fishing, bird-watching, walking, beachcombing, photography and jogging.

The Point of Barkers to Palmetto Point area includes several seasonal brackish ponds which together with the associated low beach ridge attracts a wide variety of feeding resident and migratory waterfowl. The beach ridge which extends westward towards Double Head retains several fragments of original beach ridge vegetation, including species such as the endemic Cayman Ironwood which have virtually disappeared from western Grand Cayman. Sea Pond, in the centre of the peninsular mangroves, is a tidally influenced saltwater pond also of importance to resident and migratory waterfowl.

The eastern portion of the Barkers peninsula in West Bay is largely undeveloped and as such has the potential to be designated as a future National Park at this time.

The area in question is situated at the end of the peninsula and as such is not required for land access to any other part of Grand Cayman.

The Barkers beach is the most important sea turtle nesting beach on Grand Cayman and as such must be protected from development activities.

There is an existing Marine Park Replenishment Zone offshore.

Activities:

The Barkers National Park would be an area set aside to promote healthy human interaction with nature. Low-impact recreational pursuits would be encouraged as follows:-

Walking trails

Jogging

Horseback-riding

Fly fishing

Snorkeling

Kayaking

Windsurfing

Bird-watching

Photography

Sailing

Turtle watching

Swimming

The Park could also provide for picnic areas and camping grounds.

Management:

Development of the Barkers area would be carefully regulated to emphasise preservation and use of natural areas and coastline, making optimum use of the area's potential to combine conservation with recreational use, rather than placing emphasis on high density real estate development which is inappropriate to this physical setting.

Eventually it is recommended that the park be managed appropriately with small entry fees charged to cover administrative and maintenance expenses. Vehicular access to the Park would be strictly controlled and the number of persons in the Park at any one time could be monitored through entry fee process.

A parking, service and refreshment area could be established just inside the entrance to the Park. This area would provide an assortment of food and drink and restroom and changing facilities, including lockers, as well as provide suitable outlets for the rental of snorkel equipment, kayaks etc. These activities would be restricted and operate to certain prescribed standards. Vendors would bid on the provision of these services and would be subject to tender every few years.

Acquisition:

The Environmental Protection Fees were initially put forward for this type of

project and it is proposed that a portion of these revenues be earmarked to acquire as much of the undeveloped land at Barkers as possible.

That Government proceed with making the declaration of the Barkers National Park immediately with the process of acquisition done over a specific period of time, say 5-7 years. The property would be purchased at current market prices and no development would be allowed to take place in the area deemed as the Barkers National Park."

Next Steps:

A small Steering Committee be established to develop a strategy to ensure that the Barkers National Park becomes a reality before the year 2000."

Department of Environmental Health

"The following comments are submitted with respect to the above application:

Based on the proposal submitted, the Department has no objections to the proposed in principle but cannot approve such at this time for the following reasons;

- 1. Restaurant & Bar. Insufficient details were submitted and the Department is requesting a detail drawing which shows the layout of all equipment/specifications.*
- 2. Bathrooms. Drawing which shows bathrooms which will be used for the pool, spa, bar and restaurant must be submitted.*
- 3. Hot water heaters. Specifications on hot water heater for the restaurant and bar must be submitted for review and approval.*
- 4. Solid waste enclosure. Drawings drawn to scale that shows the location must be submitted for review and approval.*
- 5. RO Plant. Full details must be submitted for review and approval.*
- 6. Generator & Laundry. Specifications on the proposed must be submitted for review and approval.*
- 7. Swimming pool & Spa. Full details and specifications must be submitted for review and approval."*

Water Authority

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

Wastewater Treatment:

- The developer shall provide an on-site aerobic wastewater treatment system of a design certified (NSF/ANSI Standard 40 or equivalent) as capable of achieving effluent quality standards of 30 mg/L Biochemical Oxygen Demand (BOD5) and 30 mg/L Total Suspended Solids (TSS).*
- The treatment capacity of the system shall be at least 12,500 US gallons per day (gpd).*

- *A grease interceptor with a minimum capacity of (2) 600 US gallons is required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains from the Fine Dining Restaurant and the Casual Dining Bar. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the aerobic wastewater treatment system.*
- *The developer, or their agent, is required to submit a proposal per the attached Onsite Wastewater Treatment Proposal Form. The developer is advised that Water Authority review and approval of the system, is required as a condition for obtaining a Building Permit.*

Generator:

- *Please be advised that the Water Authority defers to the Chief Petroleum Inspector and Chief Fire Officer on requirements for fuel storage equipment (e.g., tanks, piping, etc) and installation.*

Regarding groundwater protection for fuel storage tanks, the Authority's requires the developer to install monitoring wells for underground fuel storage tanks (UST). 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 that the fuel storage tank and all piping are above ground, the Water Authority has no requirements for this proposal.

Reverse Osmosis Plant:

The plan provides for a reverse osmosis plant.

Please be advised that this development is located with the area in which Cayman Water Company has an exclusive licence, granted by the Cayman Islands Government, for the production and supply of potable water. Therefore this development will not be in a position to produce its own potable water.

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."*

Department of Tourism

"1. Project at a Glance

The Department of Tourism has been asked to provide comments on the proposed PAD for CAYLAND GROUP LTD. Block 16A Parcel 18.

2. Policies Considered in Reviewing the Application

The CIDOT reviewed this application in the context of the Cayman Islands National Tourism

Management Plan (09/2013) and the following action items:

7.1 SUSTAIN THE QUALITY OF THE ENVIRONMENTAL PRODUCT

The policy objective: To respect the importance of environmental quality not only as part of the nation's global responsibility but also because the marine and terrestrial environment is the main driver for tourism in Cayman. The aim is to support a tourism sector which is sustainable and capable of flourishing over the long term.

7.2 MANAGE VISITORS AND THEIR IMPACTS

The policy objective

To ensure that visitor management is achieved efficiently and effectively for the benefit of the visitor experience and to help protect the quality of the environment.

7.3 PROVIDE A HIGH QUALITY, SUSTAINABLE, CAYMANIAN TOURISM PRODUCT

The policy objective

To offer a range of high quality visitor accommodation, attractions and activities and a level of service that is distinctively Caymanian to attract the discerning, affluent visitor, encouraging them to return and promote the Islands to others.

7.5 DEVELOP A HIGHLY SKILLED CAYMANIAN TOURISM WORKFORCE

The policy objective

To develop a high quality workforce for the Cayman tourism industry, including a higher proportion of Caymanians, to promote the Cayman brand.

7.8 ORGANISE TOURISM IN CAYMAN ISLANDS MORE EFFECTIVELY

The policy objective

To provide the industry with a support structure that represents their interests and meets their communal needs in the most efficient, effective and economical way.

3. Tourism Recommendations

CIDOT has reviewed the attached documents with regards to the request for input on the plans submitted by CAYLAND GROUP LTD. Block 16A Parcel 18.

In reviewing the enclosed documents sections 7.1, 7.2, 7.3, 7.5 and 7.8 from the National Tourism Management Plan are relevant in the assessment of this application. These sections are development specific and designed to manage and mitigate impacts within the tourism industry. The sustainability of the environmental product and the ability to provide a high quality, sustainable Caymanian tourism product are of great importance to the Department for future developments in the Cayman Islands. The recent Destination Assessment of the

Cayman Islands conducted by the Global Sustainable Tourism Council has also been used to as a reference for the response from the Department on this planning application.

The Cayman Islands increased growth of stay over visitors in 2014 by 10.84% and by 5.51% in 2015. This is a key tourism performance indicator and central to industry the growth is the expansion of room stock within the Cayman Islands in order to welcome more visitors to our shores. In the next 3 years the Cayman Islands will add roughly 541 hotel rooms to the room stock in the Cayman Islands. The CAYLAND Group project has the potential to add to the room stock levels however no formal proposal has been received for this project specific to plans for tourism accommodations. More information is required on this development in order to provide adequate feedback.

Additionally it is noted that the proposed development is in a secluded area and is considered a National Park. Consultation with the Department of Environment (DOE) will be crucial in order for the project to move forward with environmental sensitivities included in the project scope.

Outlined are DOT requirements that should be met prior to full consideration of this planning application:

- 1. A letter of no objection will be required from the Department of Environment for the proposed area to be developed and consultation with the Department.*
- 2. The Department of Tourism would like to request a meeting with CAYLAND GROUP Ltd. to discuss their plans and make recommendations on this proposed development.*
- 3. Consultation with NRA on the proposed project and the impact to the road network.*

The Department of Tourism is available to discuss the feedback provided or answer any questions in regards to these comments."

LETTER FROM APPLICANT'S AGENT

"We refer to the comments from DoT, DeH, DoE, NRA and CPA. We understand their respective concerns but contend that their concerns should be reserved for an application for planning permission. Were the respective agencies advised that this application is for Outline Planning Permission since Section 2 of the Development and Planning Law, 2015 (DPL) states that ...

"outline planning permission" means permission for the erection of a building or for the use of land, which permission is granted subject to a condition that approval be given by the Authority at some later time to the site, design, density or external appearance of any such building or the means of access;"

*It is therefore our position that the CPA and the commenting agencies only need concern themselves with "...the use of land ..." for this OUTLINE PLANNING PERMISSION application since items such as *design, density or external appearance of any such building or the means of access* will have to be addressed at the application for Planning Permission. Our position is further reinforced by*

Section 15. (1) DPL which states that "Subject to this section and section 5(1), where application is made to the Authority for outline planning ..., the Authority may grant permission either unconditionally or subject to such conditions as it thinks fit, or may refuse permission."

*Section 5. (1) DPL states that "It is the duty of the Authority to secure consistency and continuity in the framing and execution of a comprehensive policy approved by the Cabinet with respect to the use and development of the land in the Islands to which this Law applies in accordance with the development plan for the Islands." We are not aware of Cabinet issuing any Comprehensive Policy for the use of land that would prevent the CPA from granting Outline Planning Permission for this application. Therefore, at this stage all approving agencies should only concern themselves with the **CONCEPT** of the application and whether the site is suitable for this type of development.*

Regulation 9 (3) of the Development and Planning Regulations 2015 (Regs) permits this tourist-related type development and we have complied with that Regulation by advertising for two weeks and have not received any objections. We have also served notices on adjacent landowners within 500 ft. as required by Regulation (12A) (iv) and have not received any objections.

We therefore request an audience with the Authority at the earliest to present our position and seek their favourable consideration.

We await your response and thank you for your assistance to date.

PLANNING DEPARTMENT ANALYSIS

General

This application is for outline planning permission in respect of the above captioned property. The site is located in the Barkers National Park area.

The proposal would consist of twenty four (24) one-bedroom dwelling units, twelve (12) duplexes, manager's unit, tiki bar, casual dining/bar and pool. There will be a total of 49-bedrooms.

The applicant has been advised of several deficiencies with the plans, including the lack of a recent HWM survey, but the applicant contends that this is an application for Outline permission and that pursuant to the definition of "outline planning permission" in the Development and Planning Law (2015 Revision) the details of the proposal (site, design, density and external appearance) can be addressed when an application for final planning permission is submitted. The Department does not concur with this contention, but as the application has been languishing since January of this year, it seemed prudent to schedule the application for consideration and the applicant could be afforded an opportunity to address the Authority directly on these matters.

Zoning

The property is zoned Low Density Residential and Mangrove Buffer and the Authority is being asked to consider the specific issues addressed below.

Specific Issues

a) Mangrove Buffer Zone

The proposal includes a casual dining/bar building in the Mangrove Buffer zone.

Section 3.08 of THE Development Plan 1997 states that “Red and predominately red mangroves in the area defined on the map as Mangrove Buffer will be protected from development except in exceptional circumstances.”

Regulation 18(1) of the Development and Planning Regulations (2015 Revision) states that “In considering any matter relating to a Mangrove Buffer zone the Authority shall have regard to the ecological functions performed by the mangroves including:

- (a) service as a nursery and natural habitat for marine life, birds, insects, reptiles and crustaceans;
- (b) filtration of overland run-off to the sea and ground water aquifer recharge;
- (c) export of organic particulate and soluble organic matter to coastal areas; and
- (d) coastal protection, and the protection of the Island against storms and hurricanes.

Regulation 18(2) states further that “All forms of development shall be prohibited in a Mangrove Buffer zone except in exceptional circumstances, and only where equivalent storm protection is provided by some other means and it can be demonstrated to the Authority that the ecological role of the peripheral mangroves will not be substantially adversely affected by the proposed development.”

The Authority must determine if the proposed development in the Mangrove Buffer zone is consistent with the stated provisions of the Development and Plan and the Regulations.

b) Access to the Site

The legal vehicular right-of-way to the site is as indicated on Registered May – via a dyke road more in the centre of the property; whereas, the applicant is proposing access to the property via a future proposed public road. That road would have to be constructed for a great distance in order to connect to the existing road network and the Authority should determine if the application is premature in the absence of a more permanently defined access route.

c) Character of the Area

The surrounding land uses in the area are vacant properties and as the Department of Environment has noted, these have been earmarked for a national park for many years. The Authority needs to determine whether the

proposed development is in keeping with the character of the area and whether it will result in a negative effect on the future Barkers National Park. The proposal would also include the filling of a significant portion of an existing pond. Again, the Authority should determine if this is appropriate given the plans for a future national park.

At 12:30, Kenneth Ebanks appeared on behalf of the applicant. There was discussion regarding certain matters as follows:

- Mr. Ebanks explained the proposal.
- The location of the Mangrove Buffer zone in relation to how the mangrove shoreline has increased such that much of the shoreline has no zoning.
- Mr. Ebanks stated that they are hopeful that the CPA will grant Outline planning permission with conditions regarding such matters as road access, site design, etc.

The Authority considered the application further and determined that Outline planning permission would be refused for the following reason:

1. Pursuant to the provisions of Section 3.04 of The Development Plan (1997), the applicant did not provide sufficient reason to demonstrate that the site is appropriate for the proposed Hotel/Tourism use.

2. 4 HHG (CAYMAN) LTD. Block 12E Parcel 71 (FA89-0193) (P16-0799) (\$50,000) (CS)

Application to modify planning permission in order to revise the site design and add an elevator.

Appearance at 1:15

Robert Water Jr. and Fred Whittaker declared conflicts and left the meeting room.

FACTS

<i>Location</i>	West Bay Road, West Bay Beach South
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	39,639 sq. ft.
<i>Current Use</i>	Hotel
<i>Proposed Use</i>	Hotel

BACKGROUND

January 28, 1998 (CPA/03/98; Item 7.21) The Authority granted planning permission for a shopping centre.

November 16, 2005 (CPA/30/05; Item 2.15) The Authority granted planning permission for a hotel.

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 (2015 Revision) hereby orders that planning permission CPA/30/05; item 2.15 be modified to modify the site design and add an elevator as shown on the plans date stamped August 18, 2016, **subject to the following condition:**

1. The applicant shall submit a detailed landscape/screening plan for the garbage enclosure to the satisfaction of the Director of Planning.

All other conditions of CPA/30/05; item 2.15 remain applicable.

AGENCY COMMENTS

Comments from the Chief Environmental Health Officer are noted below.

Chief Environmental Health Officer

“The following comments are submitted with respect to the above application:

1. *The location of the garbage enclosure is unacceptable; see guidelines below.*

- **Location of enclosure:** *The location of all mechanically serviced containers shall be approved by the Department of Environmental Health. The applicant shall submit plans showing the proposed location of the enclosure. The enclosure shall be placed such that access to the enclosure can be kept clear at all times. The enclosure shall be centrally located, and so placed, as to allow easy access for servicing by the Department's vehicles. The enclosure shall be located so that the vehicle can access the container directly and have adequate room to lift it into the discharge position. The enclosure shall be located such that the vehicle will not impede normal vehicular flow or create potentially dangerous traffic situations while the container is being serviced.*
- **Minimum vertical clearance:** *A minimum vertical clearance of 32 feet above the enclosure itself or where the bin will be serviced is required.*
- **Access to enclosure:** *The service vehicles shall be able to enter and exit the site without having to reverse onto the highway. The enclosure shall be located away from overhead power lines and other protrusions that can cause electrical shock, injury, or other difficulties during servicing. A vertical clearance of at least 15 feet is required over the entire approach to and from the enclosure. A minimum straight approach of 50 feet should be provided directly in front of the facility to allow the vehicle sufficient area to back out of the facility. A turn around or separate exit that allows the truck to move forward rather than backwards is required. A minimum backup distance of 50 feet is required for any manoeuvre and must be in a straight line. The driveway shall be constructed to withstand trucks weighing up to 62,000 lbs.*
- **Angle of approach:** *Generally the service shall be able to approach the container directly. Where an enclosure is located at the side of an access way the angle of approach made with the access way shall not exceed 22.5 degrees.*
- **Turning radius:** *The turning radius required for access to the enclosure must be adequate a 3-axil truck. The over overall length of the truck is 36 feet and the overall width is 8 feet. A minimum outside turning radius of 46 feet is required. The minimum inside radius shall be 33 feet."*

OBJECTIONS

Letter #1

"I write regarding planning permission for the above property which site on West Bay Road, directly in front of Cayman Sands Village.

I am delighted that this derelict building has finally been built and that the developers will be spending money on finishing the project.

I am happy with the plans submitted with regards to removing the covered entrance, revising the pool lay out and adding an elevator and elevator machine room.

I am concerned with the relocation of the dumpster on site. The proximity of the new location to our properties is a concern from a visual and an odor perspective. I am also unclear how the waste disposal truck would be able to maneuver to empty the rubbish.”

Letter #2

“The intent of this letter is to serve a written objection from Cayman Sands Condo Owners to the application seeking Planning permission on 12E/71 for the relocation of the garbage dumpster and other matters.

The dumpster is the main problem as it is at the entry of the property and the smell will go straight down the front entry of Cayman Sands condo units. The first condo unit is less than 40 feet away to the proposed location. The dumpster should be at the end of the last two parking spaces of the right side of the parking lot. There is no way that the dumpster will be able to be service/empty by the truck in that location. I am quite sure that they do not have an approval from DEH. Simple residential trash bins cannot work for a hotel.

I also did not see a variance request on the notices that was sent out for the pool rear setback. Shouldn't that have been mentioned on the notices as well?”

Letter #3

“My name is John J. Lynch. My wife Ruth M. Lynch and I own Villa 15 at Cayman Sands Village, which is the nearest villa to the above subject site. We strongly object to the relocation of the dumpster to a location within only a few feet from our unit. Our objection is based not only on odor and noise issues, which are typically associated with dumpsters, but with the rationale for moving the dumpster in the first instance. My understanding is that the move is proposed due to alleged difficulties in servicing the original location. I do not understand what has changed in that regard since the original approval by Planning, which presumably looked at the submitted site plan and concluded that the dumpster was serviceable. If it is related to the revision of the pool layout, then the relocation of the dumpster is necessitated by an action of the owner - in effect, a self-inflicted wound. Moving it to a location that is in closer proximity to the nearest neighboring dwelling is unacceptable and should not be approved. It not only presents a nuisance based on noise and odor, but visually will detract from the entry to our complex as it would be the first thing people see once they enter the driveway from West Bay Road.

Our mailing address for this notice is: 501 Newport Avenue, P.O. Box 822, Ocean Gate, NJ 08740-0822. Our identified Block and Parcel in Grand Cayman is 12E27H14. I also serve as the Chair of the Executive Committee of the Cayman Sands Strata, so I have copied the other Executive Committee members on this email along with some of the other impacted villa owners in our complex, as well as our manager from BCQS.

Is there a specific date by which Planning is required to make a decision? We are off island but will return on September 28. I would like to have an opportunity to

see the application. I am a professional planner and I may be in a position to offer some constructive comments on the application.”

Letter #4

“We are joint owners of Unit #1 Cayman Sands Village. We wish to confirm our objection to the location of the dumpster for the proposed Hotel.

We would request that the Planning Department and Department of Environment reject the latest location for this dumpster (as submitted by HHG (Cayman) Ltd), as this will negatively impact the entry area to Cayman Sands Village and will create an ongoing odor, noise and traffic nuisance to our complex.

We therefore respectfully request that the Planning Department decline the proposed location of the dumpster and insist that it is relocated to the originally intended and approved location (from when the building received its original planning consents and red card building permit).”

Letter #5

“I am the owner of #7 Cayman Sands Village and am writing to give you my concerns regarding the revised dumpster location at the above, Due to the location being at the entrance to Cayman Sands Village giving it a high visual content.

I believe in this case the dumpster should be screened on three sides with a gated entrance it should have a centrally located drain and have access to a faucet for cleaning purposes, a little landscaping would be appreciated to soften the view.

This also seems a tight sight for maneuverability of the pick-up truck to actually be able to pick up the container as indicated. It would seem that the Dumpster Enclosure would need to be angled to achieve the most effective pick-up, this should be verified by DOEH.

I have done many submissions to the Planning Department myself regarding a variety of submissions that include entrances and dumpster requirements, therefore I realize the turning circle implications.”

Letter #6

Form letter received from the owners of Block 12E Parcel 77 H25, H28, H29, H34 and H35

“I am the registered owner of the Registration Section West Bay, Block 12E, Parcel 77H29, more commonly known as #30, Laguna Del Mar, Seven Mile Beach, Grand Cayman

Having received notice of an application for planning permission for removing the covered entrance, revising the pool layout, adding an elevator machine room and relocating the dumpster on site (“the Application”) in connection with the Property, I write to outline my concerns and objections. Please treat this letter as my notice of objection for the purposes of the Development and Planning Regulations (2015 Revision) (“the Regulations”).

Pool Variance

The applicant is proposing to vary the size and scale of the pool on the Property. The plan does not take sufficient account of the side and rear setback minimums imposed by section 10(1)(f) and 10(1)(g) of the Development and Planning Regulations (2015 Revision). It is evident that the set-back distance of the pool from the rear/western and southern boundaries of the Property will be significantly less than the 20 and 25 feet required by the Regulations. At certain points the plans appear to show setbacks of less than 7 feet.

Eleven of the properties comprising Laguna Del Mar are townhouses situated close to the western boundary of the Property (directly across from the proposed pool). I own one such property. I am greatly concerned that the proposed variance and reduced setbacks represent an unneighbourly form of development that will have an adverse impact on the amenity of neighbouring properties such as mine. A larger pool area and reduced setbacks will inevitably result in increased noise, disturbance and nuisance affecting my residential amenity.

Aesthetically, bearing in mind I will be able to see the pool area directly from the front of my property, the application does not propose to shield the pool area in any way. Landscaping appears to be minimal and not in keeping with the predominantly high standard we have come to expect in the neighbourhood.

The objections outlined above have been made without the benefit of access to materials and documents concerning the underlying grant of Planning Permission which is sought to be varied. Accordingly, I reserve the right to reply on such further or other grounds or reasons for objecting to the Application as may come to my attention and would request that I be provided with notice of the meeting at which the Application will be determined in order that I may voice my concerns.”

Letter #7

Form letter received from the owners of Block 12E Parcel 77 H1, H2, H3, H4, H8, H10, H13, H15, H19,

“I am the registered owner of the Registration Section West Bay, Block 12E, Parcel 77H10, more commonly known as #10, Laguna Del Mar, Seven Mile Beach, Grand Cayman

Having received notice of an application for planning permission for removing the covered entrance, revising the pool layout, adding an elevator machine room and relocating the dumpster on site (“the Application”) in connection with the Property, I write to outline my concerns and objections. Please treat this letter as my notice of objection for the purposes of the Development and Planning Regulations (2015 Revision) (“the Regulations”).

Pool Variance

The applicant is proposing to vary the size and scale of the pool on the Property. The plan does not take sufficient account of the side and rear setback minimums imposed by section 10(1)(f) and 10(1)(g) of the Development and Planning Regulations (2015 Revision). It is evident that the set-back distance of the pool

from the rear/western and southern boundaries of the Property will be significantly less than the 20 and 25 feet required by the Regulations. At certain points the plans appear to show setbacks of less than 7 feet.

Eleven of the properties comprising Laguna Del Mar are townhouses situated close to the western boundary of the Property (directly across from the proposed pool), for these particular properties, the proposed variance and reduced setbacks represent an unneighbourly form of development that will have an adverse impact on the amenity of neighbouring properties in that it is likely to result in increased noise, disturbance and nuisance to the detriment of the existing property owners' residential amenity.

The application does not propose to shield the pool area in any way from our neighbouring properties. Landscaping appears to me minimal and not in keeping with the predominantly high standard in the neighbourhood. In our view, it is clear that not very much effort has gone into the planning/design of the pool area, much less consideration of the neighbouring properties.

The majority of the property owners in Laguna Del Mar are year-round residents who have invested considerably in their own properties and who understand the character of the area. Understandably, we are concerned about the proposed change to the development which proposes to do otherwise.

In the majority of developments along Seven Mile Beach, it is highly unusual to have a pool situated so close to the West Bay Road, away from the beach. These locations, accounting for the limited traffic noise, are traditionally much quieter. Each townhouse owner has invested substantial funds in the respective properties in this location. They made a choice to make an investment in a quiet area away from the beach toward the quieter side of Laguna Del Mar. It is respectfully suggested that account must be taken of the major investment made by those owners in their properties and their legitimate expectations that any plans approved for neighbouring parcels would be in keeping with the Regulations and the character of the neighbourhood.

The objections outlined above have been made without the benefit of access to materials and documents concerning the underlying grant of Planning Permission which is sought to be varied. Accordingly, we reserve the right to reply on such further or other grounds or reasons for objecting to the Application as may come to my attention and would request that we be provided with notice of the meeting at which the Application will be determined in order that we may voice our concerns.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission to modify the pool design, dumpster location, add an elevator and mechanical room.

Zoning

The property is zoned Hotel Tourism and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Side Setback

The required side setback in the Hotel/Tourism zone is 20'. A pool was originally approved, but not constructed, with a 16' setback. The applicant wishes to change the design of the pool to a 12' x 34' rectangular pool with a 10' setback.

b) Garbage Enclosure

Under the original approval for the hotel, the trash enclosure was located at the parking area's south end. The applicant wishes to relocate the skip at the site's entrance at the north side of the property. DEH has approved the new location.

At 1:15, Mike Stroh appeared on behalf of the applicant. J. Humphrig, Eduardo Silva and Marcos Montana appeared as objectors. There was discussion regarding certain matters as follows:

- Mr. Stroh explained the proposal. He noted that they have received approval from DEH for the new garbage dumpster location. He noted that the dumpster is at the entrance to the parking area so it is in his client's best interest to ensure that it is properly screened from view. He noted that the pool requires a larger setback variance than what was first approved, but there is an 8' wall next to it so it is screened from view.
- Ms. Humphrig noted that she represents Cayman Sands and they have some concern with the location of the dumpster as it will be next to the access road to their complex, but they have no concern with the pool.
- Mr. Silva noted that he represents Laguna del Mar and having discussed the matter with Mr. Stroh in regard to screening the dumpster, they are now satisfied with the pool and relocation of the dumpster.

The Authority considered the application and determined that planning permission would be modified for the following reasons:

1. With the exception of the side setback of the pool, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed pool does not comply with the minimum side setback per Regulation 10(1)(f) of the Development and Planning Regulations (2015 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.
3. A condition of approval will be imposed requiring the garbage enclosure to be adequately landscaped/screened from view and the Authority hereby delegates to the Director of Planning the authority to approve the required landscape/screening plan.
 4. The Department of Environmental Health is satisfied with the new location of the garbage enclosure.

2. 5 LANDS & SURVEY DEPARTMENT Block 20E Parcel 64 (F16-0196) (P16-0845) (\$8,900) (CS)

Application for a five (5) lot subdivision.

Appearance at 1:45

FACTS

<i>Location</i>	Linford Pierson Hwy and Melody Lane, George Town East
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	Objectors
<i>Parcel Size</i>	1.49 acres
<i>Current Use</i>	Houses
<i>Proposed Use</i>	Subdivision
<i>Number of Lots</i>	5

BACKGROUND

There is a duplex on Block 20E Parcel 123

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

1. The applicant must submit a revised plan that eliminates the developable lot adjacent to Block 20E Parcel 90.
2. For the applicant to further consider the objectors concerns.

AGENCY COMMENTS

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

Department of Environment

“The application site is man-modified with low ecological value, therefore there are no objections to the proposed subdivision.”

National Roads Authority

“As per your memo dated September 5th, 2016 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

This subdivision proposal satisfies the requirements of the NRA in regards to the widening of the Linford Pierson Highway (LPH) which is lot 5 of this subdivision plan.”

LETTER FROM APPLICANT

- *“The existing duplex on parcel 123 will be demolished.*
- *No lot 1 will not be combined with any other parcel.*
- *Lot 1 will be a vacant. Lot 2 a house will be erected for the owners of parcel 123. Lot 3 a land swap will be made for the owners of parcel 117 . Lot 4 a house will be erected for the owners of parcel 120. Lot 5 Linford Pierson HWY development.*
- *Yes lot 2 & 3 will absorb the decommissioned land it was sent to ministry from the 29th Aug to be approved.*
- *This encroachment onto lot 2 is due to the new shift in the boundary line. The building is a temporary structure which can be easily relocated.*
- *The proposed improvement to the Linford Pierson HWY is shown on the subdivision plan. It is the common line between lot 1, 2, 3, 4, 5 which runs east – west.”*

OBJECTIONS

“As joint owners of #20E, Parcel 90, we write to register our OBJECTION to the above referenced plan for subdividing the mentioned parcels.

The address of our property is #62 Melody Lane and it is accessed by way of Crewe Road. We are at the very end of the lane and therefore enjoy the benefits of a corner lot, with gated access from two sides of the property. We have lived at this address for the past 21 years and it is a lovely, fairly quiet neighborhood where our children and grandchildren live and play. Of course, this changed somewhat when the Linford Pierson Highway (LPH) was originally opened some years ago but we gradually overcame that by planting a thick hedge to deflect some of the noise, etc. On weekend nights, the LPH becomes a raceway; we are sure that you have heard of the numerous traffic accidents and fatalities that occur on this highway.

Our objections are as follows:

- 1. The fact that the LPH (speedway) will now be approximately 100 feet closer to our boundary;*
- 2. The loss of the roadway which separates our property from Lots 321 and 123 and gives the benefit of drivable access to the rear of the property. This was one of the determining factors when we purchased the property - being a corner lot - and is a contributing factor to a favourable valuation of the property;*
- 3. The fact that the neighbors from Lot#123 will now be re-located 200 feet closer to our property. Furthermore, the proprietors of Lot#123 operate it as a low-income rental, with as many as 6 different tenants; this also significantly increases the traffic in the area and detracts from what is supposedly a low-density zone. One of the occupants, perhaps a part owner, who we know as "Mikey" Bodden, appears to be mentally challenged and is a junk collector/hoarder. On numerous occasions, I have had to call the DEH to ask them to speak to him to have the garbage taken away. This isn't ordinary garbage; this is old toilets, bathtubs; refrigerators; a/c units, etc. that are open breeding grounds for mosquitoes, frogs, rodents, etc. As recently as two weeks ago, I called the DEH to set rat-bait around the place.*

What we are witnessing here is an erosion of the quiet way of life in our cul-de-sac, which we have enjoyed for the past number of years. It will have a negative impact on the quality of life previously enjoyed here and our main concern is the possible DEVALUATION of our hard-earned investment.

Please take in to account, the fact that one of us is 61 years of age and recently retired; the other, Ms. Marie Martin is 58 years and has served her entire working life (38 years) in the field of education with the Cayman Islands Government; she is now preparing for retirement. The equity, which we have in this property represents our life's savings. The mortgage payments were actually in lieu of savings. Now that the property is paid for, we cannot take the risk of devaluation; that is why we did not invest in fickle funds and short term gains. In the Cayman Islands, it is generally expected that Real Estate investments will INCREASE IN VALUE and fund one's retirement.

We would appreciate your taking these concerns/objections into account and look forward to hearing from you.

Kindly acknowledge receipt of this communication."

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a five (5) lot subdivision to accommodate road improvements to Linford Pierson Highway. Lot 5 will be combined with the Linford Pierson Hwy road reserve.

Zoning

The property is zoned Medium Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Minimum Lot Size

The minimum lot size permitted in the MDR zone is 7,500 sq. ft. Lot 1 is proposed at 3,919 sq. ft. The applicant states this lot is to remain vacant and will not be combined with another parcel. As shown, the parcel is undevelopable and the Department recommends this site either be dedicated as LPP, combined into Lot 5, combined with Rhythm Lane to provide a turnaround, or combined with Parcel 321.

b) Building Encroachments

The applicant has confirmed the existing buildings on Parcel 123 will be demolished and therefore will not cause a conflict for Lots 1 and 5.

There is a building that crosses the shared boundary of Parcel 321 and Lot 2. The applicant states this building can be moved.

At 1:45, Michael Whiteman appeared on behalf of the applicant and Lorna Bush appeared as an objector. There was discussion regarding certain matters as follows:

- Mr. Whiteman explained the proposal. He noted that there are no plans for the small lot at this time. The Authority asked if that small lot could be combined with the adjacent road as a turnaround and Mr. Whiteman replied that it is a good idea, but they would have to go through the NRA.
- Ms. Bush explained her concerns:
 - they have had uninterrupted use of the road next to her house for over 20 years
 - they don't want the road closed to help make a new parcel for the benefit of her bothersome neighbour
 - the proposal will negatively affect their quality of life as it is a quiet cul-de-sac now and that would change over night
 - their house is their retirement savings and the proposal will devalue her property by about \$200,000
- The Authority noted its position that the application should be adjourned so that the applicant can redesign the subdivision such that the proposed developable lot next to Ms. Bush's property would be eliminated.

2. 6 VINCENT EBANKS Block 3D Parcel 104 (F16-0102) (P16-0376) (\$280,000) (BES)

Application for a duplex.

Appearance at 2:15

FACTS

<i>Location</i>	Conch Point Road, West Bay
<i>Zoning</i>	BR/R
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	11,761.2 sq. ft.
<i>Proposed Use</i>	Duplex
<i>Building Size</i>	2,100 sq. ft.
<i>Building Coverage</i>	21.1%
<i>Proposed Parking</i>	4
<i>Required Parking</i>	2
<i>Number of Units</i>	2

BACKGROUND

July 20, 2016 (**CPA/16/16; Item 2.4**) - CPA adjourned the application to invite the applicant to appear before the Authority to discuss concerns with the application in regard to the lot size, deficient setbacks, deficient width of parking spaces, insufficient turning radii and non-functional parking reverse areas.

August 3, 2016 (**CPA17/16; Item 2.1**) - CPA adjourned the application for the applicant to submit plans showing the proposed building changed from four (4) apartments to a duplex.

September 28, 2016 (**CPA/21/16; Item 2.5**) - CPA adjourned the application to invite the applicant to appear before the Authority to discuss concerns with the application in regard to deficient parking space width and the overall non-functionality of the parking area.

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

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

- 1) The applicant shall submit a revised site plan showing the parking spaces with a minimum width of 8' 6".
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.

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

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

AGENCY COMMENTS

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

Chief Environmental Health Officer

"The following comments are submitted with respect to the above application:

The Department has no objections to the proposed with the understanding that the following will be provided on completion.

- *An enclosure that meets the Department Standards and five garbage bins no larger than – 32gal must be provided. "*

Water Authority

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

Wastewater Treatment:

- *The developer shall provide a septic tank with a capacity of at least 1,500 US gallons for the proposed apartments. 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.*
- *All treated effluent shall be discharged into a disposal well; the invert level of the discharge pipe shall be at least two feet above the high water level in the well. The effluent disposal well shall be constructed prior to installation of the septic tank, in order to establish the flow line from the building sewer stub-out, through the septic tank, to a discharge invert level of at least two feet above the high water level in the disposal well.*
- *Disposal wells shall be constructed by a licenced driller in strict accordance with the Authority's standards. Minimum required depth of borehole and length of grouted casing are site-specific and are obtained by licenced drillers before pricing or constructing an effluent disposal well.*

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 April 22nd, 2016 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Boundary Plan 12

The above parcel is affected by BP 12, please have applicant show and respect said BP.

Road Capacity Issues

The impact of the proposed development onto Conch Point Drive is considered to be minimal.

Access and Traffic Management Issues

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

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

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

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

Stormwater Management Issues

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

- *The applicant shall demonstrate, prior to the issuance of any Building Permits, that the Stormwater Management system is designed to embrace storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties and/or nearby roads are not subject to stormwater runoff from the subject site.*

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

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

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

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

PLANNING DEPARTMENT ANALYSIS

General

The application is for four (4) apartments, 1-storey to be located on Conch Road, West Bay

Zoning

The property is zoned Beach Resort/Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Suitability

In accordance with Regulation 15(2)(d) of the Development and Planning Regulations (2015 Revision), apartments are permissible in suitable locations. The surrounding land uses in the area are apartments, single-family dwelling houses and vacant properties. Other than the lot size, In terms of density the

proposal is in keeping with existing densities of apartments in the area. The Department would offer the following information of nearby apartments in the area.

- Birch Tree Hill Apartments on Block 3D Parcel 136 on Conch Point Road and Twinflower CT.
- Paradise Point Apartments on Block 3D Parcel 121 next to the proposal.
- Apartments on Block 3D Parcel 56 on Conch Point Road.

b) Lot Size/Density

The property is registered at 0.27 acres or 11,761 sq. ft. In accordance with Regulation 15(4)(a)(iii), the minimum lot size for apartments is 0.50 acres or 21,780 square feet. Additionally, part of Conch Point Road travels through the subject parcel and that portion of BP 12 equates to 1,752 sq. ft., further reducing the effective area of the parcel to 10,009 sq. ft.

It should be noted that of the three properties noted above that are developed with apartments, 3D 136 is 0.52 acres and would comply with the required lot size; 3D 56 is 0.2569 acres and would not comply with the required lot size; and 3D 121 is 0.4580 acres and would not comply with the required lot size. It is noted, however, that in regard to 3D 121, the Authority granted a lot size variance for the apartments on May 17, 2006. In this instance, the subject lot is significantly undersized and the Authority must determine if there is sufficient reason and exceptional circumstance to warrant allowing the required lot size variance. The applicant has submitted a letter in support of the variance, but refers principally to an economic justification, no land use planning related matters.

The Department would note that the proposal does comply with maximum density requirements: four (4) apartments are proposed and five (5) could be allowed; 4-bedrooms are proposed and 16 could be allowed.

c) Site Layout

- A corner of the building has a rear setback of 10'-4", the septic tank has a rear setback of 11'-1" and the required setback is 20'.
- Turning radii for the sidewalk is less than 15', shown at 5'.
- Parking spaces width 8' vs 8'-6".
- Turning areas for parking spaces not functional.

SUPPLEMENTARY ANALYSIS #1

As requested by the Authority, the applicant has submitted revised plans indicating a duplex.

The Department would offer comments on certain specific issues addressed below.

1. The minimum required parking for a duplex is 2-parking spaces. The applicant is proposing 4-parking spaces – the proposed parking space width is 8’; whereas, the minimum required width is 8.5’.

SUPPLEMENTARY ANALYSIS #2

The applicant has not revised the plans. The Department has invited the applicant to appear to discuss the site plan concerns.

At 2:15, Vincent Ebanks appeared as the applicant and Raquel Williams appeared with him.

- The Authority noted that the revised site plan is now acceptable provided the parking spaces are increased in width to 8’ 6”.
- The applicant advised that he understood and that the site plan could be revised as requested.

Reason for the decision:

- The Authority considered the application and determined that planning permission would be granted because with a requirement for a revised site plan showing the parking spaces with a minimum width of 8’-6”, the application complies with the Development and Planning Regulations (2015 Revision).

2.0 APPLICATIONS

REGULAR AGENDA (Items 2. 7 TO 2. 23)

2. 7 SONY'S AUTO Block 14C Parcel 340 (F10-0187) (P16-0618) (\$79,245) (CS)

Application for a building addition and auto repair garage.

FACTS

<i>Location</i>	Southeast Corner of North Sound Road and Portland Road, George Town
<i>Zoning</i>	LI
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	4.06 acres
<i>Current Use</i>	Auto Sales
<i>Proposed Use</i>	Auto Sales an Repair
<i>Building Size</i>	587 sq. ft.
<i>Building Coverage</i>	10%
<i>Existing Parking</i>	16
<i>Required Parking</i>	5

BACKGROUND

August 2010 (**CE10-0072**) - An enforcement notice was issued for an illegal shed and auto shed.

September 15, 2010 (**CPA/21/10; Item 2.10**) - The Authority granted planning permission for an after-the-fact carport/shed and storage container to be removed from the site by September 2013.

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

Conditions (1-5) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing the building with a minimum 6' side setback.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system). The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.

- 4) The applicant shall 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.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.gov.ky) under Policy Development, Policy Drafts.*
- 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.

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

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.**

The applicant is reminded that the proposed development is subject to compliance with all relevant Laws, including, but not limited to, the Public Health Law, Fire Brigade Law, Water Authority Law and Roads Law.

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.**

AGENCY COMMENTS

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

Chief Environmental Health Officer

Based on the proposal insufficient details were provided; the Department is requesting the following to be submitted for review:

1. *Details on the proposed use of the building also to be indicated on the floor plans.*

2. *Details on the location of the proposed garbage facility.”*

Water Authority

“The plans indicate that the proposal is for an addition to an existing building; however, plans submitted for review in August 2010 (After-the-Fact proposal for a storage room and car park) only show a shed over a concrete slab and a storage container. The architect for this proposal was contacted for clarification regarding the existing and proposed structures. It is understood from that discussion that the proposal is to raise the roof over the vehicle service area to allow for hydraulic lifts; i.e., there is no usable 2nd storey-area such as mezzanine being created. Further, it is understood that a handicap accessible restroom is being added onto the office area located at the west end of the building. Based on the plans submitted and those clarifications, the Water Authority requires the following:

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.

Wastewater Treatment

- The developer shall provide a septic tank with a capacity of at least 750 US gallons for the restroom. The septic tank shall be constructed in strict accordance with the Authority’s standards. Each compartment shall have a manhole to allow for inspection and service. Manholes shall extend to or above grade and be fitted with covers that provide a water-tight seal and that can be opened and closed by one person with standard tools.*
- All treated effluent shall be discharged into a disposal well; the invert level of the discharge pipe shall be at least two feet above the high water level in the well. Disposal wells shall be constructed by a licenced driller in strict accordance with the Authority’s standards.*

Water Resource Protection

- *The site operator and staff shall, at all times, employ Best Management Practices (BMPs) for Vehicle Service Facilities, to prevent contamination of water resources by accidental spills of hazardous materials stored / used at the facility. BMPs shall include the following:*
 - *Conduct maintenance and repairs on a non-porous surface (concrete, not asphalt or soil). Protect the concrete work area with a sturdy rain canopy that extends two feet beyond the concrete work area. Berm the concrete work area to contain any spills. Use drip pans and oil change catch basins to minimize spills.*
 - *Use dry methods (absorbent material such as sand, cat litter, or rags) to clean up any drips or spills that do occur. Collect soiled absorbent materials for delivery to the George Town Landfill for proper disposal.*
 - *Minimize inventory of fluids and chemicals – stock only that needed in the near term. Store fluids and chemicals in their original containers and transfer fluids using funnels or drum pumps to minimize spills. Use less toxic solvents for parts cleaning, options include terpenes and citric acid or microbial or water-based cleaners.*
 - *Collect and store vehicle wastes to be recycled in an area protected from the rain. Store waste oil in drums with bung closures. Store the waste oil drums within a secondary containment structure designed to contain 110% of the storage capacity. Store lead-acid batteries upright in a single layer, within an acid-resistant secondary containment bin. Limit the amount of wastes stored by regularly delivering them to the George Town Landfill’s recycling drop-off.”*

National Roads Authority

“As per your memo dated June 27th, 2016 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 1,985 sq. ft. has been assessed in accordance with ITE Code 841 – Auto Sales & Service. The anticipated traffic to be added onto North Sound 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>30</i>	<i>4</i>	<i>3</i>	<i>1</i>	<i>5</i>	<i>2</i>	<i>3</i>

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

Access and Traffic Management Issues

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

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.

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

Stormwater Management Issues

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

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

LETTER FROM APPLICANT

"I refer to your email dated June 28, 2016 with regards to item #3 and #4, the owner of the garage does not have any intention of utilizing a second floor within this structure. The reason that the plan shows the elevation as a two floor structure is because the business will be utilizing a lift which will require the roof to be high so that the vehicles will be lifted and that necessary work can be done internally and from ground level.

The reason that the rear part of the existing structure is being proposed to be enclosed because certain times of the year the weather prevents the workers from being able to service the vehicles and also people entering the premises and stealing from the vehicles that exist on the compound at night."

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 587 sq. ft. addition to a commercial building being used for auto repair. Given the proposed auto repair garage, the applicant was required to place two newspaper advertisements and no objections were received.

Zoning

The property is zoned Light Industrial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Zoning

Although there is auto repair occurring on site now, it never was granted planning permission. The current application for the addition also include the auto repair garage use. The Authority needs to be assured that the proposed light industrial use of an auto repair garage complies with the provisions of regulation 12(1) and 12(2).

b) Rear Setback

In 2010, an after-the-fact carport/shed was approved for a 3 year period, however the structure was not removed as required by the Authority. This shed was approved with a 3' side setback versus the 6' setback required. The

building was approved as a temporary, open air carport that did not include permanent restroom or water facilities.

The proposed structure includes adding a permanent restroom, enclosing a portion of the ground floor and removing a pitched roof to increase the height of the building – this proposal appears to be a new building, not an addition or modification to an existing structure.

Furthermore, a building permit was not required for the existing building, therefore there is no evidence that the current structure meets the Building Code.

Pictures of the current structure are included in this report. As it appears the existing structure will need to be demolished in order to construct the proposed addition and there is room for the applicant to comply with setback requirements.



Rear of building



Side view



Front of building

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 (2015 Revision).

2. 8 FORTRESS INVESTMENT GROUP Block 11D Parcel 45 (FB94-0233) (P16-0733) (\$160,000) (CS)

Application for a restroom/towel hub facility and two (2) after-the-fact cabanas.

FACTS

<i>Location</i>	Westin Hotel, West Bay Road
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	7.83 acres
<i>Current Use</i>	Hotel
<i>Proposed Use</i>	Cabana and Towel Hub
<i>Building Size</i>	462 sq. ft.

BACKGROUND

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

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

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

June 22, 2016 (**CPA/14/16; Item 2.11**) - The Authority granted planning permission for a hotel addition.

August 3, 2016 (**CPA/17/16; Item 2.14**) - The Authority granted planning permission for a 864 sq. ft. porte cochere with water feature, 203 sq. ft. pool bar expansion, pool and cabana renovations, sign, and two (2) 1,000 gallon underground ASME tanks.

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

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

- 1) The applicant shall submit a revised site plan showing all structures setback a minimum of 130' from the high water mark.
- 2) The applicant is required to apply for a Permit from the Director of Planning. Construction shall not commence prior to the issuance of a Permit.
- 3) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

“We have reviewed the above referenced application and offer the following comments:

- We note this is an after the fact application.*
- As a general principle the Department would not support the proliferation of solid structures sited this far into the active beach; however given that this is a large tourist facility and the semi-permanent nature of the structures the Department does not see sufficient concerns to recommend refusal of the application.*
- Future applications of this nature must be reviewed on a case by case basis with consideration given to the specific conditions of the site and offshore bathymetry and wave conditions.”*

LETTER FROM APPLICANT

“We act for lessee Fortress Investment Group or their nominees in this regard. Owner through its operator has entered into a lease agreement for the use of several beach cabana structures used by guests from time to time as part of their leisure experience. Two of these cabanas are more substantial structures and have been identified by Planning Department officials as warranting planning permission.

Cabana 'A' (identified as such on the planning application support documentation) is a double storey structure intended for use as a life guard observation station and located 75'-0" from the high water line in order to observe bathers if they are in need of assistance or rescue. Cabana 'B' (also identified as such) is intended as a spa venue and used by spa staff for beach-side oceanview private massage sessions.

Like the other smaller cabanas, both these cabana structures are designed as 'temporary' structures to be removed on termination of lease and are supported on 'floating' timber footings intended to bear on the existing beach sand for stability.

We hereby make application for after-the-fact planning permission for both cabana 'A' and cabana 'B' as they are both contributing to the beach and spa experience offered by the Westin Grand Cayman Resort, a premier Cayman Islands destination resort and contributor to the island's tourism product.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a restroom and towel pick-up facility and two (2) after-the-fact cabanas.

Zoning

The property is zoned Hotel Tourism and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) High Watermark Setback

Two beach side cabanas were placed on the shore side of the hotel for the purposes as described in the applicant's letter, included in this report. Cabana A is setback 75' from the high watermark and Cabana B is setback approximately 114' from the HWM.

c) Cabana Design

One of the cabanas is a two-storey structure with stairs (see photo). This is not a typical structure type found along the shoreline and the Authority is recommended to discuss whether this is an appropriate design in terms of safety and function along Seven Mile Beach.

The site plan labels this structure for life guard use; however, the Department is not aware that a life guard is ever present or using this tower. Additionally, this tower is owned by a third party and leasing the area from the hotel, as indicated in the applicant's letter.

Reason for the decision:

1. The Authority considered the application and determined that planning permission would be granted because with a requirement for a revised site plan showing the cabanas with a minimum setback of 130' from the high water mark, the application complies with the Development and Planning Regulations (2015 Revision).

2. 9 EMILE VAN DEN BOL Block 21E Parcel 130 (F10-0014) (P16-0354) (P10-0047) (\$20,379) (CS)

Application for a 5' seawall.

FACTS

<i>Location</i>	South Sound Road, South Sound
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.83 acres
<i>Current Use</i>	House
<i>Proposed Use</i>	Seawall

BACKGROUND

February 16, 2010 (**CPA/04/10; Item 2.6**) - The Authority granted planning permission for a house, detached garage with a dwelling unit, and pool.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns regarding the setback of the wall.

AGENCY COMMENTS

Comments from the Department of Environment are noted below.

Department of Environment

“Environmental Overview: The application site is adjacent to the South Sound Replenishment Zone.

Prior to any decision being determined on this application, a revised plan showing the currently proposed seawall should be required of the applicant. The current plan for this application shows two mean high water mark lines, one recently surveyed and the previously existing one from 2008. The applicant has indicated in a note that the seawall is to be setback from the MHWL by 0.5ft but not its specific shape or footprint; which presumably follows the irregular line of the recent MHWL, although this is not clear and does not appear practical (see figure 1).

The proposed sea wall is proposed to adjoin the illegal seawall on the neighbouring property to the west (Jeremy Beck 21E/157) which was refused planning permission by the CPA and was the subject of a subsequent enforcement notice to remove the structure. This illegal seawall is still in place and should be addressed prior to any decision on a similar or adjoining structure in the same location. The existing seawall on the neighbouring property is also likely to be exacerbating coastal erosion on the property which is the subject of this

application. The effect of the seawall blocking the flow of sand along the beach system by creating a headland concentrating wave action in the area would mean that any natural replenishment of sand would be limited.

The issue of the undermining of the swimming pool on the subject parcel is in part due to the granting of a setback variance in planning permission when it was built in 2010. The variance granted was for the pool and patio to be setback only 48ft from MHWM instead of 75ft required in planning regulations. In order for the proposed seawall to offer the best protection against wave action and coastal erosion it should be sited as close to the swimming pool deck as possible. This would allow as great a setback as possible as a buffer between the hard structure and wave action which would otherwise lead to the reflection of wave energy seaward leading to exacerbated coastal erosion as has been seen in many locations locally.

Comments/Recommendations

The DoE recommends that this application is denied (as the neighbouring properties seawall was previously) pending a resolution to the illegal seawall on the adjoining property (21E/157). The currently proposed seawall does not meet the setbacks required in the Planning Regulations and to grant permission establishes a precedent for creating an armoured coastline along this stretch of South Sound. Further encroachment on natural beach areas would interfere with the natural coastline in the area and potentially impact the Replenishment Zone, which is a protected area under the National Conservation Law.

If the CPA is minded to proceed with determination of this application, without resolving the issue of the adjoining illegal seawall, the DoE recommends that the application is deferred pending the submission of revised plans which position the proposed seawall as near as possible to the pool deck edge.”

LETTER FROM APPLICANT

“Emile Van den Bol, owner of Block 21E Parcel 130 (located at 572 South Sound Road), requests approval for the (re)-construction of a seawall.

At least since the mid-1980s this section of South Sound has experienced consistent erosion of the shoreline. During this 30-year period, the shoreline has never increased, even seasonal. Over the last couple of years, the decrease in shoreline has accelerated.

The Cayman Islands Department of the Environment believes that the significant loss of shoreline may be related to the dredging that took place in front of the property during the 1970s. The rock and sand from this dredging was used to fill in swampland in the South Sound area. The dredging increased the wave action in front of the property, which has drawn sand away from the beach. In the 1990s, the then-owners of the property installed a seawall. However, this seawall was destroyed during Hurricane Ivan. The current owner hired Roland & Bodden, a surveyor company, to conduct a study with respect to the activity of the shoreline since the mid-1980s (Exhibit 1). This study includes a memo from Roland & Bodden and aerial pictures of the property over time starting in 1987. The study

concludes that "The parcel in question has constantly experienced deterioration and at no point accretion was experienced."

Due to the wave action, the property owner fears that he will incur significant (financial) damage to his property and continued loss of land. Over the course of past year, the homeowner has lost a substantial amount of vegetation and had to rebuild part of his dock numerous times to keep it connected to the shore. At this point, the erosion is such that a significant storm could compromise the pool and patio structure, and potentially cause the pool to collapse into the Sound. Photographs of the erosion and damage of the shoreline are attached as Exhibit 2. The only option to protect the pool, patio and remaining land is shoreline stabilization in the form of a seawall.

The proposed seawall is planned to be constructed along the high water mark that existed when the house was built 4 years ago. Doing so will enable a smooth connection between the new seawall and the seawall located on the adjacent property (Block 21E 157).

The proposed seawall will be 5 feet tall and will be constructed out of sheets of vinyl piling (see Exhibit 4). This material has been chosen because it is environmentally friendly, durable and strong. This method is preferable to a concrete wall which is much more invasive, or a large boulder wall which may not withstand significant wave action, such as might occur in a severe tropical storm or hurricane. Stone and cement (to tie back the vinyl sheets) will be used to fill the area behind the new seawall. It will be topped off with a wide band of coral stone to make it aesthetically pleasing and consistent with the neighbour's sea wall, as well as to make it possible for people to traverse along the coastline (see Exhibit 5). The vinyl sheet pilings will be placed directly in the sand. In the event that in some places the bedrock is less than 5 feet below the surface these specific sheet pilings will be set in concrete. Silt screens with a 4 foot minimum skirt depth and of sufficient length to fully enclose the working area will be installed if so required.

The vinyl sheets are manufactured by U.S. company, Crane Materials International, based in Marietta George. The installation project will take less than three weeks."

THE REFERENCED EXHIBITS ARE INCLUDED IN THE AGENDA'S APPENDIX 'B'.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a 5' seawall.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) High Watermark Setback

The subject site has a sandy beachfront and therefore is subject to a 75' High Watermark setback (Regulation 8(10)(b)).

The applicant is requesting to locate a seawall 0.5' from the High Watermark for the reasons explained in his letter, included in this report and Appendix 'B'.

The Authority is minded to consider this request against the provisions detailed in Regulation 8(11):

“The Authority may grant planning permission for a setback to be located at a lesser distance than that prescribed in those paragraphs, having regard to –

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

The Department notes the existing pool is currently set back 35' from the HWM, although when it was approved in 2009, it had a setback of 50' from the HWM. It seems apparent beach erosion is occurring through review of historical aerial photographs.

The wall will be 4 feet high, constructed of vinyl sheeting and topped with 1-foot coral stone, giving a total wall of 5 feet.

The Authority is recommended to evaluate the applicant's reasons for the variance and DOE's comments to determine if there is sufficient reason to approve the variance request.

2. 10 ROGER & LISA SMALL Block 27B Parcel 80 (F16-0126) (P16-0494) (\$298,800) (BES)

Application for dwelling house.

Robert Watler Jr. declared a conflict and left the meeting room. Fred Whittaker sat as Acting Chairman.

FACTS

<i>Location</i>	Sea Wind Close
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	38,332.8 sq. ft.
<i>Building Size</i>	1,601 sq. ft.
<i>Building Coverage</i>	1.9%
<i>Proposed Parking</i>	1
<i>Required Parking</i>	1

BACKGROUND

June 22, 2016 (**CPA/14/16; Item 2.15**) - CPA adjourned the application, for the following reasons:

1. Pursuant to Regulation 8(13)(d), the applicant must notify the owner of 27B 81 of the request for a setback variance.
2. Subsequent to the expiration of the notification period required in condition 1), the applicant is invited to appear before the Authority to discuss concerns of the application in regard to setbacks and the location of the 3 storey house on the canal side of the lot.

August 3, 2016 (**CPA/17/16; Item 2.2**) - CPA adjourned the application, for the following reason:

1. The applicant is required to submit revised plans showing the proposed building with a maximum of two storeys.

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, [i.e. two feet (2') above the Vidal Bench Mark].

LETTER FROM APPLICANT

"Further to the application submitted to build a Two Storey House on Block 27B Parcel 80, we hereby request for a 150sq. ft. setback variance of which requires a 20 ft. minimum setback from the boundary in a Low Density Residential Zone.

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

A. Under Regulation 8(11) (f) of sub regulation (10). We'd like to present the following point for consideration:

1) The proposed structure will enhance the site condition hence it will increase the land value of the neighboring vacant parcel.

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

1) We are proposing a total of 300 sq. ft. setback variance to satisfy the CPA's requirement of a maximum of two storey building. We have cantilevered the second floor 5 ft. away from the building to fit the 3 bedroom requirement of the client."

PLANNING DEPARTMENT ANALYSIS

General

The application is for a dwelling house (1,992 sq. ft.) to be located on Sea Wind Close.

As submitted, the applicant is proposing a dwelling house on the canal side of the property which is approximately 5,117.32 sq. ft.

Zoning

The property is zoned Low Density Residential. The Authority is being asked to consider the specific issues addressed below.

Specific Issues

a) Setbacks

The wall of the proposed house is setback 15' from the canal inlet, with a 10' setback for the balconies. The stairs are setback 6' from the edge of the canal inlet. The required setback is 20'. The proposed septic tank is 9.5' from the

front property line instead of the required 20'. The Authority is being asked to assess if there are sufficient reasons and circumstances to grant the required variances.

In accordance with Regulation 8(11) of the Development and Planning Regulations (2015 Revision), the Authority may grant permission for a setback to be located at a lesser distance than that prescribed in paragraphs (a) to (h) of subregulation (10), having regard to-

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

Regulation 8(13)(b) and (d) of the Development and Planning Regulations (2015 Revision) states that...

(13) Notwithstanding subregulations (1), (2), (5), (7) and (9) and regulations 9(6), (7) and (8), 10, 12, 13, 14 and 15, the Authority may grant planning permission to carry out development that does not comply with all or any of those provisions if the Authority is satisfied that -

- (b) there is sufficient reason to grant a variance and an exceptional circumstance exists, which may include the fact that -
 - (i) the characteristics of the proposed development are consistent with the character of the surrounding area;
 - (ii) unusual terrain characteristics limit the site's development potential; or
 - (iii) the proposal will not be materially detrimental to persons residing or working in the vicinity, to the adjacent property, to the neighbourhood, or to the public welfare;
- (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.

b) Lot Size on Canal

The lot size on the canal of the subject property is approximately 5,117.32 sq. ft. The Authority is being asked to consider the potential scale and massing impact of the house given the area of the site.

SUPPLEMENTARY ANALYSIS

The applicant has submitted revised plans for 2-storey dwelling house (1,601 sq. ft.) and a letter of variance regarding the above application. The Authority is being asked to consider the specific issue addressed below.

Specific Issue

a) Setbacks

The proposed ground floor is setback 15' and the second floor is setback 10' respectively from the canal inlet. It is also noted that the back patio stairs are setback 4.5' from the edge of the canal inlet - the required rear setback is 20'.

The proposed septic tank is 9.5' from the front property line and the front porch stairs are setback 16.5' instead of the required 20'. The Authority is being asked to assess if there are sufficient reasons and circumstances to grant the required variances.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the canal and front setbacks, which are addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required canal and front setbacks per Regulations 8(10)(ea) and 9(8)(i) of the Development and Planning Regulations (2015 Revision). The Authority is of the opinion that pursuant to Regulation 8(11)(e), the proposed canal setback is consistent with other similar developments on adjacent parcels within the same subdivision. Further, the Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow the lesser front 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.

2. 11 BANANA WINDWARD LTD. Block 17A Parcel 236 (F14-0178) (P16-0789) (P16-0788) (\$2,500) (BES)

Application for an after-the-fact TV dish and modification for after-the-fact fence height.

FACTS

Location Laliq Quay and Crighton Drive.

Zoning **LDR**

Notice Requirements No Objectors

BACKGROUND

November 11, 2014 - A dwelling house, pool, 4' fence, generator and LPG tank were granted admin approval with conditions.

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

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

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking a setback variance from the Authority for an after-the-fact TV dish and modification for after-the-fact fence height. The site is located on Laliq Quay and Crighton Drive.

Zoning

The property is zoned Low Density Residential and the Authority is being asked to consider the specific issues addressed below.

Specific Issues

a) Increased Fence Height

The applicant is requesting a modification for the fence height varying from 4' to 6'-6" and 5' high retaining wall with a 4' high decorative fence along the north boundary for a total height of 9'. The CPA Fence states that fences in residential areas should be 5' in height.

b) Setback Issue Regulation 9(8)(j)

The after-the-fact dish is setback approximately 1.5' from the side boundary, whereas the minimum the required side setbacks is 10'. From a planning standpoint, the TV dish could be relocated on site to comply with the

minimum side setback. The applicant has notified the adjacent affected parcels and no objections have been received.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required side setback per Regulations 9(8)(j) of the Development and Planning Regulations (2015 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.
3. The height of the wall is consistent with other walls in the area and it 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.

2. 12 THOMAS CLARK Block 44B Parcel 52 (F12-0137) (P16-0594) (P16-0681) (\$11,000) (EJ)

Application for a house addition.

FACTS

<i>Location</i>	Bodden Town Road
<i>Zoning</i>	MDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	12,197 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	House Addition
<i>Building Size</i>	1,479 sq. ft.
<i>Total Site Coverage</i>	12.13%
<i>Existing Parking</i>	1
<i>Required Parking</i>	1
<i>Number of Units</i>	1

BACKGROUND

June 19, 2012 - The Department granted permission for a two-bedroom house and swimming pool.

September 19, 2013 - The Department granted a modification to increase the building height.

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).**

LETTER FROM APPLICANT

“We write on behalf of our client, Thomas Clark, with regards to the following variance;

- *A setback variance – The staircase addition is proposed with a 10ft side setback instead of the required 15ft for a two storey development.*

We request permission for the proposed development per the drawings provided and humbly give the following reasons:

- 1. The side wall where the addition is proposed exists at 10ft from the side boundary of the property as the house was originally single storey. It is now desirous to align the proposed wall with the existing one to maintain the visual appearance and aesthetics of the house. The addition is such that the front view of the house continues to appear as a single storey house and a variation from this, in order to meet the required 15ft setback, would diminish the current harmony.*
- 2. The adjacent properties were notified by registered mail and there have been no objections to date.*
- 3. Additionally, we strongly feel that the proposed development would not impose any hardship on any neighbors, nor would it serve to create a situation where any of the neighbors' quality of life, property value, or peaceful co-existence would be negatively affected.*
- 4. The application complies with all other relevant planning requirements.*

We look forward to your favorable response to this variance request. Should you have any queries, please do not hesitate to contact us.

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking setback variances from the Authority for the right and left sides for the proposed house addition.

Zoning

The property is zoned Medium Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

The applicant is seeking permission to enclose the ground floor area which was original granted administrative approval on June 19, 2012; this would in effect create a two-storey house thus the need for the side setback variances.

a) Side Setback Variance

The proposed would not meet the required 15' side setback as the subject building were originally and currently exist at 10' from the sides; therefore, the applicant is seeking side setback variance from the Authority.

b) Additional Kitchens

Furthermore, the proposed addition will have a second internal kitchen and also an external kitchen to the rear. The Department has no particular concern with the outside kitchen as it appears to function in relation to activities

associated with the pool. However, the second internal kitchen and overall building design would appear to result in a duplex and not a house. If it is considered a duplex, the lot size complies as it is over 12,000 sq. ft. and 7,500 sq. ft. would be required.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the side setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required side setback per Regulation 9(7)(j) of the Development and Planning Regulations (2015 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.
3. The Authority is of the view that the building is a house with more than one kitchen and not a duplex, therefore only one electrical meter will be allowed.

2. 13 JOHN MCLEAN JR. Block 71A Parcel 31 (F16-0188) (P16-0775) (\$31,000) (CS)

Application for thirty one (31) residential lots, one (1) LPP parcel and road parcels.

Robert Watler Jr. declared a conflict and left the meeting room. Fred Whittaker sat as Acting Chairman.

FACTS

<i>Location</i>	Farm Road, East End
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	10 acres
<i>Current Use</i>	Vacant
<i>Proposed Use</i>	Subdivision
<i>Parcel Size</i>	431,299 sq. ft.
<i>Number of Lots</i>	33

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

1. The applicant is required to submit a revised subdivision plan showing the Land for Public Purposes lot #16 increased to 5% in order to incorporate the portion of the pond that is currently being shown on lot #17.

AGENCY COMMENTS

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

Department of Environment

“Environmental Overview: The south western portion of the site is long-established agricultural land and the north eastern portion comprises interior Buttonwood wetland and a pond, as shown on Figure 1. The subdivision layout includes a vegetation buffer on the north western edge of the pond (adjacent to lot number 15). The south western edge (adjacent to lot number 17) extends into the pond, as shown on Figure 2.

Comments & Recommendations

We welcome the inclusion of the vegetative buffer adjacent to the north western edge of the pond. It is evident that the south western edge of the pond will be filled in order to develop Lot 17. The DoE does not support the filling of the pond. If permission is granted, we recommend that a revetment is created along the

boundary of Lot 17 where it abuts the pond in order to prevent fill material falling into the pond.

If permission is granted for this subdivision, we recommend that it is conditional upon not allowing clearing of the site until development is imminent.”

Water Authority

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

Water Supply:

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

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

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

Wastewater Treatment:

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

National Roads Authority

“As per your memo dated August 10th, 2016 the NRA has reviewed the above-mentioned planning proposal. Please find below our comments and recommendations based on the site plan provided.

Entrance on High Rock Drive

As per the 2013 aerials the entrance does not reflect as built conditions. Please see attached schematic.

Stormwater Management Issues

A comprehensive drainage plan needs to be provided by the applicant for the entire project.

The applicant shall demonstrate that the Stormwater Management system can be designed to include storm water runoff produced from a rainfall intensity of 2 inches per hour for one hour of duration and ensure that surrounding properties

that are lower, and nearby public roadways are not subject to stormwater runoff from this site.

The applicant is encouraged to consider stormwater management techniques other than deep wells, and to contact the NRA for advice on these alternative control measures.

Infrastructure Issues

The NRA advises the CPA to require the developer to provide for signage (stop signs, etc.), street lighting and any other traffic calming measures on the proposed roads of the subdivision. Once the roadway has been taken over as a public road, the NRA can then assume that responsibility.

A thirty (30) ft. wide road parcel needs to be provided in order to have adequate access as the NRA does not endorse the use of vehicular ROWs.

The subdivision's road base shall be constructed to NRA minimum design and construction specifications for subdivision roads - this includes elevations, minimum longitudinal slopes and minimum cross fall of minus 2 percent from the centre line to the shoulder.

The roadway shall be HMA. The NRA shall inspect and certify the road base construction prior to HMA surfacing activities.

All internal roadway curves (horizontal alignment) shall be no less than 46 feet centreline radius. This requirement ensures that the minimum vehicle sweeps for a standard garbage and/or fire truck can be accommodated by the site layout.”

LETTER FROM APPLICANT

“On behalf of our client, Mr. John McLean Jr., we are requesting that permission be granted to allow thirty three (33) lots subdivision plan as per our planning application with some lot not meeting the minimum lot width requirements.

In this case, to adjust the lots would mean that we might lose 1 or 2 lots, which our client has reported to us that this would adversely affect the budget with the high infrastructure cost.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for thirty one (31) residential lots, one (1) LPP parcel and road parcels.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Subdivision Design

Several lots have parcel boundaries that are not perpendicular from the road parcel and create odd lot shapes. Due to this design, several lots do not

comply with the minimum lot width of 80'. Odd shaped lots may cause conflicts with neighbouring parcels in the future over confusion as to the location of shared boundaries.

The Department requests the CPA specifically consider the design for Lots 3, 14, 28, 29 and 30.

The applicant was advised of the Department's concern and created an exhibit showing 10' side setbacks on certain lots and where a 28' x 43' (1,204 sq. ft.) house pad can be located.

b) Minimum Lot Width

The minimum lot size allotted in the LDR zone is 80'. Several lots within this proposed subdivision do not comply with Regulation 9(8)(g).

The applicant has provided a variance letter, included in this report, to defend their request for lesser lot widths. Regulation 8(13) defines the criteria for when a variance can be granted by the Authority. The Department notes adverse effects to the development budget is not included in this Section.

c) Location of LPP

The subdivision includes a 19,580 sq. ft. (4.4%) LPP parcel at the site's east boundary. At this location there is a natural low area and a pond. Through comparing the 2013 aerial photo with the subdivision layout, about 1/3 of Lot 17 will be located within the pond and most likely be filled. As shown on the applicant's exhibit, about half of the LPP will lie outside the pond's boundary.

The Department suggested the LPP be redesigned so the portion of the pond on Parcel 31 be entirely located within LPP designation. This solution would also improve the design for Lots 14 and 15. The applicant chose not to.

Furthermore, if the LPP includes the pond plus a vegetative buffer around its edge, this will maintain a natural low lying area and continue to assist with Stormwater runoff.

d) Farm Road Encroachment

NRA noted the as-built conditions of Farm Road encroaches the applicant's property. The subdivision design has been revised to include a road parcel for this encroachment.

2. 14 HHG CAYMAN LTD. Block 13B Parcel 124 Rem 1 (F86-0014) (P16-0780) (\$950,040) (CS)

Application for a change-of-use of a hotel storage area to a conference room, restaurant and gym.

FACTS

<i>Location</i>	Treasure Island Resort, West Bay Beach South
<i>Zoning</i>	H/T
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	5.43 acres
<i>Current Use</i>	Hotel
<i>Proposed Use</i>	Hotel
<i>Building Size</i>	13,572 sq. ft.
<i>Existing Parking</i>	175
<i>Required Parking</i>	27

BACKGROUND

May 11, 2016 (**CPA/11/16; Item 2.4**) - The Authority granted planning permission for hotel renovations and a restaurant expansion subject to the following condition:

- 1) The applicant shall submit a revised site plan showing an additional eleven (11) parking spaces.

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

1. The applicant is required to submit a revised site plan showing an additional 34 parking spaces.

AGENCY COMMENTS

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

Chief Environmental Health Officer

“The following comments are submitted with respect to the above application:

Proposed Restaurant and Kitchen Layout

- *A detailed fully labelled floor plan of the kitchen showing the layout of all equipment, technical specifications for equipment, and engineering details for*

all engineering systems related to the handling, and preparation of food for human consumption shall be submitted.

- The kitchen area shall be designed to provide a work flow that: (1) is continuous and progresses in a uniform direction from raw material to finished product; (2) adequately separates the clean and dirty processes; (3) eliminates cross-contamination; (4) facilitates effective cleaning; (5) provides aisle spaces shall not be less than 36 inches; and (6) spaces the equipment so that they can be easily cleaned.*
- Sufficient working space must be provided if safety and sanitation is to be maintained in the food preparation facility.”*

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 and any improvements or upgrades to the existing lift station. Plans for the connection shall then be submitted to the Engineering Department for approval.*
- The developer shall ensure that the existing fixtures in place which connect to the (WBBSS) are adequately maintained and serviced.*
- A grease interceptor with a minimum capacity of 3,000 US gallons (i.e. two 1,500 US gallon interceptors in series) 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.”*

E-MAIL OF SUPPORT

“I support the application by HHG.

DARLA YOULDON

Sales Representative”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting to planning permission to change the use of the hotel’s third floor to a restaurant, two conference rooms, office space and a gym.

Zoning

The property is zoned Hotel Tourism and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Parking

Per CPA/44/86; Item 7.18, the Authority determined 323 parking spaces would be required for the Treasure Island Resort, which included 96 apartments in addition to 290 hotel rooms and ancillary uses.

There are 164 existing parking spaces tied to the hotel use with another 11 to be created as a condition of approval for a recently approved restaurant expansion on the ground floor.

The Department acknowledges that this hotel has existed for several years and obtaining a copy of the original floor plans has been unsuccessful so the originally approved use of the third floor is not known.

As mentioned, this application proposed to install a restaurant, two conference rooms, office space and a gym. If this were a new development, these uses would require the following parking spaces:

Restaurant	5,319 sq. ft.	26.5 spaces
Conference rooms	5,032 sq. ft.	17 spaces
Storage/office/gym	1,676 sq. ft.	n/a – associated with hotel use

A total of 34 additional parking spaces are required, but no additional parking is proposed for this change-of-use. The CPA is recommended to determine if adequate parking is available or if more should be provided.

2. 15 V + A INVESTMENTS LTD Block 22E Parcel 382 (F06-0231) (P15-0860) (\$23,000) (BES)

Application for clearing land by mechanical means.

FACTS

<i>Location</i>	Edge Waterway, North of the Grand Harbour Commercial Plaza
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	2.366 acres
<i>Building Size</i>	103,059 sq. ft.

BACKGROUND

July 12, 2006 (**CPA/22/06; Item 2.37**) - CPA granted planning permission for commercial warehouse storage with conditions.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns with the application as it appears premature given the absence of an application for the primary development of the site.

PLANNING DEPARTMENT ANALYSIS

General

The application is for clearing land by mechanical means located on Edge Waterway, north of the Grand Harbour Commercial Plaza. The property is 2.366 acres or 103,063 sq. ft., and the property lies an average of 2.5' above mean sea level.

Zoning

The property is zoned Low Density Residential. The Authority is being asked to consider the specific issue addressed below.

Specific Issue

a) Clearing of Land

The applicant would be clearing the above mentioned parcel by mechanical means. It should be pointed out that no planning application has been submitted for development on the site. Based on Cayman Land Info, there is a large area of lying water at the front of the parcel, and the property will require fill prior to development.

**2. 16 OTIS AIR Block 19A Parcel 63 and 64(F09-0301) (P16-0880) (P16-0881)
(\$2.5 million) (KA)**

Application for a warehouse and 8' fence.

FACTS

<i>Location</i>	Blue Lagoon Drive, George Town
<i>Zoning</i>	LI
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.9392 acres
<i>Proposed Use</i>	Warehouse
<i>Building Size</i>	14,333.4 sq. ft.

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

Conditions (1-5) listed below shall be met before permit drawings can be submitted to the Department of Planning.

- 1) The applicant shall submit a revised site plan showing a 6' sidewalk.
- 2) If not already shown on the site plan, the applicant shall submit a site plan that shows the location, dimensions and **size** of the wastewater treatment system (including the disposal system). The treatment system must be labelled as either a septic tank or an aerobic wastewater treatment system, whichever is applicable.
- 3) If not already shown on the site plan, the applicant shall submit a site plan showing tire stops for the parking spaces and the parking area curbed and surfaced with asphalt or concrete.
- 4) The applicant shall 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.**
- 5) The applicant shall submit a landscape plan which shall be subject to review and approval by the Central Planning Authority. *It is suggested that the landscape plan be prepared following the recommendations of the Draft Cayman Islands Landscape Guidelines, found on the Planning Department's website (www.planning.gov.ky) under Policy Development, Policy Drafts.*

In addition to Permit requirements, condition (6) listed below shall be met before a Permit can be issued.

- 6) The applicant shall submit a construction operations plan to the satisfaction of the Director of Planning indicating in sufficient detail how the development will be constructed without interfering with or obstructing adjacent roads, properties and fire lanes. At a minimum, the plan shall indicate the location of material storage, workers parking, site offices, portable toilets, construction fencing and where applicable, the stockpiling of material excavated from the site and material brought to the site for fill purposes.
- 7) 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.
- 8) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

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

If the existing grade level does not currently provide for it, the applicant is reminded that the finished floor level of all buildings should be at least five feet (5') above mean sea level, [i.e. two feet (2') above the Vidal Bench Mark].

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**.

The applicant is reminded that the proposed development is subject to compliance with all relevant Laws, including, but not limited to, the Public Health Law, Fire Brigade Law, Water Authority Law and Roads Law.

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.**

AGENCY COMMENTS

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

Department of Environment

“COMMENTS FROM NATIONAL CONSERVATION COUNCIL

Further to a review of the above referenced application, the Department of Environment (DOE) has no comments to make at this time as the subject parcel area is man-modified and is of limited ecological value.”

Chief Environmental Health Officer

“Based on the proposal submitted, the Department has no objections to the proposed.

An 8 cubic yard garbage container is required for this proposal.

- *Prior to installation, please provide full details/specification on the proposed generator.”*

Water Authority

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

Wastewater Treatment:

- *The developer shall provide a septic tank with a capacity of at least (2,000) 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.*

EFFLUENT DISPOSAL:

- *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.*
- *Treated effluent from the septic tank shall enter the disposal well at a minimum invert level of 4’2” above MSL. The minimum invert level that is required to maintain an air gap between the invert level and the water level in the well, which fluctuates with tides and perching of non-saline effluent over saline groundwater.*

Water Supply:

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

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

The plans indicate a future generator location, therefore these requirements will apply.

GENERATOR INSTALLATION

Please be advised that the Water Authority defers to the Chief Petroleum Inspector and Chief Fire Officer on requirements for fuel storage equipment (e.g., tanks, piping, etc) and installation.

Regarding groundwater protection for fuel storage tanks, the Authority requires the developer to install monitoring wells for underground fuel storage tanks (UST). 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 that the fuel storage tank and all piping are above ground, monitoring wells are not required.

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."

LETTER FROM APPLICANT

"OtisAir is a local company that offers residential and commercial services for Air conditioning design, construction and maintenance. The company is looking to build their premises on the parcel mentioned above. As explained on the planning application drawings the project consists on a single storey warehouse and a two storey office area at the corner. The warehouse will be used to store equipment and materials required for their business. The office area will be used by the staff members and clients, and the service area will be used by their technician's daily visit. They work on different sites around the island. At the moment the lot in questions and all surrounding lots are vacant and due to security concerns the client would like to build an 8' height fence on the two sides that are hidden from the public space. In regards to sidewalks the proposal is to allow for the space in case they are required in the future, at the moment that particular block has all the surrounding lots empty. It is an area at the end of a road without connections to other roads on island and does not presently have pedestrian flows."

PLANNING DEPARTMENT ANALYSIS

General

The application is for a warehouse and 8' fence. The site is located on the corner of Blue Lagoon Drive and Sparky's Drive, George Town.

Zoning

The property is zoned Light Industrial and the Department would offer the following comments.

Specific Issues

a) Zoning

As noted above, the site is zoned Light Industrial. Regulation 12(1) states that industrial development may be permitted in this zone if it satisfies certain criteria:

- it is not detrimental to the surrounding area
- it provides centres of local employment
- access to industrial areas is ensured; and
- this regulation is complied with fully

The Department is of the view that the proposed use complies with this regulation. Further, Regulation 12(6) summarizes the types of permitted uses in this zone and the Department is of the view that the proposed use complies with this regulation.

b) Fence Height

The Authority should note the applicant's request for an 8' high fence. It is not unusual for the Authority to approved 8' fences for industrial uses.

c) No Sidewalk Proposed

The applicant is proposing a landscape strip along the front boundary, but no sidewalk. The Authority should assess if a sidewalk should be required for the development.

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 (2015 Revision).

2. 17 CADA SCOTT Block 4B Parcel 128 (FA82-0217) (P16-0677) (\$4,000) (CS)

Application for the after-the-fact conversion of a house to a duplex.

FACTS

<i>Location</i>	Northwest corner of Tulip Close and Birch Tree Hill Road, West Bay
<i>Zoning</i>	HDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	2,178 sq. ft.
<i>Current Use</i>	Duplex
<i>Proposed Use</i>	Duplex
<i>Building Size</i>	1,080.82 sq. ft.
<i>Building Coverage</i>	50%
<i>Existing Parking</i>	2
<i>Required Parking</i>	3
<i>Number of Units</i>	2

BACKGROUND

May 27, 1982 - The Authority approved a house and carport.

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

- 1) The applicant is required to apply for a Permit from the Director of Planning **within 6 months of the date of this decision.**
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **within 12 months of the date of this decision.**

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for the after-the-fact conversion of a house to a duplex in order to gain a second electrical meter.

Zoning

The property is zoned High Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Existing Conditions and Site History

Through review of aerial photographs, a house existed on the site in 1971 which was wholly located within the parcel boundaries.

In 1982, planning permission was granted for a house addition and carport. Per the site plan and location map, this proposal was to be located within the parcel boundaries.

However the 1994 aerial photograph shows the addition crosses the south boundary and encroaches Tulip Lane. Additionally another structure was built that straddles the site's north boundary. The Department is unable to locate the planning history for this building.

When reviewed against current regulations, the site has the following deficiencies:

- Lot is undersized (2,178 sq. ft. vs. 5,000 sq. ft. required).
- Front road setback (7'8" vs. 20').
- Side road setback (encroaches road vs. 20').
- Site coverage (50% vs. 40%).
- Lot width (50'-9" vs. 60').

The applicant has only made internal changes to the house to create the duplex. Notifications were served to adjacent land owners and no objections have been received.

b) Parking

It appears there are only two functional parking spaces on the site which require vehicles to back onto Birch Tree Hill Road. Given there is a second residential structure that encroaches the site, there are at least three (3) units that need parking.



South view of property along Tulip Lane



North view of property



Rear view of property



Partial view from Birch Tree Hill Road



Two unfinished ancillary buildings behind house/duplex

2. 18 ANDRE YATES Block 38E Parcel 35 (F07-0251) (P16-0889) (\$20,000) (KA)

Application for an after-the-fact addition to a duplex and for a proposed addition to the duplex.

FACTS

<i>Location</i>	Twig Drive, Lower Valley
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.25 acres
<i>Current Use</i>	Duplex
<i>Building Size</i>	430 sq. ft.

BACKGROUND

CPA/19/14; Item 2.8 - The Authority granted planning permission for the after-the-fact addition to the duplex.

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

- 1) The applicant is required to apply for a Permit from the Director of Planning **within 6 months of the date of this decision.**
- 2) Unless specifically authorized otherwise in writing by the Central Planning Authority, the Development shall be carried out strictly in accordance with the approved plans.

The applicant shall obtain a Final Certificate (of Fitness for Occupancy) **within 12 months of the date of this decision.**

LETTER FROM APPLICANT

"I am requesting a variance for the rear setback to this building because the rear portion is constructed 6 feet into the setback. The initial design accounted of an additional 9 feet of land to the rear (i.e. 109ft deep from Twig Drive) but under a detailed survey it was found to be just 100 feet and this matter was also accidentally overlooked by the Planning Department in my original application for the building, but later identified during the approval of the after-the-fact several years ago.

Please let me know if there is anything else I can do."

PLANNING DEPARTMENT ANALYSIS

General

The application is the result of enforcement for the after-the-fact addition to a duplex and for a proposed addition to the duplex. The applicant previously submitted and received planning permission for the after-the-fact addition; however, planning permission expired before the applicant submitted a permit. The applicant therefore has to re-apply for the same after-the-fact application. The site is located on Twig Drive, Bodden Tow.

Zoning

The property is zoned Low Density Residential and while the proposed use is a permitted use per Regulation 9 (8), the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Setbacks

The applicant has constructed an addition to the rear of the property to provide a dining room for each unit and a bathroom for one of the units. The applicant is also proposing a bathroom for the second unit. The after-the-fact addition does not comply with the minimum rear setback requirement as it is only 14'-3" from the rear boundary instead of the minimum required 20'. The proposed addition would meet the minimum setback requirements. All the adjoining land owners were notified and no objections were received.

b) Construction Shed

The Authority should note that the applicant has constructed a wooden shed which straddles the boundary with the adjacent property. The Department recommends that the shed be demolished prior to the issuance of a Certificate of Occupancy.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the rear setback, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the minimum required rear setback per Regulations 9(8)(i) of the Development and Planning Regulations (2015 Revision). The Authority is of the opinion that pursuant to Regulation 8(13)(b) there is sufficient reason and exceptional circumstance to allow 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.

2. 19 BRONTE DEVELOPMENT LTD. Block OPY Parcel 31 (FA87-0275) (P16-0843) (\$500,000) (CS)

Application for external renovations, a 733 s.f. addition, and an 8' privacy wall.

FACTS

<i>Location</i>	MacDonald Square, Fort Street, George Town
<i>Zoning</i>	G COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	6,098 sq. ft.
<i>Current Use</i>	Commercial/Restaurant
<i>Proposed Use</i>	Commercial/Restaurant
<i>Building Size</i>	733 sq. ft.
<i>Building Coverage</i>	60%
<i>Existing Parking</i>	8
<i>Proposed Parking</i>	25
<i>Required Parking</i>	19

BACKGROUND

May 5, 2004 (**CPA/09/04; Item 2.16**) - The Authority granted planning permission for a 540 sq. ft. change-of-use from commercial to restaurant.

May 30, 2007 (**CPA/15/07; Item 2.30**) - The Authority granted planning permission for a 350 sq. ft. change-of-use from commercial to restaurant.

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).**

AGENCY COMMENTS

Comments from the Water Authority are noted below.

Water Authority

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

Proposed addition w/ Existing Septic Tank:

- 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.*

Existing Grease Interceptor:

- A grease interceptor with a minimum capacity of 600 US gallons was required as of the previous April 2004 memorandum for this development. This was required to pre-treat flows from kitchen fixtures and equipment with grease-laden waste; e.g., pot sinks, pre-rinse sinks; dishwashers, soup kettles or similar devices; and floor drains. The outlet of the grease interceptor shall be plumbed to the sanitary sewage line leading to the septic tank.*
- The developer shall provide drawings showing the location and specifications for any grease interceptors installed on the property.”*

LETTER FROM APPLICANT

“We confirm that BHK Limited has entered into a rental agreement with Beech Realty Ltd. for up to 25 parking spaces located on Block 14CF Parcel 69.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for exterior renovations, a 733 sq. ft. second floor addition, and an 8’ privacy wall.

Zoning

The property is zoned General Commercial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Road and Side Setback

The existing building encroaches both the road and side setbacks. The second floor will be extended to match the ground floor footprint and will not further encroach the existing setbacks.

The 8’ privacy wall is proposed to create a courtyard for the building’s tenants. This wall will be located 1’ from the side property line. The Authority is recommended to consider the height and setback of the wall.

b) Parking

There are 8 existing spaces on the site, all of which back onto Fort Street. The addition would require 2 additional parking spaces. It should be noted that the additional square footage is not a new leasable unit, but rather an expansion of the existing open tenant space.

The overall existing and proposed development requires 19 parking spaces per current Regulations (890 sq. ft. restaurant/7,011 sq. ft. commercial).

The applicant has provided a letter from Beech Realty stating they are in a rental agreement with the applicant to provide 25 parking spaces on Block 14CF Parcel 69, which shows to be owned by Commercial Properties Ltd.

Per Regulation 8(1)(b) up to 100% of the parking spaces may be located not more than 700 feet from the respective building for proposals in General Commercial zone 1. Block 14CF Parcel 69 is approximately 650' from the subject site.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. Pursuant to Regulation 8(8)(b) of the Development and Planning Regulations (2015 Revision), the Authority deems the minimum road and side setbacks to be as shown on the submitted plans.
2. Pursuant to Regulation 8(1)(b), the Authority accepts the applicant's proposal to locate some of the required number of parking spaces at an off-site location (14CF 69) which is located less than 700' from the subject site.
3. Given items 1) and 2), the Authority is satisfied that the application complies with the Development and Planning Regulations (2015 Revision).

2. 20 ANNIBETH CRANSTON Block 22D Parcel 13 (FA80-0445) (P16-0667) (\$135,000) (EJ)

Application for an after-the-fact addition and proposed conversion of a house to a duplex.

FACTS

<i>Location</i>	Selkirk Drive in Red Bay
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	NA
<i>Parcel Size</i>	19,602 sq. ft.
<i>Current Use</i>	House
<i>Proposed Use</i>	After-the-Fact Addition to Create a Duplex
<i>Building Size</i>	108 sq. ft.
<i>Density</i>	11.11
<i>Total Site Coverage</i>	29.91%
<i>Proposed Parking</i>	7
<i>Required Parking</i>	2
<i>Number of Units</i>	2

BACKGROUND

January 23, 1981 (**CPA/01/81 Item 0.00**) - The Authority granted permission for a house to be partly used as nursery school.

February 8, 2006 (**CPA/04/06; Item 2.18**) - The Authority granted planning permission for after-the-fact apartments.

Decision: It was resolved to adjourn the application and invite the applicant to appear before the Authority to discuss concerns with the application in regard to the lot size, the side setback and the site coverage.

LETTER FROM APPLICANT

“We write on behalf of our client, Ms. Annibeth Cranston, with regards to the following variances;

- A lot size variance – The subject parcel has an area of (19,602sf) which is less than the required (37,500sf) for a duplex and apartments to exist on the same lot in a Low Density Residential area.*
- A side setback variance – the ATF addition exist with a side setback of 3’ which is less than the required 10’.*

- *A site coverage variance – the ATF floor area of 108sf is 0.55% over the approved existing 29.36% for a total of 29.91%*

We request permission for the development and humbly give the following reasons:

- 1. The applicant is a retiree and is the single occupant of what is now a larger than necessary house with numerous unused bedrooms. She is not financially positioned to build new accommodations, so, in her efforts to sustain retirement and continue to remain on the subject property, the applicant decided that the house would be better suited as a duplex therefore the small one story ATF addition was created in favor of the new unit.*
- 2. The reduced setback is consistent with the setback of an approved ancillary structure on the subject parcel.*
- 3. The adjacent properties were notified by registered mail as required by regulations 8(13) (d) and there have been no objections to date.*
- 4. The addition shall be finished in a manner consistent with the adjoined/existing structures on the parcel and therefore will not imposed any hardship on the neighbors, nor cause any of the neighbors' quality of life, property value, or peaceful co-existence to be negatively affected.*
- 5. The application complies with all other relevant planning requirements.*

We look forward to your favorable response to this variance request. Should you have any queries, please do not hesitate to contact us.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is seeking permission for an after-the-fact addition and proposed conversion of a house to a duplex.

Zoning

The property is zoned Low Density Residential and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Setback Variance

As proposed, the applicant is seeking permission from the Authority for the after-the-fact 108 sq. ft. addition to right side of the existing house; the after-the-fact addition does not meet the required 10' side setbacks, proposed at 3.6'.

Additionally, the applicant has proposed to convert 480 sq. ft. of the existing house to a duplex with the 108 sq. ft. after-the-fact addition serving as entrance and sitting area for this portion of the proposed duplex.

b) Lot Size Variance

The CPA should be aware that the subject lot exists at 19,602 sq. ft. and the subject parcel has four (4) existing apartments and a house; therefore, the CPA will have to consider a lot size variance, mindful that 25,000 sq. ft. and 12,500 sq. ft. is needed for the apartments/duplex respectively for a total of 37,500 sq. ft.

c) Site Coverage Variance

Finally, the after-the-fact addition will further infringe on the allowable 25% site coverage; proposed at 29.91% or (4.91%) over; therefore, the applicant is also seeking a site coverage variance.

2. 21 COX LUMBER LTD. Block 19E Parcel 251 (F97-0403) (P16-0827) (\$48,960) (CS)

Application for two (2) open sheds for rebar cutting and bending.

FACTS

<i>Location</i>	Lancaster Crescent, George Town
<i>Zoning</i>	HI
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	0.58 acres
<i>Current Use</i>	Industrial
<i>Proposed Use</i>	Industrial
<i>Building Size</i>	612 sq. ft.
<i>Required Parking</i>	37

BACKGROUND

December 3, 1997 (**CPA/38/97; Item 6.08**) - The Authority granted planning permission for a warehouse, delivery yard, and 8' fence.

November 15, 2006 (**CPA/36/06; Item 2.1**) - The Authority granted planning permission to increase the floor area of a storage building.

September 1, 2010 (**CPA/20/10; Item 2.6**) - The Authority granted planning permission for a 2-storey warehouse and an open style warehouse.

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)**.

AGENCY COMMENTS

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

Water Authority

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

Water Supply:

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

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

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

Wastewater Treatment:

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

National Roads Authority

“As per your memo dated September 16th, 2016 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.”

Letter of Support from Lands & Survey

“I am in discussion with the proprietors of Cox Lumber, who bought Re-Bar in the past.

Re-Bar is located at 13D 449, and is now affected by the Esterley Tibbetts widening, under BP593.

I am aware that Cox Lumber intend to relocate this business to their site used for the manufacture of roof trusses, at 19E 251 and 19E 253.

The machinery that needs to be relocated includes a machine for forming and bending the steel bars, and a machine for measuring and cutting.

These machines have shelters above, for protection from rain and sunlight, the shelters are open sided as the steel bars need to be bent, sometimes in 3 planes.

I understand from our recent discussions that the zoning for the new site is compliant with the process, and that the approvals required are mainly for the shelters.

I also understand that the intended positioning of the shelters do not fully comply with the setback guidance, however from my own knowledge, and my inspection of the current operation, I am of no doubt that the process means that the machines will have to be positioned to enable the cutting and bending operations to be done, in a particular way, and that the setback guidance could not be wholly complied with in any circumstance.

I am not yet sure whether (or not) there will be an eligible compensation claim for Re-Bar, this can only be determined by inspection of the occupation agreement between Re-Bar and their landlord, I will need to report to NRA further once this information is presented.

I am, however, of no doubt that any delay in the planning process to facilitate the relocation will be adverse in terms of enabling the road widening of Esterley Tibbetts to progress.”

LETTER FROM APPLICANT

“Kindly consider the following for Cox Lumber parking requirement

The site is a Truss Plant and all about fabrication. Customers don’t come here.

There are only 4-6 employees on that existing 244 Sq. ft. small office and around 5-8 people working in the plant who run/operate the machines.

Priority here is the accessibility of Cox trucks to deliver the materials for trusses and pick up the fabricated stuffs.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for two (2) open sheds for rebar cutting and bending.

Zoning

The property is zoned Heavy Industrial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Road Setback

A slab will be constructed as a feeder rack for rebar. A corner of the slab will encroach the road setback by 7'. There is room on the site to adjust the proposal so setbacks are met, however the applicant did not wish to do so.

Notifications were served to adjacent land owners and no objections were received.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. Pursuant to Regulation 8(8)(b) of the Development and Planning Regulations (2015 Revision), the Authority deems the minimum road setback to be as shown on the submitted plans. As such, the application complies with the Development and Planning Regulations (2015 Revision).

2. 22 CHRISTOPHER & ANNE LIMBERGER Block 12C Parcel 431 (F05-0026) (P16-0709) (\$105,000) (BES)

Application for addition to dwelling house.

FACTS

<i>Location</i>	Jennifer Drive, Snug Harbour Subdivision
<i>Zoning</i>	LDR
<i>Notice Requirements</i>	No Objectors
<i>Building Size</i>	581 sq. ft.
<i>Building Coverage</i>	27.5%

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).**

LETTER FROM APPLICANT

"On behalf of the applicant we hereby apply for a "Site Coverage Variance" from 25% to 27.5% on the above property for the following reason:

- 1. To avoid going two stories for a simple guest bedroom and bath addition to the existing residence, which would be prohibitively expensive as the current structure is single story.*
- 2. The addition is in compliance with the building setbacks from the road and side boundaries with no encroachments.*

We believe that the characteristics of the proposed development are consistent with the character of the surrounding area; and 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. Finally, the adjoining property owners have been notified of the application for the addition to the residence requiring a variance to increase the site coverage from 25% to 27.5%."

PLANNING DEPARTMENT ANALYSIS

General

The application is for addition to dwelling house (366.6 sq. ft.) to be located on Jennifer Drive.

Zoning

The property is zoned Low Density Residential. The Authority is being asked to consider the specific issues addressed below.

Specific Issues

a) Site Coverage

The proposed site coverage is 27.5%, whereas the maximum allowable site coverage is 25% in accordance with Regulation 9(8)(h) of the Development and Planning Regulations (2015 Revision). It should be pointed out that the Authority had granted a setback and site coverage variance (38%) for an after-the-fact house on Block 12C Parcel 51 on July 11, 2007. The Authority is being asked to assess if there are sufficient reasons and circumstances to grant the required variances.

The Authority considered the application and determined that planning permission would be granted for the following reasons:

1. With the exception of the site coverage, which is addressed below, the application complies with the Development and Planning Regulations (2015 Revision).
2. The proposed application does not comply with the maximum allowable site coverage per Regulation 9(8)(h) of the Development and Planning Regulations (2015 Revision). The Authority is of the opinion that pursuant to

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

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

2. 23 DART REALTY (CAYMAN) LTD. Block 12E Parcel 111 (FA86-0313) (P16-0841) (\$4,000) (CS)

Application for a two (2) lot subdivision.

FACTS

<i>Location</i>	Galleria Plaza, West Bay Road, West Bay Beach
<i>Zoning</i>	N COM
<i>Notice Requirements</i>	No Objectors
<i>Parcel Size</i>	3.39 acres
<i>Current Use</i>	Commercial
<i>Proposed Use</i>	Subdivision
<i>Number of Lots</i>	2

BACKGROUND

The Galleria Plaza commercial centre exists on this site.

March 30, 2016 (CPA/08/16; **Item 2.17**) - The Authority grant planning permission to modify the parking layout.

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

- 1) Lot B shall be combined with the Esterley Tibbetts Highway road reserve.
- 2) 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.

LETTER FROM APPLICANT

“Please accept this e-mail as a request for variance on lot size. The size of Lot B (6,580 sf) does not really matter as all of this parcel will become public road. If Lot B does not become public road a smooth transition into the tunnel being constructed on 12D101 will be impossible.

If you require anything else please let me know.”

PLANNING DEPARTMENT ANALYSIS

General

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

Zoning

The property is zoned Neighbourhood Commercial and the Department would offer comments on certain specific issues addressed below.

Specific Issues

a) Lot Size

Regulation 8(9) gives the minimum lot size in a Commercial zone at 20,000 sq. ft., while proposed Lot B measures at 6,580 sq. ft. The applicant has stated their reasons for the lot size variance in a statement included in this report in that Lot B will be combined with the ETH road reserve.

b) Existing Buildings

There are three (3) buildings located within Lot B and one (1) located on the proposed boundary. The applicant states the four (4) buildings will be demolished.

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 (2015 Revision).

**2. 24 LEIDER VIAMONTE Block 28B Parcel 307 (F16-0086) (P16-0297)
(\$175,000) (BES)**

Application for a dwelling house.

FACTS

<i>Location</i>	East-West By-Pass, Savannah
<i>Zoning</i>	LDR
<i>Parcel Size</i>	0.4244 sq. ft.
<i>Building Size</i>	1,696 sq. ft.
<i>Building Coverage</i>	6.7%

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

1. The site plan must be revised to illustrate the mutual access arrangement that was approved for the subdivision of the adjacent lands at CPA/17/16; item 2.15.

LETTER FROM APPLICANT

"I Mr. Leider Viamonte sole owner of Block 28B Parcel 307 located on East West Arterial, Savannah, Grand Cayman, hereby deny permission to the owner of Block 28B Parcel 329 and its representatives and associates to access my land for any purpose.

Any physical entry onto my property from the date of this letter forward will be considered unauthorized and treated as a trespass. Any further correspondence on this matter may be sent to me in writing by mailing to the address below."

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting planning permission for a dwelling house to be located on the East-West By-Pass HWY, Savannah.

Zoning

The site is zoned Low Density Residential and the Authority is being asked to consider the specific issues addressed below.

Specific Issues

a) Applicant's Access

The applicant's proposed access to the subject property is via a vehicular right-of-way along the northern property line as indicated on the Registry Map and a 30' vehicular right of way over Block 28B Parcel 309. The applicant's

site plan has been approved by the National Roads Authority (NRA) – not illustrating an easement over parcel 307 in favour of parcel 254.

b) Subdivision Access

On August 3, 2016 (CPA/17/16; Item 2.15), an application for a three (3) lot subdivision was granted planning permission for Block 25B Parcel 254 (adjoining the subject property). The proposed access for lot A and B would share a 30' access over lot B which would connect to the East-West By-pass road - the NRA approved this subdivision access.

It should be pointed that the subdivision access would cross over a small portion of 28B 307 (see display copy of the subdivision plan). As mentioned in the applicant's letter, permission has been refused to allow access over parcel 307 in favour of parcel 254. As such, the subdivision application in its current form will have to be modified.

3.0 DEVELOPMENT PLAN MATTERS

4.0 PLANNING APPEAL MATTERS

5.0 MATTERS FROM THE DIRECTOR OF PLANNING

5.1 JAMES JACKSON (LAST STOP FISHING TACKLE SHOP) Block 44B Parcel 70 (TBLL16-0513) (BES)

Application for a Trade and Business License.

Decision: It was resolved that an application for planning permission is required for the proposed business.

LETTER FROM APPLICANT

Letter #1

"I hereby apply for the grant of a trade & business license to display the trade name Last Stop Fishing Tackle Shop as a mobile business. The nature of business to be conducted is sales of fishing supplies. I intend to sell the following goods but not limited to:

Rods

Terminal Tackle

Tackle Storage

Reels

Rod & Reel Combos

Rod & Reel Storage

Soft Baits

Swimbait

Jigs & Rigs

Umbrella Rigs

Fish Attractant & Bait

Fishing Line

Fishing Tools

Waders

Marine Electronics

Tackle CraftHard Baits

Saltwater

Beginner Fishing

This application is being made in accordance with the regulations of the Cayman Islands trade and business law. Enclosed are the requisite documentations for processing this application.

Should you have any further questions regarding this application, feel free to contact me. I look forward to your favourable response.”

Letter #2

“This letter is to confirm that I, A.J Miller give Mr. James Jackson permission to place his mobile shop on my property, 371 Bodden Town Rd, Block 44B Parcel 70, Bodden Town, Grand Cayman. Please be advised that he will have access to utilities, including water and electricity. He will also have access to two (2) restrooms located in the main building.”

PLANNING DEPARTMENT ANALYSIS

General

The applicant is requesting a Trade & Business Reference Letter for a mobile fishing tackle shop. The property is located on Bodden Town Road. The administrative duties of the business would be conducted from the applicant’s house.

Zoning

The property is zoned Medium Density Residential. The Department has the following comments regarding specific issues noted below.

Specific Issue

a) Type of Business

Although the applicant has applied for a mobile operation, they have indicated that they want to also operate from their residential property. It is this aspect of the business that caused the Department to respond to the T & B request that planning permission was required. The applicant did not want to accept the Department's recommendation and asked that the Authority consider the matter instead.

5.2 NORTH COAST RESORT MANAGEMENT Block 33B Parcel 189 (TBLL16-0568) (EJ)

Application for a Trade and Business License.

Decision: It was resolved that an application for planning permission is not required for the proposed business.

5.3 REGINALD RAMOON Block 28D Parcel 49

The Authority considered Mr. Ramoon's request for a temporary electrical connection.

Decision: It was resolved that a temporary electrical connection would be permitted for 6 months only.

5.4 CROWN WORLD Block 53A Parcel 112 (F15-0166) (P16-0751)

The Authority considered the email from one of the objectors regarding the timing of the pending CPA meeting. It was determined to respect the objector's request in order to forestall scheduling a meeting outside of her available dates and then being faced with a situation where the application has to be adjourned for purposes of natural justice since the objector would not be able to attend the meeting.

Decision: It was resolved to advise the applicant and the objectors that the CPA meeting for this application would be scheduled between December 26, 2016 and January 13, 2017.

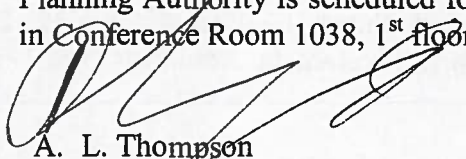
5.5 KEVIN HOWARD'S DRESS 4 LESS

The Authority considered the request to allow outside sales on Saturdays.

Decision: It was resolved that an application for planning permission is required for the proposed outside sales.

6.0 CPA MEMBERS INFORMATION/DISCUSSIONS

The meeting adjourned at 3:30pm. The next regular meeting of the Central Planning Authority is scheduled for **Wednesday 26th October 2016 at 10:00 a.m.** in Conference Room 1038, 1st floor, Government Administration Building.



A. L. Thompson
Chairman



Haroon Pandohie
Executive Secretary

cc: All members of the Central Planning Authority

Appendix 'A'

JOHN
DOAK

ARCHITECTURE

4th October 2016

Central Planning Authority
Grand Cayman

Attn: Haroon Pandhohie, Director of Planning and Secretary to the CPA

Dear Sir,

RE: PROPOSED SWIMMING POOL AND SPA POOL AND ASSOCIATED IMPROVEMENT WORKS – 12E.13

In response to your invitation we write on behalf of our client Cayman Realty Ltd to accept your invitation to attend the 12th October 2016 meeting of the Central Planning Authority to respond to those matters raised through the meeting minutes of CPA/17/16 and more specifically those matters listed on page 52 of the minutes in relation to regulation 8(11)

In consideration of the information that appeared in the agenda and minutes for that meeting we herewith attach all of the information that we believe to be pertinent to the application and to assist the members of the Central Planning Authority in becoming fully informed of the context of the application for a swim pool and spa.

The information being attached includes:

- This cover letter dated 4th October 2016
- A letter from Stephen Price, the applicant, which outlines the background and context of the existing property and the importance of the swimming pool facility to the completion of "Seascape"
- JDA cover letter dated 27th June 2016 outlining the variance request alongwith aerial photography of the subject site
- Value Proposition which formed a part of the original application
- 29 August 2016 letter from the Cayman Islands Dept of Tourism
- 13 June 2016 letter from the Caribbean Resort Consultants
- 29 August 2016 letter from adjacent properties owner Lacovia Condominiums
- 6 September 2016 letter from Luxury Cayman Villas Ltd
- Aerial photography of various existing pools along Seven Mile beach that are closer than 100ft to the HWM
- 7 Sept 2016 Dept of Environment memo
- 4 October 2016 response to the DoE memo from Apec/Calvin, Giordano and Associates

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Cayman Islands

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doak@johndoak.com



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

We look forward to hearing from you.

Yours sincerely,

JOHN DOAK ARCHITECTURE

John CJ Doak,
CI Cert.Hon., ARB, ARIAS, RIBA

encls



4th October 2016

Central Planning Authority
Grand Cayman

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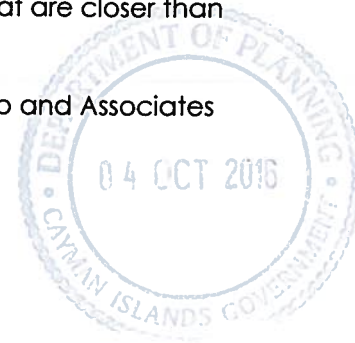
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Yours sincerely,

JOHN DOAK ARCHITECTURE

John CJ Doak,
CI Cert.Hon., ARB, ARIAS, RIBA

encls



Stephen Price
PO Box 1352
Grand Cayman, Cayman Islands
KY1-1108

The Department of Planning
PO Box 113
Grand Cayman KY1-9000
CAYMAN ISLANDS

October 4th 2016

Dear Central Planning Authority Members:

Thank you for the time and energy invested to date in hearing this application. Thank you to the Dept of Tourism's support of Seascope's goal to be considered, *"the Best Private Villa Rental Property in the Caribbean."* I am also grateful to those who have questions, as it has forced us to think through our development plan thoroughly.

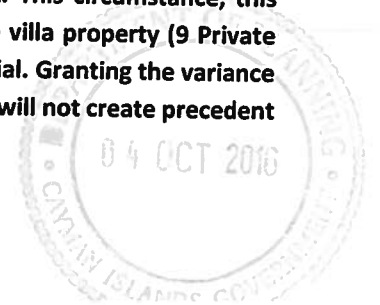
It is worth knowing that I am from Cayman – this is my home. In fact, the very home we are discussing is my family home – the home I spent time growing up in. I am a 9th generation Caymanian who cares about Cayman, both its economic growth and its environment. I would not be asking for this setback variance, if I believed its approval could damage 7 mile beach or affect turtles to lay eggs safely. 7 mile beach is important part of my childhood – I own 100 feet of it. I know its value and want to protect it. As the developer of *Seascope Private Villas*, I care about our country's tourism product deeply and I know the industry and the country's product well. I grew up waiting tables and at the front desk of the old Hyatt Regency. I attended Cornell's Hotel School, the premiere hotel school in North America, where most of our tourists come from. For the past 20 years, I have worked in the financial industry. I manage a business that focuses on the high net worth and the ultra-high net worth person. I know this demographic and what they want when on holiday.

When I write that Cayman's hotel and high end villa product is not living up to Cayman's potential, I say it from an informed position. If the country gets the investment needed, like the one I'm asking you to allow me to make, more jobs will flow. Since Ivan, over 11 years ago, we have less hotels - less rooms. Factually, it has been an unexciting, low growth industry, and it shouldn't be that way. It's no wonder Caymanians haven't been drawn to work in hospitality more. With more rooms, more high end properties, I believe Caymanians will see the hospitality sector as an industry of opportunity.

Seascope Private Villas

The reason we are requesting the variance is because the CPA can grant permission for a setback variance, if there is "sufficient reason and exceptional circumstance to allow the lesser setback." This letter outlines why I think a reasonable person, attempting to balance the needs of our community and all stakeholders, should vote in favour of the requested variance. Quite simply, there is "sufficient reason" and this is an "exceptional" circumstance that warrants the variance.

The variance should NOT be approved because a precedent exists (There are number of pools on 7 mile beach within 130 ft of HWM). And approval of this variance does NOT create a precedent. This circumstance, this property, and the tourism concept is unique. There simply is no other existing private villa property (9 Private Villas and 1 Main Villa) on central 7 mile beach that compares to this property's potential. Granting the variance (and allowing for significant investment) based on exceptional circumstances that exist will not create precedent



for nearby homes which are not comparably exceptional. Granting approval to Seascape Private Villas (a high end boutique villa property) does not create precedent for an owner occupied home elsewhere on the beach.

In order to be an exceptional, year round, high end rental villa property, the property needs a pool with a view of the sea. If I could fulfill this requirement and build it 130 feet from the High Water Mark, I would. Given the main Villa's location, I cannot. Building a pool without a view of the sea is not an option, as this would not result in an inferior, unexceptional villa property. Quite simply, the concept of a high end luxury villa property does not work without at least a small infinity pool with a view of the sea, which has become a standard amenity for the Ultra High Net worth guest and family. It's expected and if you don't have one, you don't get the high end bookings.

The reasons this variance request is Exceptional fall into 2 overall categories:

- (i) It's Good for Cayman's Economy and the Community AND
- (ii) It's Reasonable, Respectful and Environmentally conscious, based on unique nature of the property.

I'll first highlight the reasons why approval is good for our economy/community and then describe the reasons why this is a reasonable request that doesn't create precedence.

I. It's Good for Cayman's Economy and the Community:

Reason #1: If approved, Seascape Private Villas will diversify Cayman's tourism product

The property aims to become a leading Luxury Villa Property of the World. My goal is to create for Cayman's premiere, high end, low density, low rise, 10 unit short term guest, boutique villa property. It will be unique to Cayman and 7 mile beach, given Cayman styled architecture, stone walls, and lush landscape.

If you haven't been to the Seascape property, we welcome you to visit and we'll show you around OR just walk along the beach and view it – watch tourists walk by and look. The property turns heads because it's architecturally exceptional – nearly all other properties on central 7 mile beach are high density condo complexes or hotels. Currently, Seascape is the only Private Villa property on central 7 mile beach that will be dedicated to serving the high end multi-generational segment on a year round basis. The main villa sleeps 17. And if I convert the long term units behind the main villa to short term, the property will sleep 60 guests. But it lacks one thing, complaint after complaint, lost business after lost business for Cayman – the property does not have a pool with a view. Without at least a small pool with a view of the sea, we simply cannot become the premiere, exceptional Villa property of the Caribbean. With it, we can and we will. Sue Nikason, CEO of Caribbean Resort Consultants, supports the need for a pool. In the attached letter, she writes, "Seascape lacks one competitive feature – a swimming pool."

The majority of Caribbean Villa holidays is booked through VRBO's online booking site. We recently had the lead investor of VRBO stay at Seascape Villa. He had a great trip; however, he wrote afterward, "When booking the Villa, some family members were disappointed that there wasn't a pool – it was a negative noted. We had a great time, but we nearly went elsewhere. Good luck with being able to install a small pool. It will make a difference."

Reason #2: If approved, Seascape Villas will attract people who aren't coming to Cayman today.

The property's target market is travelers who have a need for a smaller property, privacy, yet a central location on 7 mile beach. We aren't Watercolours or Caribbean Club's high rise of the 8 to 10 story experience AND we aren't the Ritz Carlton or the Westin.



Our goal is to target (i) the UHNW discerning multi-generational family looking for something different and more bespoke than a large hotel; (ii) the destination wedding market looking to rent the entire property; and (iii) the corporate reward trip market. Cayman doesn't have enough tourism properties dedicated to these markets.

On Saturday's, I often go down to Seascapes Villa to ask our group of guests for feedback at check out. It's a joy to hear grandparents, the parents and their kids all describing what a wonderful holiday they have had in Cayman, because they have been able to experience together in a Villa in one place. Multi-generational tourism needs to be a major part of our tourism industry's future. For medium sized weddings of 50 or 60 people, we will be the ideal property - the entire property could be rented for the ceremony and reception. The reflection from the pool will allow for stunning photos at sunset, when couples are delivering their vows to the minister.

Currently, our guests get a hand raked beach at 5am before they wake up, but we aren't getting the ultra high end guest. Turning down this pool will mean that Cayman does not have a high end rental villa property with a pool on Cayman's best beach. Cayman will have one less tourist focused property ready to bring UHNW visitors, who are currently going to St Barts or Anguilla today.

Simply put, no pool with a view means we are getting the next rung down in quality of guest, and we simply cannot lure the ultra-rich and famous, which puts pressure on the economic model. In order to be internationally competitive, Seascapes Private Villas needs a pool with a view of the sea.

Reason #3: If approved, the development of Seascapes Private Villas will require for exceptional investment, generating duties for government. I'm a Caymanian hotel developer not asking for duty reduction.

Reason #4: If approved and the property is developed to its full potential, the property is estimated to generate in excess of \$130k per annum in annual Govt rooms tax.

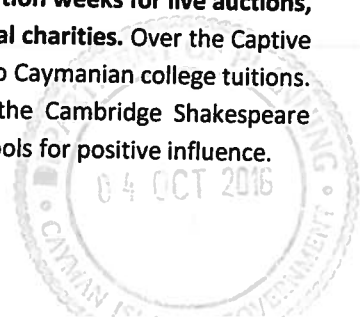
We have a track record. In its current form, we are generating approx \$50k of recurring Govt revenue. With a pool, we will charge more and convert the rest of the property to short term rentals, putting 9 more villa units into the pool of available hotel rooms. No Pool means we lose bookings frequently on the existing villa, which equates to less Govt income. We provided examples to the CPA of emails from prospective guests who did not book. These tourists went to other islands, if they were looking for a private villa with a pool on the best beach.

Reason #5: If approved, economic positives will result for local businesses, from janitorial companies, linen cleaners, carpet cleaners, to nearby restaurants.

If approved, we will convert 9 long term units to short term. That's lots more tourists. See attached letter from the owner of Luxury Cayman Villas, Molly Thomas. She has invested in 4 top quality villas in Cayman and runs 3 more - she has no properties on central 7 mile beach. As Seascapes Villas' competitor, she writes, "the proposed addition of pool and spa is absolutely necessary to enable this particular vacation rental property to become one of the premiere family vacation rental destinations in the world."

Reason #6: If approved, the renovation of this exceptional property will move forward, and we will hire front of house Caymanians, because the purpose of the property is to highlight Caymankind.

Reason #7: Seascapes Villa is an exceptional giver to the community. By offering vacation weeks for live auctions, over the past 12 months, we have raised over \$60k for charities, including many local charities. Over the Captive Insurance conference week, we have given the villa and this has raised over \$10,000 to Caymanian college tuitions. This year, we opened the villa up to 2 visiting student groups from Cambridge, the Cambridge Shakespeare American Tour and the Cambridge Footlights who performed in a number of local schools for positive influence.



II. It's a Reasonable, Respectful and Environmentally Conscious Request

A low density villa property on 1.3 acres of prime 7 mile beach land is the epitome of being environmentally conscious – our focus on higher end guests means less volume, less waste, less carbon footprint. The alternative could be another 50 unit condominium complex, and frankly, the high density model is more profitable. Given the economics, it is unlikely that another central 7 mile beach developer will come along with this type of project.

Reason #1: From a location and architectural standpoint, the property is exceptional and its variance request, pool design size, and location are pragmatic and reasonable - not an overreach.

We have requested to locate a small 30 foot by 10 foot pool as close to the actual building as possible AND it is positioned behind 2 cabanas which have existed in their current location since the 1980's. We provided photos of these cabanas at the time.

Reason #2: The pool's location is not visible to our neighbours on either side of the surrounding environment due to natural landscape.

We have Cayman Seagrapes on the property and will plant indigenous vegetation in front of the pool, which will be helpful to turtles. Our direct neighbours are largely supportive of the pool. We have a letter from the Lacovia Board for example that favours the project and pool design. They write, "It will not be visible to our guests and residents of Lacovia – the Lacovia board is in favor of the planning application made."

Reason #3: The long standing 2 cabanas and shoreline landscape are within the current 130 foot setback requirement. And the pool is to be located behind these existing structures.

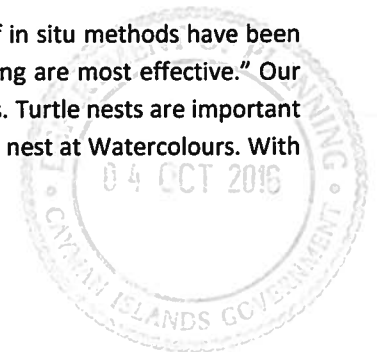
If we wanted to renew our existing cabana structures, I suspect we would be able to do so and if this is the case, allowing a minor structural improvement to the property behind these 2 structures shouldn't be disagreeable. While my family ran the property in 2000's, my father ran it as Seascape Resort for some time. At that time, the guidelines were 100 feet HWM. He planned to build a pool, which he didn't get around to doing.

Reason #4: Seascape Private Villas is Turtle Nesting Supportive

In the +25 years that my family has owned the property, we haven't had a turtle nest on Seascape's beach. But if we do, we will protect it from poachers at all costs. We have night video cameras installed and turtle nesting lighting is being installed, as defined by the Florida standards. Our villa property will celebrate turtle nesting and educate our guests – in each room, our guests will have literature. We will ask our guests to turn off unnecessary lights. We will reduce and redirect lighting, so it reaches the ground where it is intended.

In a 2007 report entitled "An Atlas of Sea Turtle nesting Habitat in the Wider Caribbean written in 2007 by Wendy Dow, she writes, "Protection at the nesting ground alone is not enough. Artificial lighting and exotic (not natural) vegetation would appear to be the most geographical pervasive threats." In 2003 article called "Artificial Lighting and Sea Turtles," Michael Salmon confirms that turtles tend to nest in locations between the dune vegetation and high tide wrack." The pool proposal is landside of the natural vegetation line.

In 1999 journal called "Reducing Threats to eggs and Hatchlings," it reads "a variety of in situ methods have been developed to reduce the effects of these threats like beach surveillance and nest caging are most effective." Our property will be dedicated to nest protection. No poachers or wild dogs will gain access. Turtle nests are important to Cayman and important to tourism. Several hundred yards down the beach is a turtle nest at Watercolours. With the proper lighting installed, we hope to have turtles nesting on Seascape's beach.



The pool design chosen works for turtle nesting and hatchling orientation. We are raising the pool slightly, which allows us to plant local vegetation in front of it. Dr Jonathan Aiken, who used to work for DOE on turtle research, has combed Cayman's beaches for literally hundreds of hours. He said that raising the pool slightly is important, so turtle hatchlings are unable to enter. The small barrier of local vegetation in front of the pool is important because turtles can visualize vegetation at top of a beach slope as an indication that it's time to nest. We are building the pool at the crest of the beach and will have natural vegetation in front of it, so nesting sea turtle won't hit the wall at the highest point of our beach.

Reason #5: Apec's report concludes that the proposed pool is landward of the historic vegetation line, in the part of the dune that is stable over the long term. The Apec Report clarifies that construction of the small pool at 100 ft from HWM is located at the ridge of the land (9 to 10 feet MSL), next to the existing building, and will be helpful in protecting the building and not inhibit natural recovery of beach post a large hurricane or storm.

The report concludes that the pool and deck will not make storm wave or flooding conditions worse for neighbouring properties. In my opinion, we are not requesting to build a seawall. A raised edge to an infinity pool that is 30 feet in length on a 100 foot wide property 100 feet from HWM is not a seawall. It will not prevent heavy seas and water to flow over and up to the main villa and around the sides of the property. It is noted that even in hurricane Ivan, we did not have water in the villa, and the majority of Cayman had flooding. The property is elevated and in the 25 years of ownership, we have not had storm or water damage that caused waves to touch the building, outside of Ivan.

Conclusion:

The CPA has acknowledged in its recent minutes that there are other built pools within the setback on 7 mile beach. The variance should not be approved because a precedent exists. And approval of this variance does not create a precedent. Granting the variance to Seascape Private Villas (a high end boutique villa property) based on exceptional circumstances that exist does not create precedent for an owner occupied home elsewhere.

Given the reasons outlined in this letter, if the modest variance to allow for a small *pool with a view of the sea* is approved for a developer who is ready to invest heavily into a project that could be Cayman's premiere high end villa property on 7 mile beach), it would send a message that the CPA is serious about developing our tourism product for exceptional properties, especially in the context of APEC's (outside consultant) report that speaks to no environmental issues expected.

If the CPA does not approve this modest setback request, I will need to rethink the project as a whole – rethink this high end premiere Villa property, as it will not be possible to be the best and live up to the property's full potential.

Thanks you again for your time and consideration.

Sincerely,

Stephen Price
Director Cayman Realty Ltd.





ARCHITECTURE

27th June 2016

Central Planning Authority
Grand Cayman

Dear Sirs,

RE: PROPOSED SWIMMING POOL AND SPA, "SEASCAPE" – 12E.13 – VARIANCE REQUEST FOR SETBACK

Our client requests the Central Planning Authority's approval for the swimming pool alongwith associated exterior works including for this setback variance request to allow the pools to be built within the 130ft ocean side setback.

This request is being made on the basis of the following exceptional circumstances:

- In 1989 an existing apartment building was purchased by the current owners and repurposed to become the beach house now known as "Seascape". The building was built more than 100 feet from the ocean as demonstrated by the aerial photos from 1994, 1999, 2004 attached and per LIS dimensioning.
- The house is one of a very few beach fronting homes that remain or have survived on Seven Mile Beach. Most other ocean fronting properties in this part of Seven Mile Beach have become developed as multi storey, multi family condominiums
- For the last several decades this private family home has enjoyed an enviable reputation as host to a number of distinguished house guests whilst, more recently, "Seascape" has become equally renowned as a luxury property rental having earned its unique tourism profile as it is a stand alone private home on world famous Seven Mile Beach. The Department of Tourism values the Seascape Villa property as a high end villa property, and when complete with a pool, it will be a unique and valuable addition to Cayman's tourism product.
- The proposed swimming pool is an appropriate feature for any oceanfronting residence. In this particular instance, given the home's luxury profile, a swimming pool is an expected amenity for a luxury rental property
- The beach side of the existing home has mature lush landscaping including tall palm trees and a pair of beach cabanas that have been in existence since the home was built. The existing landscape provides a natural enclave that provides almost complete privacy for house guests. These existing features are to remain hence the pool and spa will be contained and concealed amidst the existing landscape.

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- In consideration of its prime placement on Seven Mile Beach and having, at the time been built to satisfy 100ft oceanfronting setbacks, the proposed swimming pool can only be built to the Oceanside of the existing villa. With the 130ft setback that current laws and regulations dictate the setback for the swimming pool's location is restrictive however the attached proposals are as respectful as possible of today's requirements while the designs take every step to minimize pool/spa presence and to harmonize their appearance within the existing lush tropical vegetation of the beach house.
- The proposed swimming pool is partly set above ground and pool deck level which is envisaged to help withstand any wave action or storm surge that may occur in times of inclement weather

In addition to the above reasons, the applicant has attached other aspects to be considered in support this application and which we hope will receive the Central Planning Authority's kind consideration.

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

We look forward to hearing from you in due course.

Yours sincerely,

JOHN DOAK ARCHITECTURE

John CJ Doak,

CI Cert.Hon., ARB RIAS RIBA
Principal



AERIAL PHOTOGRAPH 1994 – HOUSE IS SHOWN AT 152FT FROM WATERS EDGE



Aerial photograph 1999 – House is set at 133 ft from waters edge



Aerial photo at 2004 - 126 ft from waters edge





DEPARTMENT OF PLANNING & ENVIRONMENT
CAYMAN ISLANDS GOVERNMENT
14 OCT 2016

Seascope Private Villas

The Value Proposition:

- *Seascope Private Villas* will be a 7 mile beach guest experience balancing need for privacy and a central location.
- Caters to the discerning multi-generational family and those hosting a destination wedding or corporate reward trip. The one bedroom villas will cater to romance and intimacy, in the middle of the action.
- *Seascope Private Villas* sits on 1.3 acres of landscaped grounds and 100 feet of the Caribbean's best beach.
- The property is low density - 10 villa choices, each with a unique name and landscape to match the respective theme of each villa. Consists of 3 one bedroom villas, 6 three bedroom villas, and 1 seven bedroom villa (9000 sf).
- Fully occupied, the property will sleep over 60 guests, ideal for a medium sized destination wedding.
- Each of the one and three bedroom villas will have its own private patio, with separate outdoor cooking and lounge area, along with small, private plunge pool.
- *Seascope Private Villas* will be Cayman's supreme tourism product that caters to small groups

The main villa needs a pool. Important points:

- **Increase in revenue for CI Government by min +\$32,000 per annum.** A luxury villa rental agent in the US estimates that Seascope Private Villas will be able to raise pricing, driving an additional \$250,000 in annual revenue, \$32,000 more for CI Gov't each year.
- The property is expected to **generate more than \$130,000 CI Govt revenue per annum**
- **Dept of Tourism is supportive** of a pool located at Seascope Private Villas
- **Requests for a pool and customer complaints** are frequent, which has resulted in actual business loss and CI Govt revenue loss, because no pool. (Attached long list of sample emails)
- **Professional opinion from Sue Nikason**, CEO of Caribbean Resort Consultants, supporting the need for a pool to complete the property (See attached)
- **The main villa was built for tourism purposes** at a time when the law was 100 foot HWM, and it was always planned to build a pool, which my family never got around to doing.
- We have **incurred business loss** to the Villa rental income **because there is no pool**. Some visiting HNW's simply demand private villa and to be central, something Cayman does not have now

Other points to consider:

- **Infinity pools** are now standard and expected in high end luxury Caribbean villas
- **The developer is multi-generational Caymanian.** Raised in Cayman, his Great Great Grandfather was the last Caymanian Custos, and the family intends to keep the property in the family for many more generations as a tourism product. Probably the only multi-generational Caymanian hotelier developer on 7 mile beach.
- When the entire property is rented by one visiting group, the large villa on the beach is the property's main gathering place. It deserves an infinity pool in order to create for Cayman's finest destination for corporate reward events and the ultra-high net worth family vacation.
- Medium sized wedding parties of 60 people will take the whole property, and the pool area will act as a central gathering point for the group. The pool will create for stunning photos at sunset, when couples and minister are at the altar.
- A small pool of only 10 feet width and 30 feet length, positioned behind the existing two cabanas, which were built years ago, will act as a water feature for photos for events



Memo

To: Colleen Stoetzel, Cayman Islands Department of Planning
From: Rosa Harris, Director of Tourism
CC: Gail Henry, Deputy Director, Product Development
Date: August 29, 2016
RE: BLOCK 12E PARCEL 13

1. Project at a Glance

The proposed application is for the property located at BLOCK 12E, Parcel 13 to install a pool.

2. Policies Considered in Reviewing the Application

CIDOT reviewed this application in the context of the Cayman Islands National Tourism Management Policy (2009/2013) and the following action items:

7.1 SUSTAIN THE QUALITY OF THE ENVIRONMENTAL PRODUCT

The policy objective: *To respect the importance of environmental quality not only as part of the nation's global responsibility but also because the marine and terrestrial environment is the main driver for tourism in Cayman. The aim is to support a tourism sector which is sustainable and capable of flourishing over the long term.*

7.3 PROVIDE A HIGH QUALITY, SUSTAINABLE, CAYMANIAN TOURISM PRODUCT

The policy objective

To offer a range of high quality visitor accommodation, attractions and activities and a level of service that is distinctively Caymanian to attract the discerning, affluent visitor, encouraging them to return and promote the Islands to others.





Cayman Islands Department of Tourism

Tourism Considerations

The application proposed will enhance the current tourism accommodation known as Seascape. Seascape has been a licensed tourism accommodation in the Cayman Islands since 2013. The addition of the pool and spa will enhance the property offering of this tourism accommodation.

Recommendation

In conclusion, the Department of Tourism has no objections to proceed to approve permissions for the entity to install the pool and spa at BLOCK 12E, Parcel 13.

The Department of Tourism is available to discuss these recommendations or answer any questions in regards to these comments.

Sincerely,

Rosa Harris
Director of Tourism
Cayman Islands Department of Tourism



Caribbean Resort Consultants
Box 31734
Grand Cayman
Cayman Islands
KY1-1207

June 13, 2016

Stephen Price
Seascope Villa
Grand Cayman
Cayman Islands

Re: Marketability of Seascope Villa – Swimming Pool

Dear Mr. Price,

Caribbean Resort Consultants has appreciated the opportunity to assist you with coordinating some of the sales and marketing materials for Seascope Villa, a luxury villa rental on Seven Mile Beach.

During the course of our work, we reviewed other competitive villa rentals on Grand Cayman, in an effort to ensure that Seascope's marketing materials were well positioned. During the course of that research, it became apparent that Seascope lacks one competitive feature – a swimming pool.

We believe that the addition of a swimming pool would enhance the marketability of the property. When many visitors search for a rental property using websites such as www.vrbo.com, they use advance filters to search. Filters list amenities such as a swimming pool. Without having this commonly desired amenity, Seascope will not appear in search results.

We also know, based on feedback from your property manager and our years of experience in this industry, that many potential visitors compare a villa rental to a resort when deciding where to stay for an extended family or group of friends getaway. During the search process, these potential guests often compare and contrast amenities at resorts versus villas. When villas lack swimming pools, the potential guests often give more consideration to the resort option.



Finally, the majority of the competitive set has a swimming pool. For instance, if you search for five bedroom villas on www.vrbo.com, and add the filter swimming pool, 15 of the 18 villas have a pool. By searching villas with six bedrooms on the same website, 20 of the 20 villas searched have a swimming pool.

In conclusion, we suggest that the addition of a swimming pool will make Seascapes a more marketable property, and that occupancy and ADR should both be improved as a result of offering this amenity.

Yours truly,

Sue Nickerson for
Caribbean Resort Consultants




LACOVIA
GRAND CAYMAN
the heart of seven mile beach

The Department of Planning
PO Box 113
Grand Cayman KY1-9000
Cayman Islands

August 29th 2016


Dear Director of Planning:

We understand that our neighbors to the South, Seascope, have recently applied for the planning approval to install a small pool in front of Seascope Villa on 7-mile beach. Our owners have been notified as aware.

Our Board has discussed the merits of the planned proposal, its design, and investment to be made in Seascope, which caters to high end visiting families. We believe the investment to be made will improve the property as a whole and improve the neighborhood to the South. From an aesthetic standpoint, we believe the size and location of the pool to be a practical one, as the pool is located as close to the villa as possible and only 10 feet wide/30feet long. It will not be visible to our guests and residents at Lacovia, given its suggested location and surrounding environment. Additionally, as a board of Lacovia, we oversee a short term rental pool for visiting tourists. We believe a small infinity pool with a view of the sea is a standard amenity of a Villa of this caliber.

The current Lacovia board is in favor of the planning application made.

Best regards,


Lacovia Board

PO Box 32309
Grand Cayman, KY1-1209
Cayman Islands
345-949-7599 / 941-870-2357





September 6, 2016

Via Post and E-Mail

Central Planning Authority
Director of Planning
P.O. Box 113,
Grand Cayman, KY1-9000, Cayman Islands
Tel. (345) 769-2922
planning.dept@gov.ky

Re: Seascape Proposed Pool & Spa (Block 12E Parcel 13 Seven Mile Beach, Grand Cayman, Cayman Islands)

Dear Director of Planning:

I am writing to you as the Director of Luxury Cayman Villas, which owns and operates several luxury vacation rental properties in beautiful Grand Cayman. I have had the opportunity to review the proposed, relatively modest pool and spa addition for the above-referenced parcel.

I would submit to the Planning Board that this proposed addition is absolutely necessary to enable this particular vacation rental property to maximize its potential as a high-end, luxury vacation rental. We find that our guests in this particular high-end, luxury multigenerational demographic all but insist upon having access to a swimming pool, notwithstanding the proximity to the stunning waters of the Caribbean Sea. Moreover, it is difficult to imagine how, from an aesthetic and architectural standpoint, this addition would do anything other than improve the property (and possibly the surrounding properties) as a whole.

I trust if inquiry is made, the Cayman Department of Tourism would happily corroborate these sentiments without hesitation. With the proposed addition, this parcel could become one of the premiere family vacation rental destinations in the world, truly a positive reflection on the community as a whole. In my humble opinion, this is precisely the type of positive investment the CPA should be encouraging.

Respectfully submitted,


Molly E. Thomas, Director

cc: Stephen Price

Luxury Cayman Villas Ltd. | 878 West Bay Road, 2nd Floor, Caribbean Plaza
P.O. Box 10335 APO KY1-1003, Grand Cayman, Cayman Islands
Tel (345) 922-1268 | Toll Free (844) Go-Cayman | www.LuxuryCaymanVillas.com



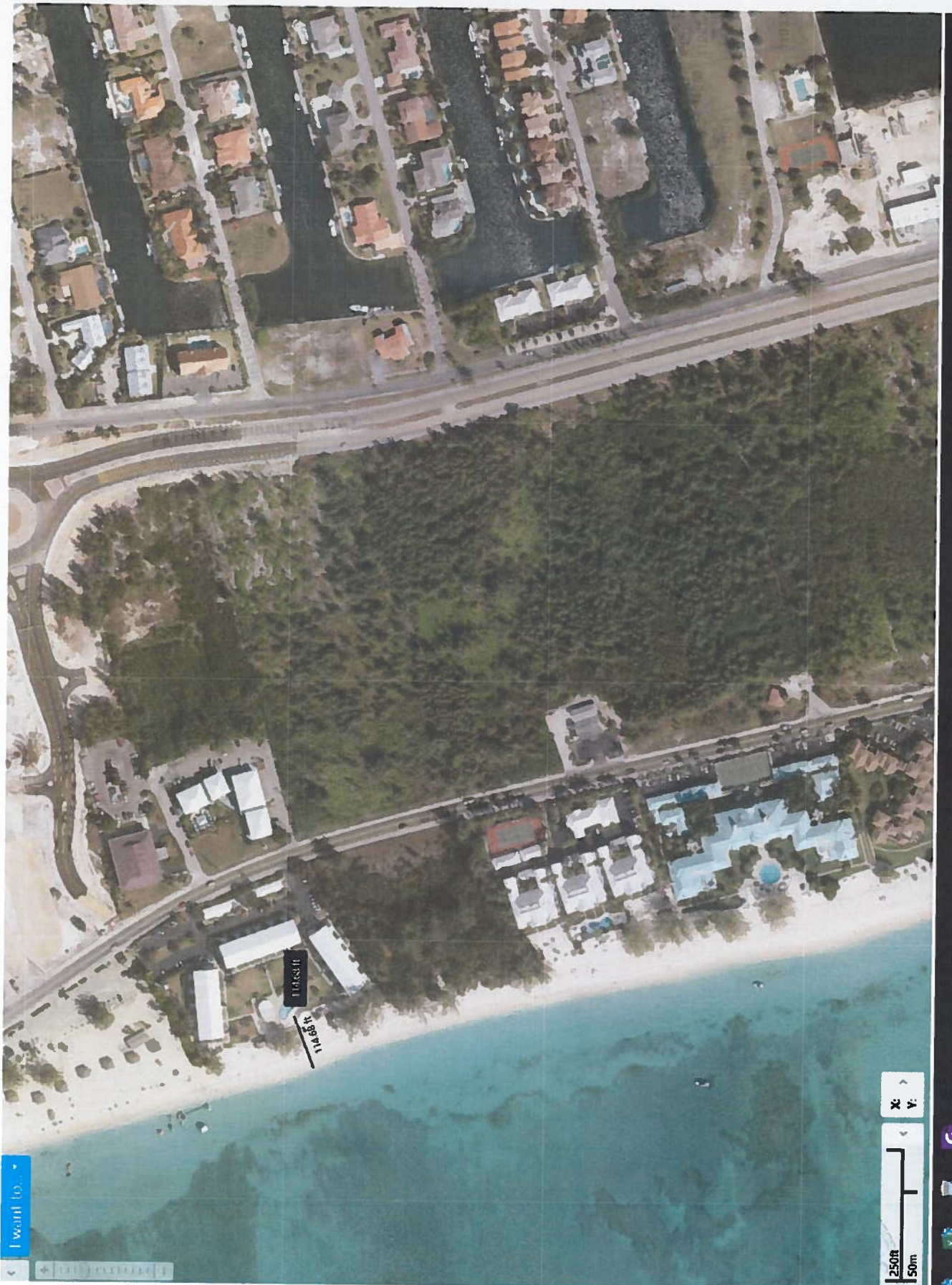


04 OCT 2013
CAYMAN ISLANDS GOVERNMENT



04 OCT 2016
CAYMAN ISLANDS GOVERNMENT





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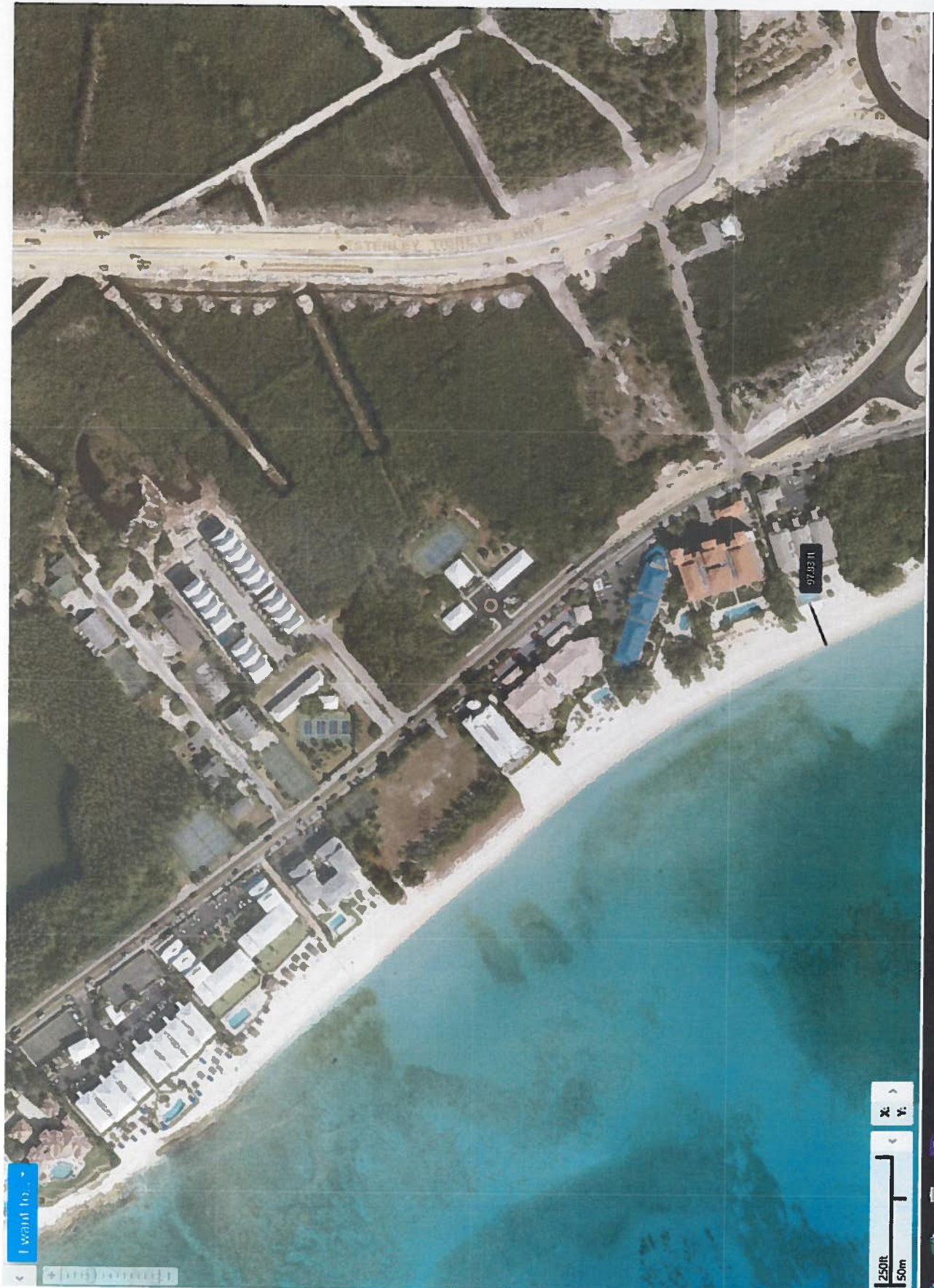
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CAYMAN ISLANDS GOVERNMENT



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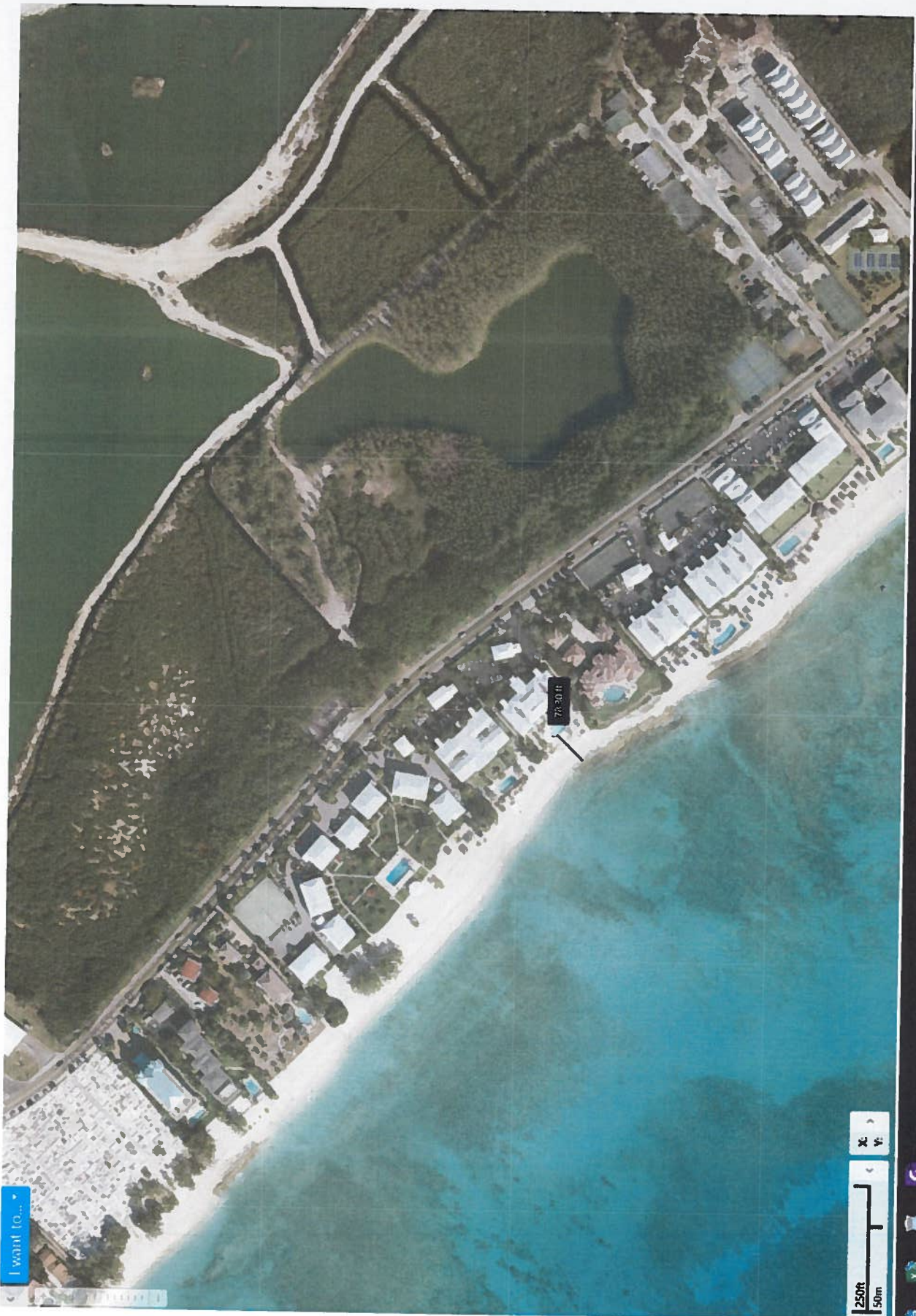
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04 OCT 2010
CAYMAN ISLANDS



84 OCT 2010
CAYMAN ISLANDS

Specific Issue:

a) Setbacks

The proposed pool deck setback is 95'-5" and swimming pool setback is 100'-0" from the HWM, whereas the minimum required setback is 130'. Additionally, the proposed southerly side setback is 11'-8" to the spa deck and 19' to the spa and the northerly setback is 14.5' to the pool deck and 20' to the pool. The minimum required side setbacks are 20'. Based on Cayman Land Info, there are swimming pools on Block 12E Parcel 18 and Block 13B 2 south of the subject property measuring less than 130'.

In accordance with Regulation 8(11) of the Development and Planning Regulations (2015 Revision), the Authority may grant permission for a setback to be located at a lesser distance than that prescribed, having regard to-

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

Further, the Authority must determine if there is sufficient reason and exceptional circumstance to allow the lesser side setbacks per Regulation 8(13(b)).



MEMORANDUM

TO: Director of Planning
ATTN: Colleen Stoetzel , Planning Officer
FROM: Director of Environment
DATE: 7 Sept 2016

YOUR REF: FA77-0171/P16-0634

SUBJECT: Cayman Realty
Proposed Pools at Seascape
Block 12E Parcel 13

The Department of Environment's Technical Review Committee has reviewed the submitted proposal for the above referenced application and provides the following comments for consideration.

Overview: The application site is adjacent to the Seven Mile Beach Marine Park and is on a turtle nesting beach. The application site is located within one of the distinct sediment transport systems along Seven Mile Beach, and is prone to erosion events which cause variations in the beach profile (see Figure 1).

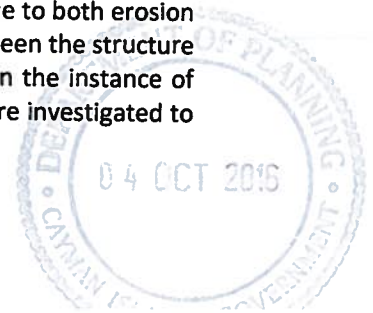
Comments/Recommendations: The DOE does not support the construction of the proposed pool within the regulation setback area of 130ft (to a distance of as little as 95.5 ft.) for several reasons pertaining to the preservation of the beach area and natural coastal processes.



Figure 1: LIS 2008 and 2013 Aerial Images of Subject Parcel showing variation in beach width.

The siting of hard structures such as a pool and pool deck within the required setback, not only encroaches on the existing natural beach area and profile, but also has the potential to interrupt the natural fluctuation of beach width and height. As a general principle, the greater the distance waves can travel up a beach profile before encountering a physical barrier, the more energy is dissipated, therefore reducing the erosion of sand by wave energy away from the beach. If waves directly interact with a structure, such as the edge of a pool or pool deck edge, they are reflected seaward thus exacerbating sand erosion from the beach. This has been seen in a number of instances locally including along the northern section of Seven Mile Beach, part of which is now permanently affected and impassible to pedestrians on the beach front.

Historical aerial imagery documents the variation in beach width in this location, due to both erosion and natural accretion and although it has not yet resulted in direct interaction between the structure on the site and wave impact, it is likely to be intensified by climate change and in the instance of severe storm events. The DoE recommends that alternative locations on the site are investigated to accommodate the pool e.g. landward of the main residence. .

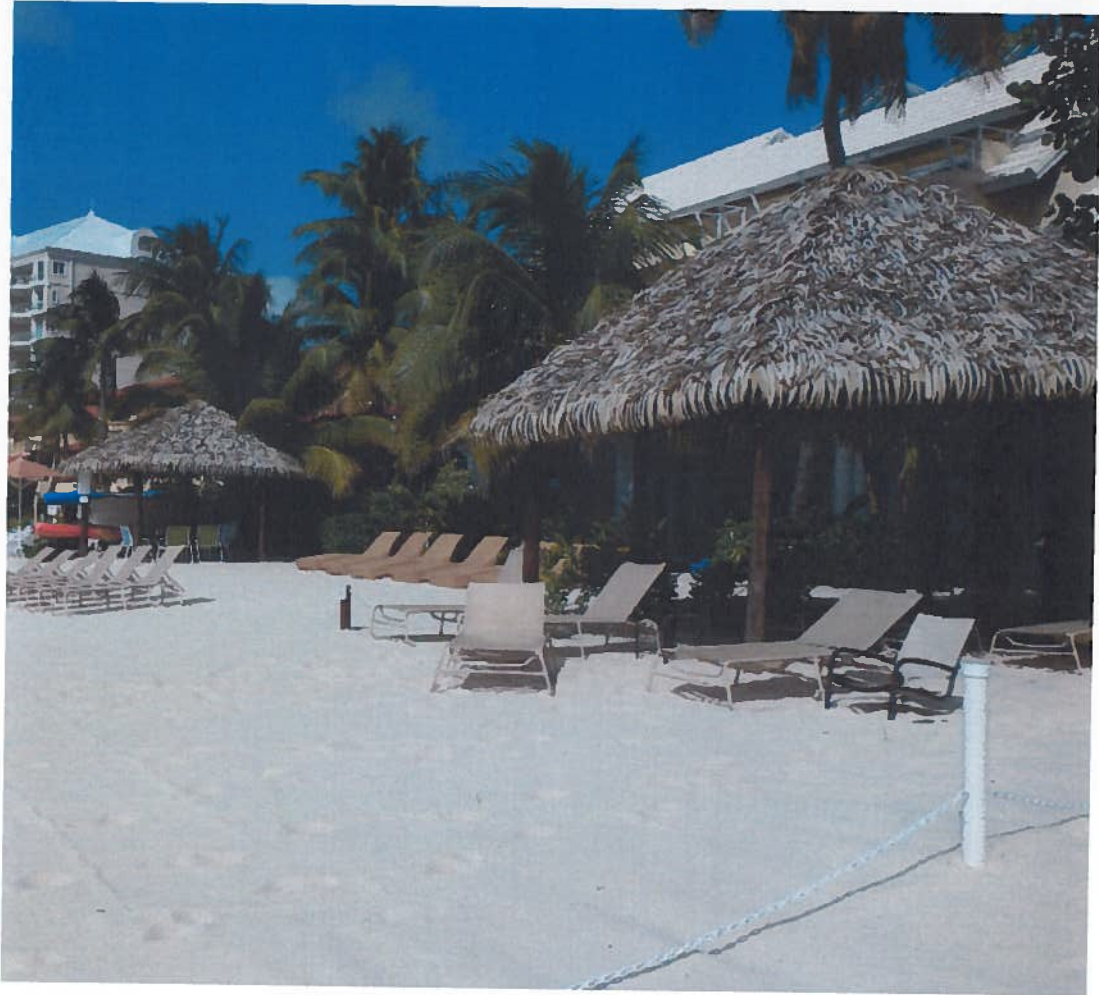


Given that the proposed pool and structures do not meet the required setbacks set out in the Planning Regulation, the DOE does not support this application and recommends that the proposed pool location is moved to an area landward of the building. As the existing building on the subject parcel does not meet the required 130ft setback for new development, the development of any further hard structures on the beach area seaward of it should not be allowed. If the Authority is minded to grant planning permission for this proposal, and if there is to be any lighting installed on the proposed pool deck or associated development, the DOE recommends that the applicant only use Florida Fish & Wildlife Conservation approved Turtle Friendly Lighting, as this is a turtle nesting beach.

Director – Department of Environment
On behalf of the National Conservation Council



Seascape Pool and Spa 12E13 Seven Mile Beach



Client: John Doak Architecture
Date of issue: 04 October 2016
Type of Issue: Final



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SEASCAPE POOL AND SPA
BLOCK 12E13
SEVEN MILE BEACH, GRAND CAYMAN

EXECUTIVE SUMMARY

- Seascape is a beach house which is used as a multi-generational rental luxury property. It was converted from an apartment building in 1989. The original structure was built prior to 1971. It is currently set back approximately 115ft from the SMB high water mark (HWM). The setback distance typically varies from 95ft to 135ft depending on the beach profile at the time of survey. The property features two wood framed cabanas that have been in place since at least the late 1980s. The cabanas are set back approximately 80ft from the HWM as measured in the latest survey. The proposed pool, spa and deck would be landward of these cabanas with a current setback of 95.5 feet.
- The existing ground floor elevation is set at between 9 and 10 ft MSL. The proposed pool deck will be set at the same elevation. The building is placed on the beach ridge and the owners reported no wave damage from Hurricane Michelle (2001) or Hurricane Ivan (2004). Construction of the pool, spas and deck will enhance the building's resistance to damage from storm wave impacts. The site ground conditions consists of bedrock overlain by peat which is in turn overlain by sand deposits. The alongshore movement of sand is driven by waves breaking at an angle to the shoreline. The subject property is located on a relatively stable portion of SMB. A review of the available aerial imagery from 1958 to the present day confirmed little fluctuation of the shoreline in front of 12E13
- A review of the historic vegetation line as recommended by the DOE's Beach Restoration Assessment Committee (BRAC) shows that the proposed pool construction is landward of the historic vegetation line and located in the part of the beach dune that is stable in the longterm.
- Lands and Survey Department has undertaken biannual surveys of the beach shoreline, berm and ridge profiles along SMB since 2007. The profiles provide valuable data on how the beach regresses and advances over time. The profiles show the beach ridge is static in this location and elevation, with a total fluctuation in the MWHM of 40 feet (20ft out and 20ft in). This is consistent with the available aerial imagery.
- The wood framed thatched cabanas on the seaward site of the building are useful markers of the beach dune stability. The owner confirms the cabana wood framing is original and was not replaced or relocated over the last 30 years. This shows the beach ridge is stable over the long term and the beach itself fluctuates 40 feet at the shoreline which is consistent with the general movement of the mid section of SMB.



SEASCAPE POOL AND SPA
BLOCK 12E13
SEVEN MILE BEACH, GRAND CAYMAN

EXECUTIVE SUMMARY CONTINUED

- There is no reef adjacent to the property. Aerial photography and bathymetric surveys show the seafloor slopes gently away from the shoreline until it reaches the drop off some 3,750 feet of shore at a depth of 92 feet. However the section of SMB fronting the property is stable so the absence of an emergent reef is not a material consideration.
- Seascape is separated from Lacovia by a boundary wall and pedestrian access on both sides. Seascape is separated from Lizard Run by a seagrape hedge. The proposed pool and deck is located centrally on the Seascape site. The pool and deck will not make storm wave or flooding conditions worse for the neighbouring properties.
- Many seawalls have been constructed on SMB over the years to protect beach front properties from storm damage and beach erosion impacts. The physical evidence from SMB shows these walls do not inhibit the beach's natural recovery post storm. Refer to Section 7 for specific examples from SMB.
- The construction of the pool and spa as proposed in the stable part of the beach dune will not have little or no impact on the SMB beach system and the neighbouring properties.

**SEASCAPE POOL AND SPA
BLOCK 12E13
SEVEN MILE BEACH, GRAND CAYMAN**

1.0 INTRODUCTION

This review considers the engineering and environmental aspects of constructing a pool and spa with the associated deck space on 12D13 Seven Mile Beach (SMB). The property is known as 'Seascape'. The pool area is proposed to be placed on the seafacing side of the existing property (Figure 1). Our review focuses on responding to the considerations raised by the Central Planning Authority (CPA) in response to the owner's recent planning permit application.

Seascape is a beach house which is used as a multi-generational rental luxury property. It was converted from an apartment building in 1989. A swimming pool and spa is an expected amenity for such a property as reported to the owner by many disappointed renters. The owner wishes to address this shortcoming and has applied to the CPA for permission to construct the desired amenity.

The existing building ground floor slab is between 9 and 10 feet above mean sea level (MSL). The proposed pool deck would be constructed at 9 feet MSL. The new construction would be placed landward of the existing cabanas on the property.

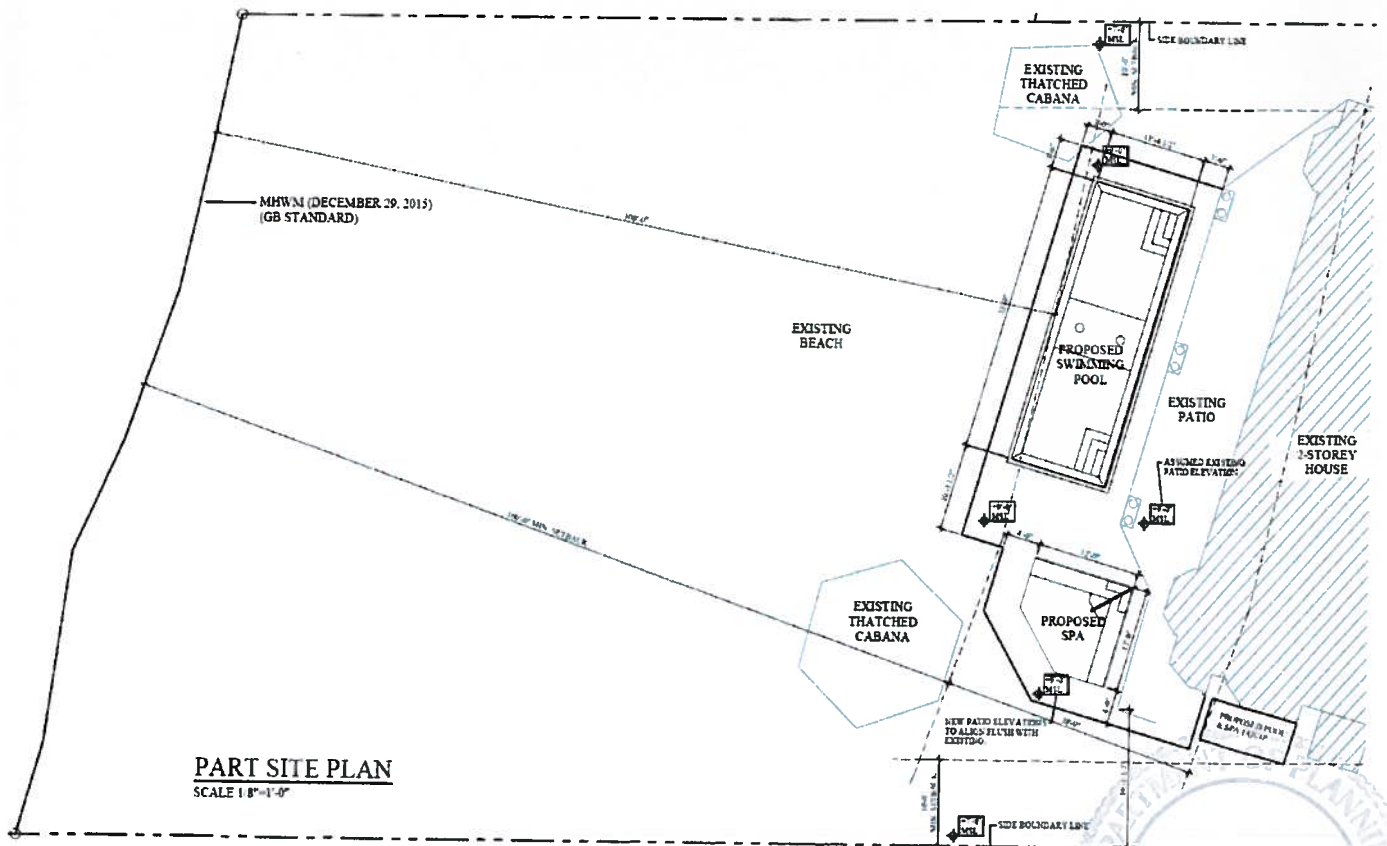


FIGURE 1 – PROPOSED SITE PLAN



The current setbacks from the SMB high water mark (HWM) is 130 ft to all construction. The previous setback distance was 100 ft and the beach house was sited to meet this requirement which was in force at the time of its construction. The beach width fluctuates with episodic storm events. A review of Lands and Survey's aerial photography since 1956 shows the beach width has varied from a minimum of 81 feet to a maximum of 118 feet.

The most recent HWM survey (29 Dec. 2015) shows the beach width is at 100ft, which is about midpoint of its fluctuation range. The proposed pool deck would be 95 feet 5 inches from the HWM at the current beach width.

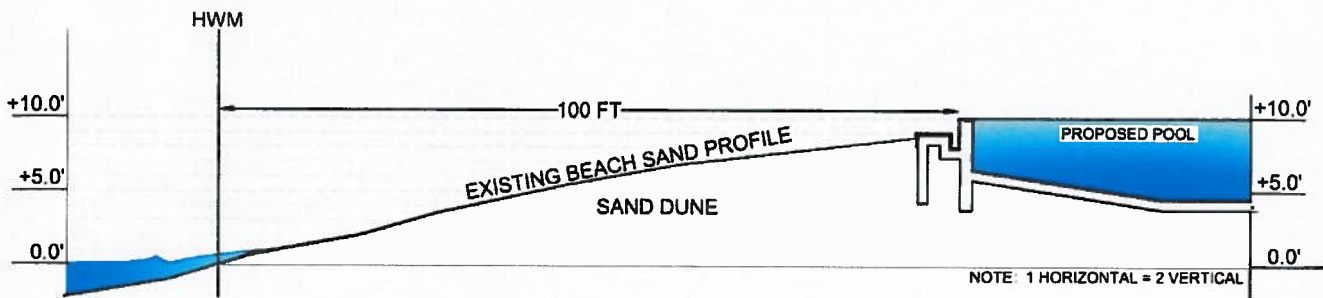


FIGURE 2 –PROPOSED POOL SECTION

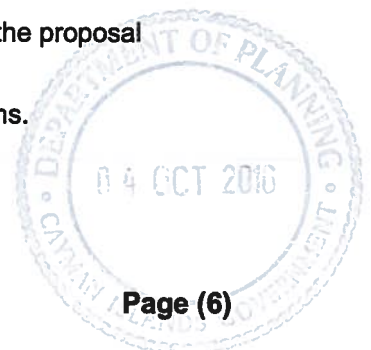
We have been provided with the following documentation from JDA.

- JDA letter to CPA of June 27, 2016 'Proposed Swimming Pool and Spa, 'Seascape' – 12D13 – Variance Request for Setback
- JDA drawing Sk-1 'Seascape Proposed Pool and Spa – Site Plan
- Minutes of CPA meeting August 3, 2016. CPA/17/16. Section 2.9
- Memo from the Director of Environment to Director of Planning, 7 Sept 2016

John Doak Architecture (JDA) is requesting the CPA to consider a setback to be located at a lesser distance than that prescribed as an exceptional circumstance. CPA has confirmed that the circumstances to be considered are as follows.

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

Our review addresses each of these considerations in turn in the following sections.



2.0 'THE ELEVATION OF THE PROPERTY AND ITS ENVIRONS'

We understand from this heading that CPA seeks to determine the property's resistance to storm induced flooding and wave impact.

The property is situated on the beach ridge which is approximately 9 to 10 feet MSL based on Lands and Survey (L+S) imagery. The elevation of the ground floor of the main building is approximately 9 to 10 feet MSL.

The owner reports the following regarding impacts on the sea facing main building on the property during the passage of Hurricane Michelle (November 2001) and Hurricane Ivan (September 2004), the two most severe storm events to impact Seven Mile Beach in recent years.

No wave damage in either storm. The ground floor did not flood. For Ivan, I helped put plywood and caulking on front of building. No flood damage inside. If we had not had the plywood, we would have had some water inside, because doors not waterproof but waves not an issue.

The site includes a portion of SMB's beach ridge and the beach house is constructed on the beach ridge. This approach to beach property construction is typical of buildings constructed at the time on SMB. The aerial photographs show the original building was constructed post 1956 and prior to 1971. There have been some additions to the house between 1971 and 2008, the most notable of which was its conversion from a fourplex to a single family residence in the late 1980s.

The absence of wave damage from the two major storm events to impact SMB in recent years shows that the building is sufficiently setback from the HWM and elevated to perform well during such storms. Hurricane Ivan is estimated to have a return period of between 100 and 200 years for SMB.

Minor prestorm flood prevention measures were successful in protecting the building from storm induced flooding which occurred both from SMB wave action and flooding from the North Sound overspill during Hurricane Ivan.

The construction of the pool and deck will enhance the building's resistance to damage from storm wave impacts (Figure 2).

3.0 'THE GEOLOGY OF THE PROPERTY'

We understand the aim of this heading is to describe the nature of the beach formation and the ground conditions underlying the property in order to determine the stability of the existing and proposed construction and its impact on the beach.

A soils investigation has not yet been performed on the site. However nearby investigations revealed a persistent stratigraphic theme with bedrock (Ironshore Formation) being overlain by peat that is, in turn overlain by unconsolidated sands. The sands are formed largely of skeletal grains that have been derived from corals, bivalves, red algae, foraminifera, Halimeda, and other unidentifiable organisms.

The alongshore movement of sand is driven by waves breaking at an angle to the shoreline. As a wave moves to the shoreline and breaks, sand from the bottom is suspended and transported along the coast. The cross-shore distribution of this (moving from the shoreline to offshore) is not uniform. The amount of sand transported along the waterline due to wave interaction is a different amount than is transported 100 feet offshore and different than what is transported 200 feet offshore under the same wave breaking conditions. **Figure 3** shows the characteristic cross-shore distribution of the longshore sediment for a generalized beach profile cross-shore as the blackline. **Figure 3** presents a characteristic beach profile, including sandbar features, as well as a relative magnitude of the amount of sand transport along the coast at any particular offshore distance from the shoreline.

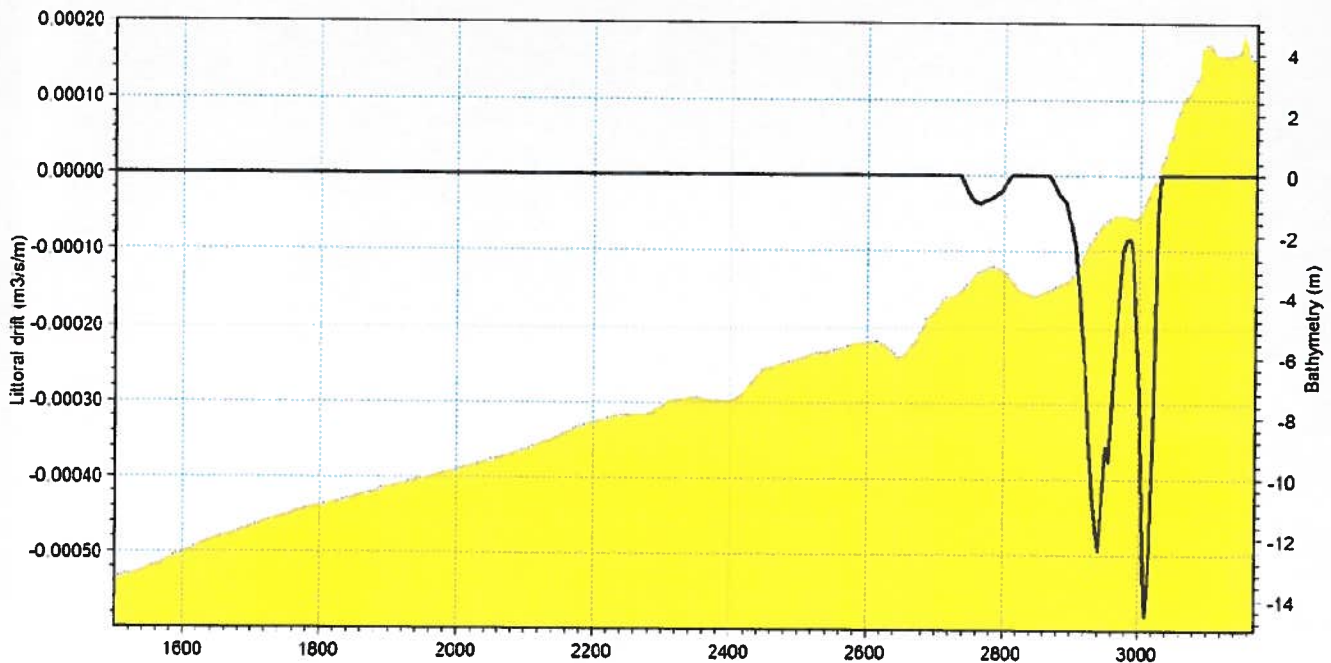


FIGURE 3 –CHARACTERISTIC CROSS-SHORE DISTRIBUTION OF LONGSHORE SEDIMENT TRANSPORT



This distribution and relative magnitude is dependent on the shape of the beach profile as well as wave height, period and direction. In deep water, the waves do not induce significant longshore sediment transport. As the water depth becomes shallower, the waves will shoal to a point that breaking occurs. After the initial wave breaking, secondary wave breaking continues to occur. This is largely defined as the surf zone. Within the surf zone, the magnitude of the longshore sediment transport peaks at certain cross-shore points based on the location of initial and secondary wave breaking, which is primarily a function of offshore wave height, wave period, and the shape of the beach profile. **Figure 3** shows that as wave breaking occurs on the sandbars or shallow areas, there is a spike or increase in the amount of sediment transport. The areas between the primary and secondary wave breaking lines (in the troughs of the beach profile) there is a decreased longshore transport of sand. In addition, sediment transport spikes at the shoreline.



FIGURE 4 – 2013 AERIAL WITH THE SUBJECT PROPERTY HIGHLIGHTED IN BLUE



The subject property is located on a relatively stable portion of SMB. A review of the available aerial imagery from 1958 to the present day confirmed little fluctuation of the shoreline in front of 12E13. This may be attributable to the shape of the land further south (in front of the Sovereign, West Indian Club, etc.) which projects out slightly and assists in trapping sand deposits on the properties to the north.

4.0 'THE STORM / BEACH RIDGE'

We understand the aim of this heading is to review the stability of the beach ridge under storm conditions.

To determine the beach ridge stability over the years we have considered three 'markers' as follows.

(1) The Historic Vegetation Line

The Beach Review & Assessment Committee (BRAC) report (May 2003) recommended the use of the 'historic vegetation' line' to determine the seaward extent of the natural vegetation on the beach prior to man-made development. The location of the historic line is determined from review of the available aerial photography. The BRAC report promotes that this virtual line provides a good indication of the long term stability of the beach dune. Construction placed landward of the line is not likely to experience movement of the beach dune; man-made objects placed seaward of the line are likely to suffer from storm induced variations in the elevation of the beach and the movement of beach sand.

We extracted the vegetation line from the earliest aerial available from LIS (1958) and imposed it on the all the subsequent aerials provided by LIS (1971, 1994, 2004, 2008, 2013). Refer to **Appendix A**.

Our review shows that the proposed pool construction is landward of the historic vegetation line in the part of the dune that is stable in the longterm.

(2) Lands and Surveys Beach Profile Study

LIS has undertaken biannual surveys of the beach shoreline, berm and ridge profiles along SMB since 2007. The nearest profiles to Seascape are Profiles 18 and 19 as shown on **Figure 5**.

The profiles provide valuable data on how the beach regresses and advances over time. We know from other studies that major adjustments to the beach profile are driven exclusively by episodic storm events (nor'westers and tropical storms). The profiles show that the beach is very stable. For the duration of the study the beach shoreline has regressed 19 feet and advanced 18 feet. The movement of the shoreline is consistent with the movement seen in the aerial photographs. The profiles show the beach ridge is static in location and elevation.

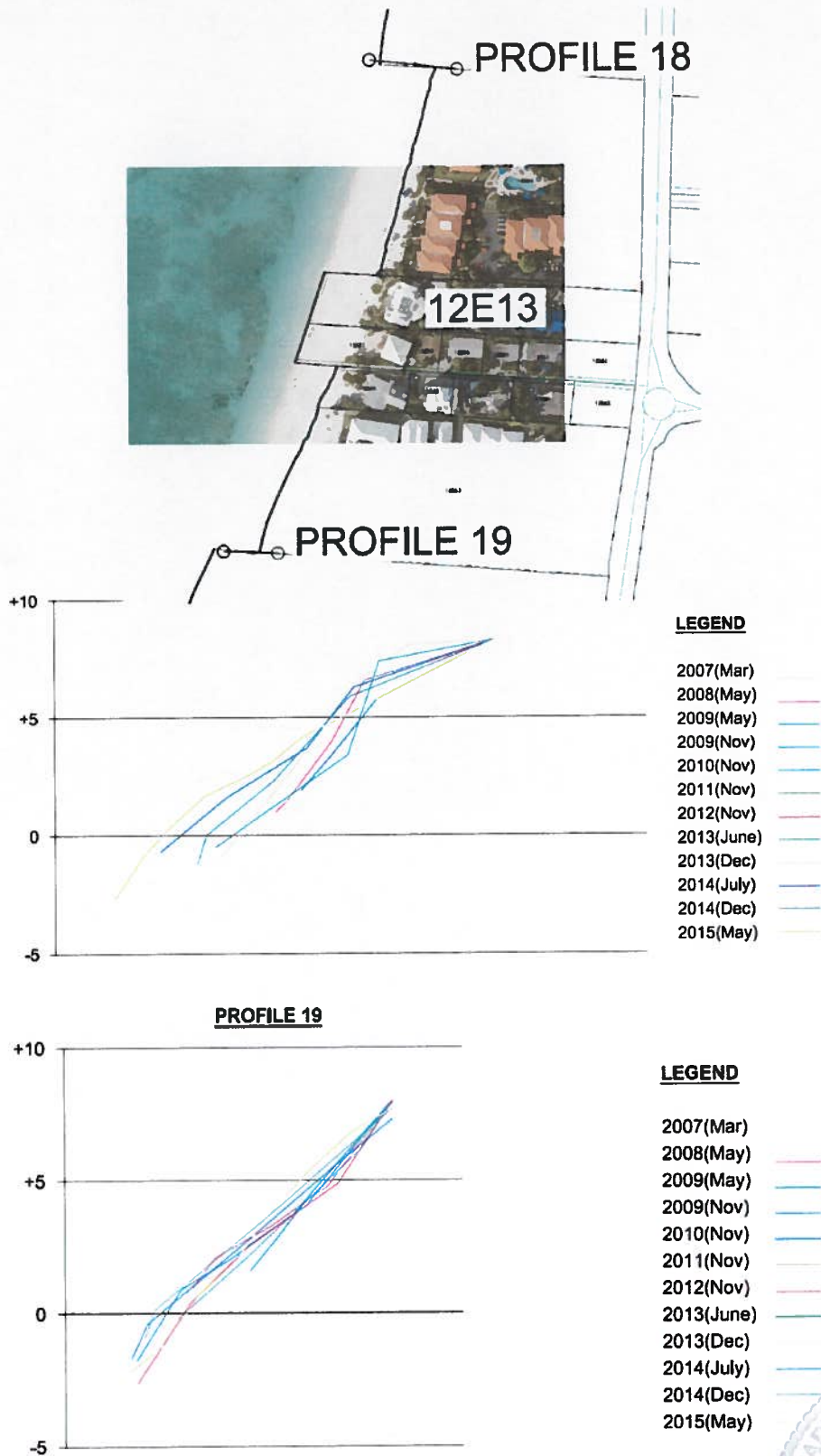


FIGURE 5 –SMB PROFILE DATA AT CLOSEST LOCATIONS TO 12E13



(3) Specific construction evident on LIS's aerial photos

The wood framed thatched cabanas on the seaward site of the building are useful markers of the beach dune stability. The cabanas first appear in the 1994 aerial and are a recurrent feature on all the subsequent imagery. The owner confirms the cabana wood framing is original and was not replaced or relocated over the last 30 years. Refer to a photo taken in the late 1980s (Figure 7).



FIGURE 6 –EXISTING WOOD FRAMED CABANAS

Our review of the three 'markers' shows the beach ridge is stable over the long term and the beach itself fluctuates 40 feet at the shoreline which is consistent with the general movement of the mid section of SMB. In coastal engineering terms movements of this magnitude, driven as they are by episodic storms are indicative of a stable beach system.



FIGURE 7 –EXISTING WOOD FRAMED CABANAS



5.0 'THE EXISTENCE OF A PROTECTIVE REEF ADJACENT TO THE PROPOSED DEVELOPMENT'

We understand from this heading that CPA seeks to determine if the site is protected by an emergent reef formation which might act as a breakwater to trip incoming storm waves and thus reduce the destructive energy of the waves as they come ashore.

There is no emergent reef in front of SMB. Aerial photography and bathymetric surveys show the seafloor slopes gently away from the shoreline until it reaches the drop off some 3,750 feet of shore at a depth of 92 feet.



FIGURE 8 –DROP OFF ADJACENT TO 12E13

The previous sections illustrate that the section of SMB fronting Seascape and its neighbouring properties is stable over the long term. Consequently, the absence of an emergent reef is not a material consideration.

6.0 'THE LOCATION OF ADJACENT DEVELOPMENT'

We understand from this heading that CPA seeks to determine the potential impacts of the proposed pool and spa construction on the neighbouring properties.

Lacovia condominiums are to the north of Seascape and slightly landward; Lizard Run is to the south and also setback to the landside (**Figure 4**). Site observations and discussion with the owner indicate that Lacovia's ground floor is higher than Seascape by 1-2 feet and Lizard Run's ground floor is built at same level as Seascape's ground floor.

Seascape is separated from Lacovia by a boundary wall and pedestrian access on both sides. Refer to **Figure 9**. Seascape is separated from Lizard Run by a seagrape hedge.





FIGURE 9 –NORTHERN BOUNDARY WITH LACOVIA

The proposed pool and deck is located centrally on the Seascape site (**Figure 1**). Storm waves either impact the pool wall or continue to run between the buildings as is the current condition. The pool and deck will not make storm wave or flooding conditions worse for the neighbouring properties. As evidenced during Hurricane Ivan, the most damaging flooding came from North Sound overflowing onto the Seven Mile Peninsula, the neighbouring properties are potentially at equal risk of flooding from their landward side depending on the storm track.

7.0 'ANY OTHER MATERIAL CONSIDERATION WHICH THE AUTHORITY CONSIDERS WILL AFFECT THE PROPOSAL'

7.1 REVIEW OF IMPACT OF PROTECTIVE WALLS ON SEVEN MILE BEACH

The Department of Environment's memo states *'The siting of hard structures such as a pool and pool deck within the required setback, not only encroaches on the existing natural beach area and profile, but also has the potential to interrupt the natural fluctuation of beach width and height. As a general principle, the greater the distance waves can travel up a beach profile before encountering a physical barrier, the more energy is dissipated, therefore reducing the erosion of sand by wave energy away from the beach. If waves directly interact with a structure, such as the edge of a pool or pool deck edge, they are reflected seaward thus exacerbating sand erosion from the beach. This has been seen in a number of instances locally including along the northern section of Seven Mile Beach, part of which is now permanently affected and impassible to pedestrians on the beach front'*.



We do not agree with DOE's statement. The physical evidence from SMB shows these walls do not inhibit the beach's natural recovery post storm. Many seawalls have been constructed on SMB over the years to protect beach front properties from storm damage and beach erosion impacts. The following is a brief review of four (4) such walls which APEC has observed since 2000. The location of these walls is shown on **Figure 10**.

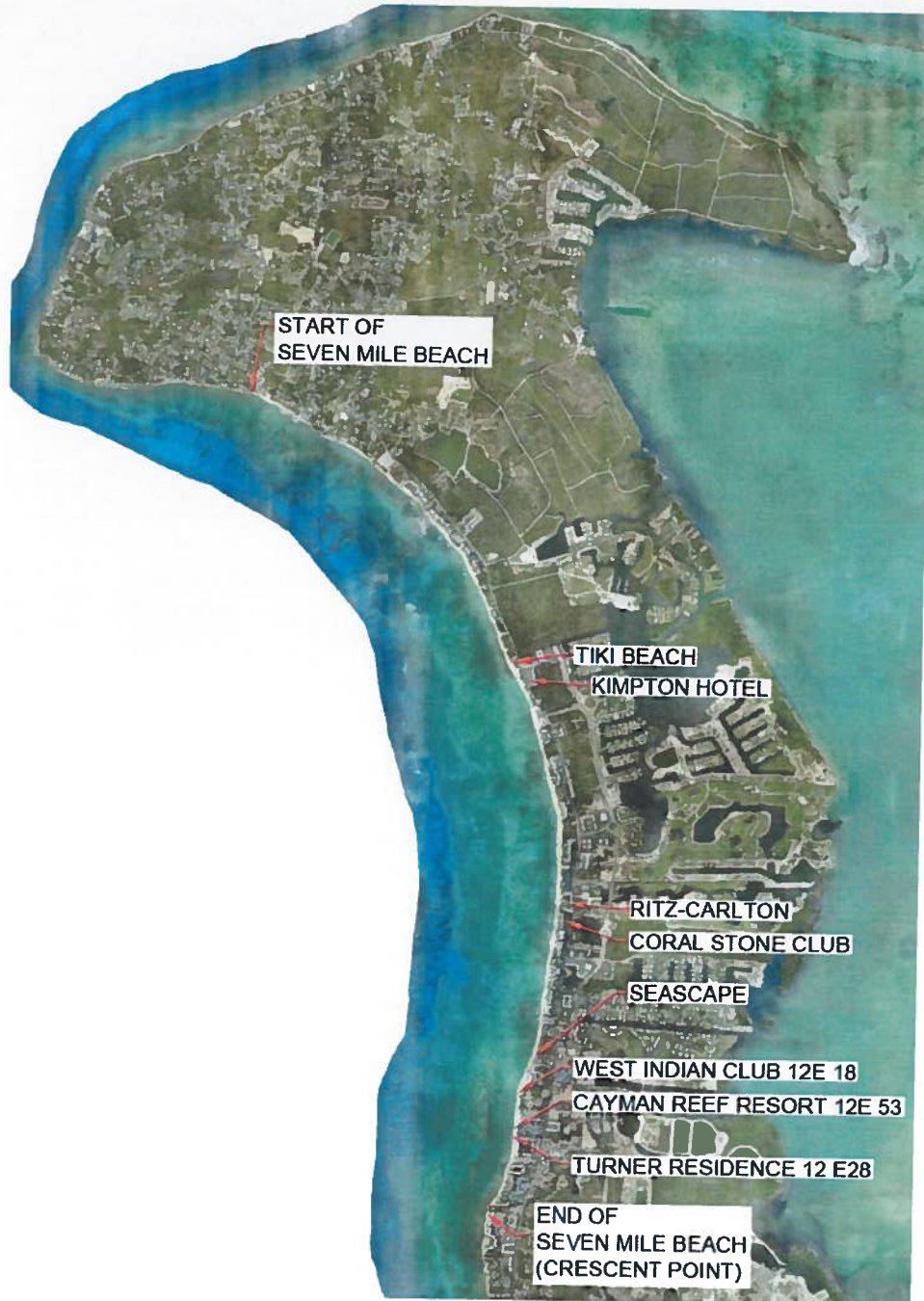


FIGURE 10 – LOCATIONS OF EXAMPLE STRUCTURES BUILT ALONG SMB

7.2 CAYMAN REEF RESORT SEAWALL 12E 53 AND 'MARNIE TURNER SEAWALL' 12E 28

Cayman Reef Resort's (CRR) replacement seawall was constructed in 1999 to replace a collapsed wall which in turn allowed the beachfront condominiums to be undermined by the sea. Following refusal by the strata's agents to insure the property in the absence of an engineered seawall and Dr Richard Seymour's commentary that the construction of the wall would not adversely impact the longshore sand transport rate (LSTR), government granted permission for the wall to be (re)constructed to APEC's design. Wave action induced by several tropical storms and nor'westers have struck the wall and scoured the beach in front of it. The beach has rebuilt to its pre storm profile as predicted by Dr Seymour following each event.

Similarly, the seawall on 12E 28 to the south of CRR, was constructed to replace a collapsed seawall which was damaged during a storm. The property juts out into the active zone of SMB and is very exposed to storm impacts. Government permitted the construction of a wall to APEC's design in 1996. Dr Seymour commented to the BRAC that even though the property jutted out into the beach, its presence would not impede the LSTR to the detriment of the adjacent properties.

The following sequence of storm erosion and subsequent beach rebuilding episodes has been collected from APEC's archives.

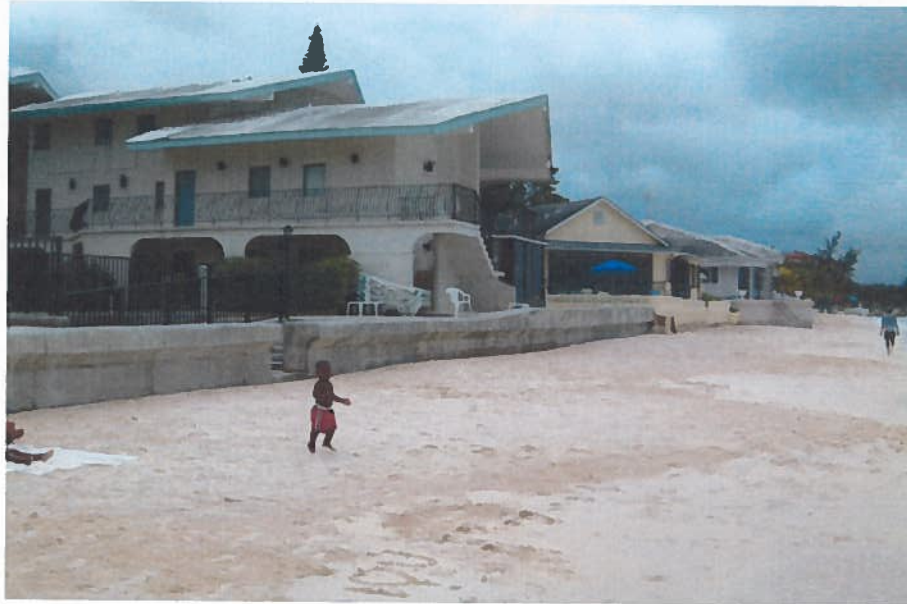


PHOTO CRR #1 – DECEMBER 07, 2000

CRR wall approximately one year post construction. There is an expansive beach in front of the wall. Note only one (1) riser visible at the entrance to the ramp. See ramp in photos CRR#3, 6 and 7 below. There is also beach sand in front of the wall on 12E 28 to the south as evident in photo CRR #2.



PHOTO CRR #2 – DECEMBER 07, 2000

The pink coloured wall to the south is the 12E 28 seawall. There is beach sand in front of the wall allowing the public to safely pass the property and enjoy the beach. This wall juts out into the beach and depending on the state of the beach profile it sometimes blocks access along the beach forcing people to wade into the sea to get past it. Other times, as in this photo, there is plenty of sand on front of the wall. Dr Seymour commented on this wall in particular. His opinion was that the wall, while acting a visual marker on the state of the beach profile at any particular time, did not impact the build back of the beach post storm. The beach has built back in front of this wall several times in the last 15 years.



PHOTO CRR #3 – JANUARY 05, 2001

REFLECTOR



CRR ramp and stairwell full of sand with the sand at a high level reaching just below the bottom of the reflector. The beach level in this photo has continued to rise from December 2000 (see photo CRR#1) although the wall is now 75 to 100 feet back from the surf zone.



PHOTO CRR #4 – NOVEMBER 05, 2001

CRR immediately post storm (Hurricane Michelle). Three (3) risers to the steps to the beach are visible. These steps were included in the design for the occasions that the beach level is below the bottom of the ramp (see photo CRR#3). They are usually covered by sand. Please note wall on 12E 28 (photo CRR#2) in the distance. It is surrounded by the sea.





PHOTO CRR #5 – JULY 12, 2002

Eight (8) months post November 2001 storm. Beach profile has recovered with the sand reaching the underside of the reflector again (as in photo CRR#3) with 75 to 100 ft of beach in front of CRR wall and the 12E 28 wall to the south no longer hindering beachfront access.



PHOTO CRR #6 – JULY 12, 2002

Eight (8) months post November 2001 storm. Beach sand moving into CRR ramp due to high level of sand in front of the wall





PHOTO CRR #7 – JULY 12, 2002

Eight (8) months post November 2001 storm. Beach sand rising up the face of the reflector and entering the ramp.



PHOTO CRR #8 – JULY 07, 2016

Five (5) months post Feb 2016 nor'wester storm. Beach profile is almost flat here with the sand reaching close to the top of the reflector.



PHOTO CRR #9 – JULY 07, 2016

Five (5) months post Feb 2016 nor'wester storm. CRR ramp and stairwell full of sand with the sand at a high level above the bottom of the reflector.



PHOTO CRR #10 – JULY 07, 2016

Five (5) months post Feb 2016 nor'wester storm. Beach sand filling CRR ramp due to high level of sand in front of wall.



PHOTO CRR #11 – JULY 07, 2016

Five (5) months post Feb 2016 nor'wester storm. Beach sand filling CRR ramp due to high level of sand in front of wall.



PHOTO CRR #11 – JULY 07, 2016

Five (5) months post Feb 2016 nor'wester storm. Note the wall on 12E 28 (previously the pink coloured wall in photo CRR#2). Sand building up against the wall and an expansive beach in front of it.

7.3 WEST INDIAN CLUB (12E 18) AND CORAL CAYMANIAN SEAWALLS (12E 107)

The West Indian Club and Coral Caymanian seawalls were constructed in 2001. The sites had experienced erosion, particularly in the years just prior to the formation of the BRAC, and it was decided to protect the properties using seawalls. As noted in the BRAC report, the beach was experiencing sporadic heavy erosion events, primarily due to a series of tropical storms that had passed mostly to the south and west of the Cayman Islands, compounded by a lack of sizeable nor'westers that would typically rebuild or replenish the beach.

The following sequence of events has been collected from APEC's archives.



PHOTO WIC/CC #1 – JULY 12, 2002

Coral Caymanian seawall. The wall was constructed in 2001.



PHOTO WIC/CC #2 – DEC 03, 2002

Coral Caymanian seawall post nor'wester





PHOTO WIC/CC #3 – JULY 15, 2005

Expansive beach in front of seawalls



PHOTO WIC/CC #4 – JULY 07, 2016

Five (5) months post Feb 2016 nor'wester storm. Coral Caymanian current condition.

The review of these sites demonstrates SMB's ability to rebuild against seawalls post storm. The rebuilding commences against the face of the walls in up to several feet of water depth and continues until the beach reaches its pre storm profile or higher. Walls placed in the active beach zone, as the wall on 12E 28, do not prevent the beach build back post storm as it is propelled by the longshore conveyance of sand, predominantly running from north to south on SMB.

APPENDIX A

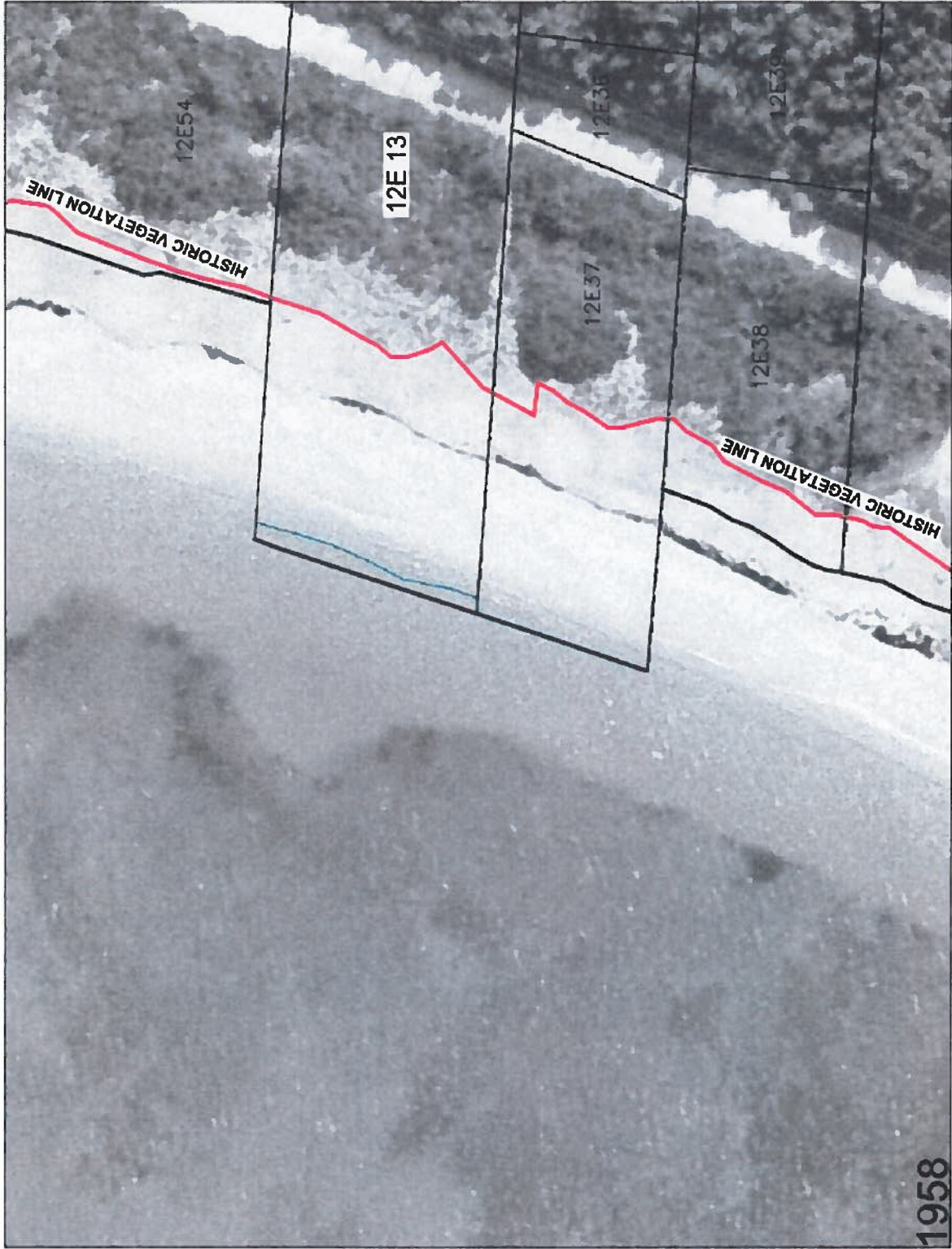


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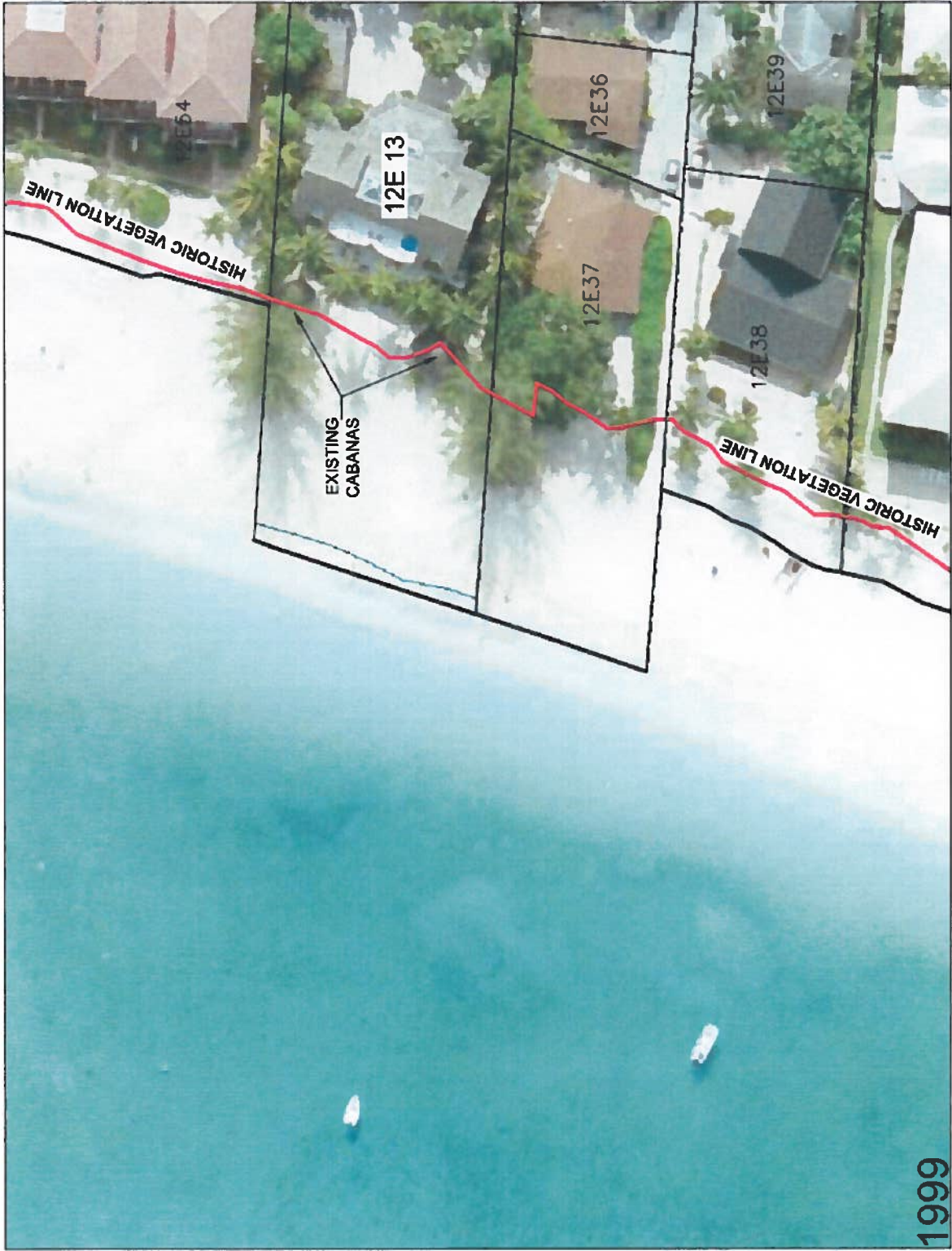




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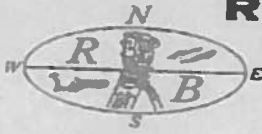


2008





Appendix 'B'



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Legal Tide, Construction, Strata,
Topographic & Hydrographic Surveys,
Sub-Division, Urban & Golf Course Design

Department of Planning
Government Administration Building
133 Elgin Avenue
P.O. Box 113 KY1-9000
George Town
Grand Cayman
Cayman Islands

Dear Sir,

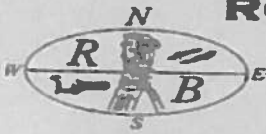
I have reviewed your request to investigate and verify the accretion and avulsion of 21B130 coastal boundaries. My findings led me to as early as 1987 when the first Fixed Boundary Survey (Plan 01/742) was carried out by the previous owners. This survey was used to create the digital registry map depicted in the images attached in chronological order.

1994 Aerial Photograph:



P.O. Box 2313, Grand Cayman, KY1-1106 Cayman Islands
Tel: (345) 949-5177 Fax: (345) 949-0792 E-mail: rjb@candw.ky





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1999 Aerial Photograph

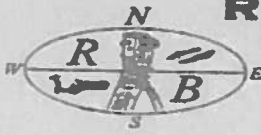


2004 Aerial Photograph:



P.O. Box 2313, Grand Cayman, KY1-1106 Cayman Islands
Tel: (345) 949-5177 Fax: (345) 949-0792 E-mail: rjb@candw.ky





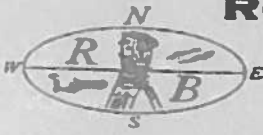
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2008 Aerial Photograph:



P.O. Box 2313, Grand Cayman, KY1-1 06 Cayman Islands
Tel: (345) 949-5177 Fax: (345) 949-0792 E-mail: rjb@candw.ky



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2013 Aerial Photograph:



These images clearly depicts that the parcel in question has constantly experience deterioration and at no point accretion was experience. In addition the 1994 image showed a retaining wall that was probable destroyed by Hurricane Ivan in 2004 which indicates that the previous owners attempted to control their property deterioration. This is once again the same situation and the current owner is now trying to put in place measures to control their loss of land due to constant erosion.

Kindest regards,

.....
Orsino Pink
FOR ROLAND BODDEN AND COMPANY

P.O. Box 2313, Grand Cayman, KY1-1106 Cayman Islands
Tel: (345) 949-5177 Fax: (345) 949-0792 E-mail: rjb@candw.ky



EXHIBIT 2

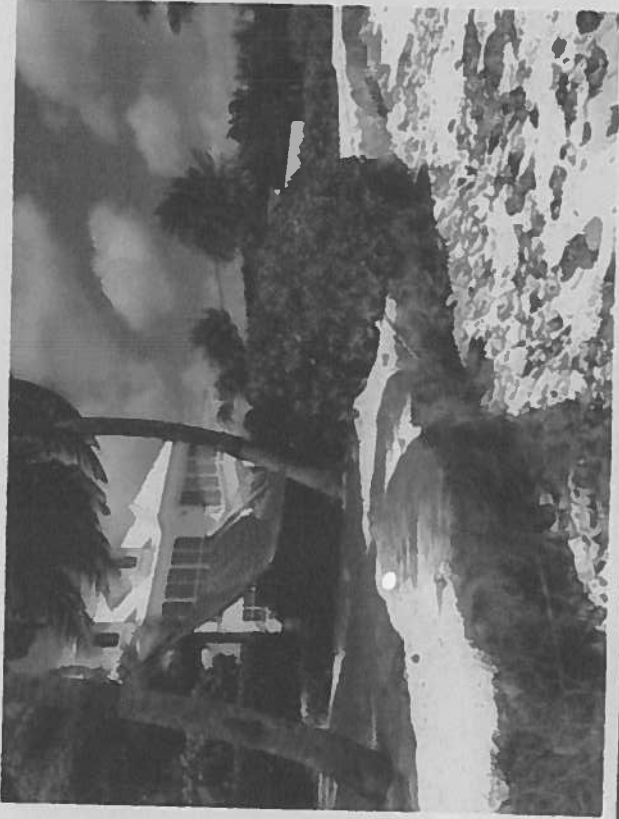


EXHIBIT 3

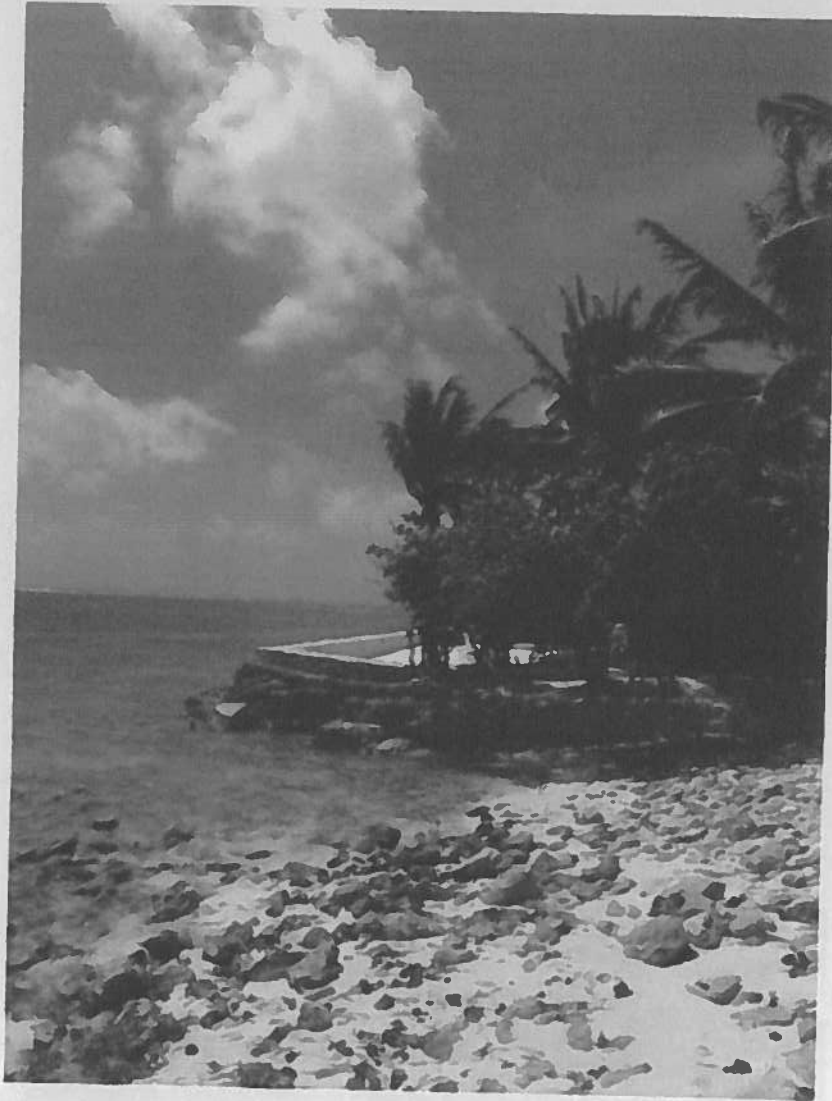


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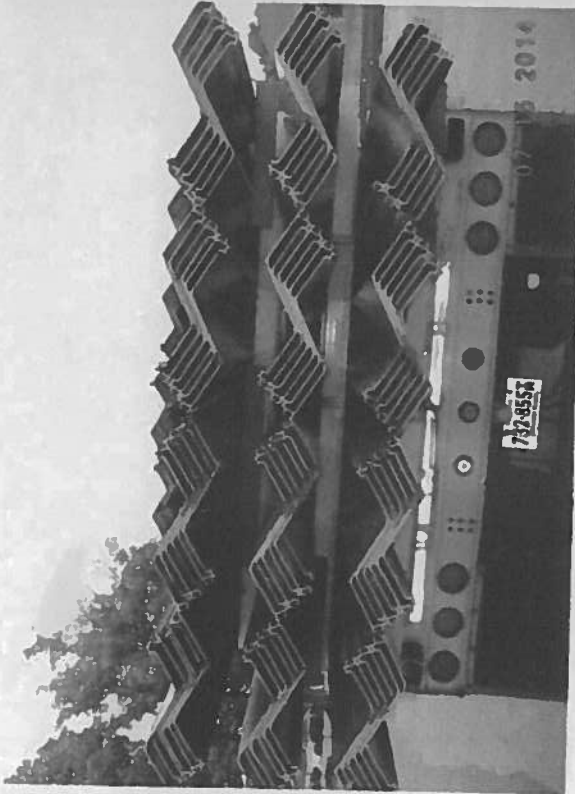
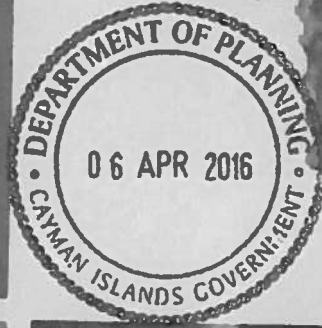
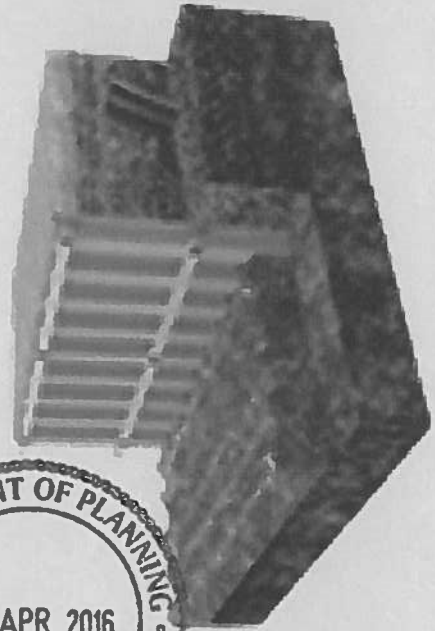


EXHIBIT 5



Exhibit 6

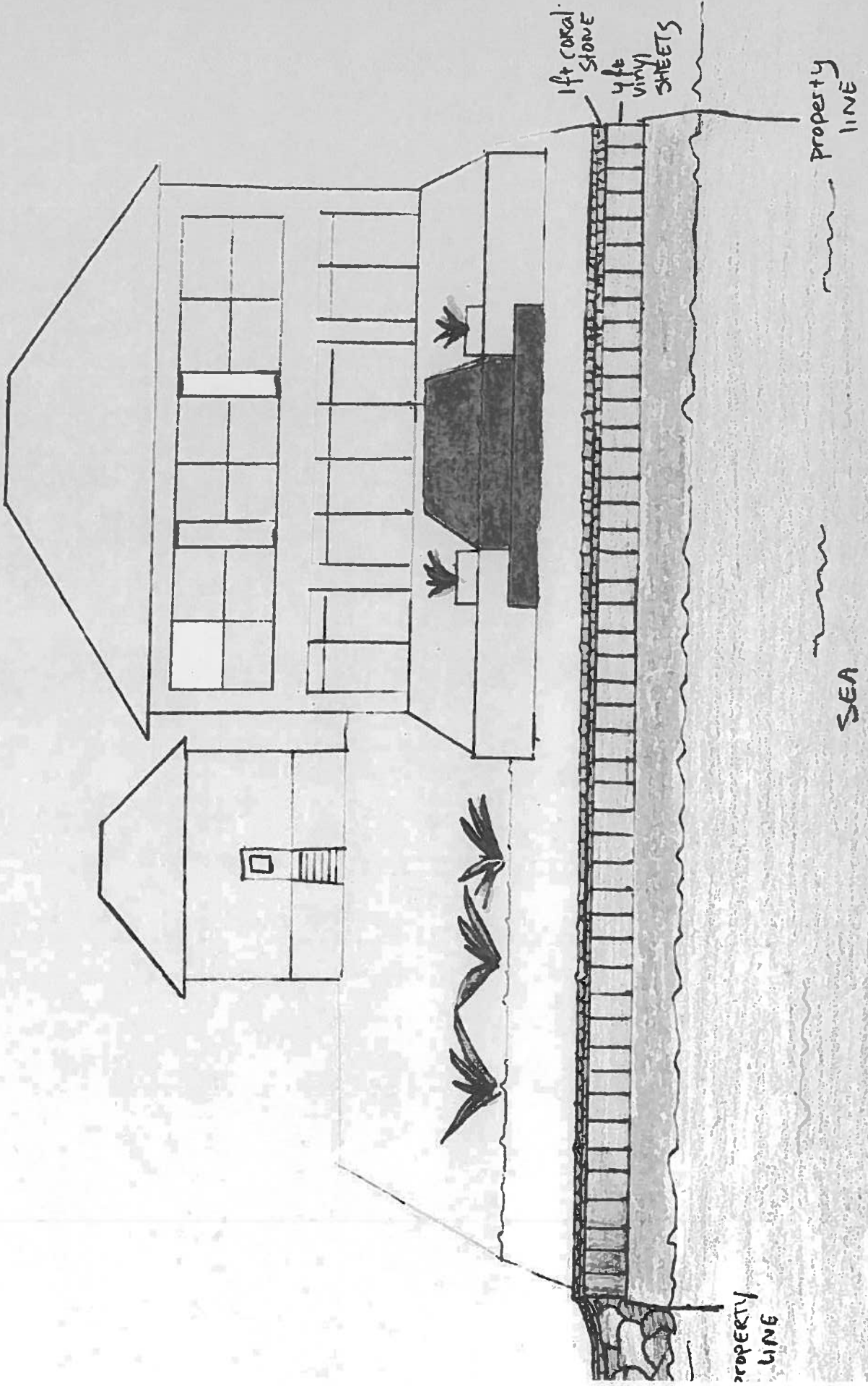


Exhibit 7

